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## GOVERNMENT NOTICE

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### DEPARTMENT OF SOCIAL DEVELOPMENT

No. R. 1252

31 December 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 has, in terms of section 32 of the Social Assistance Act, 2004 (Act No. 13 of 2004), made the regulations in the Schedule.

#### 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 with effect from 1 January 2010, eligible for a child support grant if –

- (a) the child was born on or after 1 October 1994;
  - (b) the child in respect of whom the application for the grant is made is his or her own child: Provided that if the child in respect of whom the application for the grant is made is not his or her biological or legally adopted child, 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; and
  - (g) he or she is a South African citizen or a permanent resident.
- (2) A primary care giver who has applied for and has been granted a child support grant in terms of this regulation, shall, subject to subregulation (6)(1), continue to receive such grant until the child reaches the age of 18 years.
- (3) 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.
- (4) 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.

(5) The primary care giver must:

(a) in respect of a child between the ages of seven and 18 years, cause such a child to be enrolled at and to attend school;

(b) within one month of approval of a child support grant in respect of a child referred to in paragraph (a), provide proof of school or an educational institution enrolment and attendance to the Agency;

(c) every six months after the period referred to in paragraph (b), submit to the Director-General of the National Department of Social Development that child's recent school or educational institution report signed by the principal or head of that school or institution; and

(d) where a child referred to in paragraph (a) is not enrolled or fails to attend school, notify the Director-General of the National Department of Social Development, in writing.

(6) The Head of Department, as defined in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996) must, in addition to the provisions of section 3(5) of Act No. 84 of 1996, notify the Director-General of the National Department of Social Development, in writing, of any child referred to in regulation 6(1) who is not enrolled at or fails to attend a school.

(7) The Director-General must, upon receipt of a notice as contemplated in subregulation (5)(d) or (6) or a school report as contemplated in subregulation (5)(c) indicating that a child is not attending school or where he or she has not

received such a report:

- (a) cause a social worker to investigate, in consultation with the National Department of Basic Education, and report to him or her the circumstances which lead to such a child not to be enrolled at or fail to attend school; and
- (b) upon receipt of report as contemplated in paragraph (a) take appropriate steps to ensure that the child is enrolled at and attends school.

### **Commencement**

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