



Amendments to Social Assistance Act Regulations

Prepared for
The Department of Social Development

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The Law Trust Chair in Social Justice (CSJ) at Stellenbosch University is grateful for the opportunity to present written comments on the proposed amendments to regulations to the Social Assistance Act 59 of 1992, as amended. The submission is informed by the outcomes of a Social Justice Roundtable held online under auspices of the Law Faculty at Stellenbosch University on 08 March 2022. We would like to state, upfront, that the comments on the regulations are informed by a prospective social justice impact analysis of the proposed amendments.

The submission is structured into two sections. Section 1 contains a general introduction and background, literature review, submission overview with recommendations and, section 2 deals provides a tabular presentation of comments on the proposed amendments.

I. The Law Trust Chair In Social Justice

The submission is informed by ongoing social justice research under the CSJ, the outcome of which includes the emergence of innovative policy design tools aimed at fostering social impact conscious policy and legislation design in fidelity to the transformative constitutionalism ethos dictated by the Constitution.

The key instrument used to assess the proposed amendments and any other proposed law, policy or programme for its likely impact on social justice, with a focus of equality and poverty, is the Social Justice Impact Assessment Matrix (SIAM). SIAM is designed to facilitate the leveraging of data analytics to predict the prospective impact on equality and poverty of any planned law, policy, programme, service or decision, with specific focus on implications for groups identified by one or more of the grounds outlined in section 9 of the Constitution.

SIAM aims to eschew laws, regulations, policies and service delivery plans that may exacerbate social and economic inequality, including poverty. Where inevitable, the idea is to implement such policies and decisions, with a compensation strategy that will mitigate the unjust and unfair impact. SIAM was designed to address the gaps in government's Social and Economic Impact Assessment Systems (SEIAS), which include constitutional duty grounding and compulsory use of disaggregated data. SIAM complements SEIAS by having an overt grounding in the constitutional social justice commitment and related equality duty and emphasises using sufficiently disaggregated data to predict the future as it relates to narrowing or widening substantive equality and poverty gaps.

Our working definition of social justice is that “social justice is about the equal enjoyment of all rights and freedoms regardless of human diversity reflected in the just, fair and equitable distribution of all opportunities, resources, benefits, privileges and burdens in a society or group and between societies. In a socially just society, it should not be harder for one group to thrive and easier for another.”¹ In the case of South Africa, the transformative constitutionalism mandate regarding social justice transcends avoiding disadvantage to one or more groups, the mandate incorporates an injunction to redress legacy imbalances between these groups. This message emerges loud and clear in the Constitutional Court's jurisprudence from cases such as *Minister of Finance v Van Heerden*.²

¹ *Nine Dimensional Social Justice Assessment Matrix*, 2019

² *Minister of Finance and Other v Van Heerden* 2004 (6) SA 121 (CC)



2. Literature Review on Social Assistance

Social assistance is a constitutional imperative enshrined in section 27 of the Constitution, whose provisions include the following:

“27. (1) Everyone has the right to have access to—

(a) ...

(b) sufficient food and water; and

(c) social security, including, if they are unable to support themselves and their dependants, appropriate social assistance.

(2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights. (3) No one may be refused emergency medical treatment.”³

The need for cash payments to indigent citizens is an imperative for a government because without the grants, these citizens will have no income (Ferguson, 2015). This argument by Ferguson.(Nilsen, 2021). Constitutional fidelity as dictated by section 27 read with children’s rights in section 28 and the duty to give priority to constitutional obligation as enshrined in section 237, requires the state to step up and assist where people cannot assist themselves.

Arguments that suggest grants such as the distress grant will discourage persons from seeking employment or foraging for their own income are disingenuous. It is unlikely that anybody would opt to receive a grant that is below the poverty line when there is an opportunity to earn a decent wage. Furthermore, with unemployment statistics being at about 30%, excluding those not in employment, education or training (NEETS), millions will not be able to find employment in the foreseeable future (Stats SA 2021). This is in addition to the fact that South Africa remains on top as the most unequal country in the world (Sulla, Zikhali and Cuevas, 2022).

