
GOVERNMENT NOTICE

DEPARTMENT OF SOCIAL DEVELOPMENT

No. R. 1116

27 November 2009

SOCIAL ASSISTANCE ACT, 2004

AMENDMENT: REGULATIONS RELATING TO THE APPLICATION FOR AND PAYMENT OF SOCIAL ASSISTANCE AND THE REQUIREMENTS OR CONDITIONS IN RESPECT OF ELIGIBILITY FOR SOCIAL ASSISTANCE

The Minister of Social Development intends, in terms of section 32 of the Social Assistance Act, 2004 (Act No. 13 of 2004), to make the regulations in the Schedule.

Interested parties are invited to submit comments on the proposed regulations to the Director-General: Social Development, Private Bag X901, Pretoria, 0001, fax number 0865131925 or e-mail: puseletsol@dsd.gov.za or telephone number 0123127106 (for attention: Mr Puseletso Loselo) by not later than 16:00 on Friday 11 December 2009.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published by Government Notice No.R.898 of 22 August 2008, as amended by Government Notice No.R.67 of 28 January 2009, Government Notice No.R.208 of 26 February 2009 and Government Notice No.R.591 of 29 May 2009.

Substitution of regulation 6 of the Regulations

2. Regulation 6 of the Regulations is hereby substituted by the following regulation:

"Persons eligible for child support grant

6(1) In addition to the requirements contemplated in section 6 of the Act, a primary care giver is eligible for a child support grant if –

- (a)
 - (i) on or after 1 January 2010 the child is under the age of 16 years;
 - (ii) on or after 1 January 2011 the child is under the age of 17 years; and
 - (iii) on or after 1 January 2012 the child is under the age of 18 years;
- (b) the children in respect of whom the application for the grant is made are his or her own children: Provided that if the children in respect of whom the application for the grant is made are not his or her biological or legally adopted children, he or she shall be entitled to such grant in respect of a maximum of six children;
- (c) he or she meets the requirements of the financial criteria set out in Annexure B;
- (d) he or she is not formally or informally employed to take care of the child;

- (e) the child concerned is not resident in an institution funded by the State;
- (f) he or she or any other person is not already in receipt of a social grant in respect of that child;
- (g) he or she is a South African citizen or a permanent resident; and
- (h) in respect of a child between the ages of seven and 18 years, such a child is enrolled and attends school or an educational institution regularly.

(2) The primary care giver must continue to be a primary care giver of the child concerned for the duration of the period that he or she receives the child support grant or until substituted by another primary care giver in accordance with the provisions of section 19(3)(b) of the Act or upon the death of the primary care giver.

(3) If more than one person claims to be the primary care giver of the child, the Agency must, after having taken into account all factors contemplated in regulation 11(3)(b), determine one of the persons to be the primary care giver for purposes of eligibility for a child support grant.

(4) The primary care giver must, every six months, submit to the Agency the child's proof of school or educational institution attendance as contemplated in subregulation (1)(h) in a form substantially corresponding with **Form A**.

(5) The Agency must upon approval of the child support grant as contemplated in subregulation (1)(h) inform the primary care giver of the:

- (a) obligation referred to in subregulation (4); and
- (b) fact that failure to comply with subregulation (4) will result in the child support grant being suspended in terms of subregulation (6)

(6) Where the primary care giver fails to submit proof of regular school or educational institutional attendance as contemplated in subregulation (4), the Agency must suspend the child support grant until such time that the primary care giver complies with subregulation (4).

(7) In an instance where the information as contemplated in subregulation (4) indicates that the child has not been attending or has been irregularly attending school or an educational institution, the Agency must-

- (a) suspend the child support grant; and
- (b) request the primary care giver to provide reasons for the irregular or non attendance of school or an educational institution.

(8) Upon receipt of reasons as envisaged in subregulation (6) or (7)(b) the Agency must reinstate the child support grant if the reason for non or irregular attendance is as a result of:

- (a) hospitalisation of the child;
- (b) the child having been sick; or
- (c) any reasonable explanation.

(9) In the case of children in respect of whom the primary care giver is already in receipt of a child support grant before these Regulations come into effect, the Agency must-

- (a) require the primary care giver to provide proof of attendance of school or an educational institution within six month; and
- (b) where there is failure to provide such proof within the time as envisaged in paragraph (a), act in terms of subregulation (6); or
- (c) where the child has not been attending or has been irregularly attending school or an educational institution, act in terms of subregulation (7)".

Commencement

3. These regulations come into effect on 1 January 2010.
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