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No. R. 65

GOVERNMENT NOTICE

DEPARTMENT OF WELFARE

REGULATIONS UNDER THE CHILD CARE ACT, 1983 - AMENDMENT

The Minister for Welfare and Population Development intends, in terms of section 60 of the Child Care Act, 1983 (Act No 74 of 1983), to make the regulations set out in the Schedule.

Interested parties are invited to submit comments or representations on the proposed regulations to: the Director-General, Department of Welfare, Private Bag X901, Pretoria, 0001 (for attention: Adv. M Masutha), not later than **20 January 1999**.

SCHEDULE

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 2612 of 12 December 1986, as amended by the regulations published by Government Notice No. R. 416 of 31 March 1998.

Amendment of regulation 5 of the Regulations as amended by regulation 6 of the regulations published by Government Notice No. R 416 of 31 March 1998

2. Regulation 5 of the Regulations, as amended by regulation 6 of the regulations published by Government Notice No. R. 416 of 31 March 1998 is hereby amended by the addition of the following subregulation:

"(5) Notwithstanding the provisions of this regulation, the contents of a report referred to in subregulation (1), relating to the identity or whereabouts of the proposed adoptive parents or of the child, if he or she is already under their custody, may not be disclosed without their prior written approval."

Amendment of regulation 6 of the Regulations

3. Regulation 6 of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

"(1) Any written notice or a summons required to be served in terms of these regulations or in terms of the Act on any person in respect of which no special method of service is prescribed in the Act or these regulations may be served by a police officer or an authorised officer *mutatis mutandis* as if it is a summons to appear in order to give evidence in a criminal case in a magistrate's court, or, except in the case of a notice referred to in section 19A of the Act, by the clerk of the children's court concerned by posting a copy of the notice or summons by registered mail to the postal address of the person to whom the notice or summons is directed."

Insertion of regulation 18A in the Regulations

4. The following regulation is hereby inserted after regulation 18 of the Regulations:

"Parental responsibilities

18A A parent shall, for the purposes of section 19(b)(vii) of the Act, be deemed to have, without good cause, failed to discharge his or her parental duties with regard to the child, if the parent has, without good cause, failed

- a. in the case of the father of the child, to contribute towards the reasonable prenatal and delivery medical expenses incurred in respect of the child or any other expenses directly connected with the medical care provided to the mother of the child in respect of the pregnancy or the birth of the child; or
- b. to maintain and care for the child, or to provide for or to contribute towards the child's maintenance and care, as the case may be."

Amendment of regulation 21 of the Regulations as substituted by regulation 20 of the regulations published by Government Notice No. R 416 of 31 March 1998

5. Regulation 21 of the Regulations, as substituted by regulation 20 of the regulations published by Government Notice No. R. 416 of 31 March 1998 is hereby amended by-
 - a. the addition after subregulation (5), of the following subregulations:
 - "(5A) An application to the Children's court contemplated under section 19(A)(9) of the Act, shall be made within a period of 14 days of the mother's refusal to grant consent in terms of section 11(4) of the Birth and Deaths Registration Act, 1992 (Act No. 51 of 1992).
 - (5B) A natural father of a child born out of wedlock, contemplated under section 19A(9) of the Act, shall, within a period of 7 days of the granting of the order, cause an amendment to be effected to the registration of birth of the child, as contemplated under that section.
 - (5C) A natural father of a child born out of wedlock contemplated under subregulation (5B,) shall, within a period of 7 days of making an application for the amendment of the registration of birth of the child, in writing, give notice of such application to the clerk of the children's court in which the application for the adoption of the child was made, providing details of the date and place where such application for the amendment of the registration of birth of the child was made.
 - (5D) A natural father of a child born out of wedlock contemplated under section 19A(8) of the Act, shall, within a period of 7 days of making an application for the amendment of the registration of birth of the child, in writing, give notice of such application contemplated under section 19A(1) of the Act, to the commissioner providing details of the date and place where such application was made."

Commencement

6. These regulations shall come into effect on **4 February 1999**.