At the roundtable, it was noted that most of the criticism regarding social assistance in South Africa further fails to acknowledge that South Africa has been a welfare state since 1910 (Reddy and Sokomani, 2008). The only difference is that social assistance benefits were initially reserved for white and coloured people. It was only in 1937 when everyone in need was paid a grant but even then, for black and Indian people the administrative requirements and delay in payments made the process hard (ibid). The white people were also paid five times more than black people. The only two new grants are the Child Grant and the distress grant, responding to section 28 of the Constitution and the regulatory impact of Covid-19 lock down restrictions on social and economic activities.

The roundtable was held on the International Women’s Day, which took into account that women tend to more adversely affected by poverty and inequality and have been the hardest hit by Covid-19 regulations and restrictions on the social assistance packages aimed at offsetting the regulatory impact of regulations aimed at containing Covid-19. Based on data gathered by the CSJ, since the advent of Covid-19 restrictions in March 2020, women have been the hardest hit by the social and economic devastation with female headed households and businesses bearing the brunt (Chiwona-Karlton *et al.*, 2021) (Ferreira *et al.*, 2022) (Law Trust Chair in Social Justice, 2020).

³ Constitution of South Africa , 1996



3. Submission Overview

The gist of the CSJ submission is that we welcome the amendments and commend the government for seeking to close current gaps in the regulation of the payment of social assistance grants, which enable fraud and corruption while undermining proficient and responsive service delivery to those in need. We do caution though that in closing impropriety gaps, opportunities for treating poor people poorly, should not be expanded. We also register a constraint we had in assessing the regulations in the absence of purpose stipulation by way of a memorandum as used to be the case in the past.

Our recommendations are this:

1. In the absence of a purpose clarifying memorandum, the public has no benchmark to assess whether the regulations do address the mischief sought to be addressed and where there potential deleterious unintended consequences for vulnerable groups in violation of social justice, it is difficult to propose alternative solutions that could address the mischief in question.
2. We note the move from online/ electronic tools and caution that should not be at the expense of the accessibility that online services tend to offer particularly in emergency situations though noting the gross inequality of access to digital services in our country, particularly among those that have been historically denied social assistance and other services on the ground of race and disability.
3. We also seek clarity on what the Independent Tribunal will be replaced with, what or who will be the referee for the applicants.
4. On the Final List, we recommend that local authorities should not have the final say, especially in a disaster as this can lead to corruption. We recommend giving the signing off to social workers, possibly hiring local social workers and they do the recommendations with the assistance of the community health care workers, they may do this with the consultation of local and provincial authorities.
5. We also recommend that the amendments be publicised through posters, media, and social media in all official languages, braille and sign languages included. Training for the front row SASSA staff to better advise the public on the amendments is also highly recommended.

We are grateful for this opportunity and we are available to elaborate on our submission in person, if oral submissions will be taken.

Submitted by the Chair in Social Justice

University of Stellenbosch

13 March 2022



Key

Addition █ (Text that has been added to the new regulations is in green)

 Deletion (Text that has been deleted from the new regulations is underlined)

4. Tabular summary of submissions

Social Assistance Act	Proposed Amendments	Purpose of Amendment	Happy with Amendment	Reformulate/Ambiguous	Problematic	Suggested Inclusion
Regulation I						
“Card” means a pocket-sized Agency branded card with embedded integrated circuits, which is able to store data, process payment and communicate with a Card Reader;	[Substitution] “Card” means a pocket-sized card with embedded integrated circuits, which is able to store data, process payment and communicate with a Card Reader;	The proposed Amendment Bill makes no mention of the Purpose of the Amendments.	Yes	No comment	No comment	The inclusion of the purpose of the proposed amendment, in order to create a yardstick against which the proposed amendments can be measured.
To be inserted before the definition of “life certificate”.	Insertion] “ Insufficient means ” for purposes of social relief of distress means that a person is not in receipt of income or financial support, the determination of which is provided for in the Procedure Manual;	The proposed Amendment Bill makes no mention of the Purpose of the Amendments.	Yes	No comment	No comment	The inclusion of the purpose of the proposed amendment, to create a yardstick against which it can be measured.



<p>“Means” for purposes of the older persons grant, disability grant, war veterans grant and social relief of distress, excluding social relief of distress as contemplated in regulation 9(1)(d)(iv), means the income and assets of –</p> <p>(a) an applicant; or</p> <p>(b) an applicant and his or her spouse;</p>	<p>[Substitution] “Means” for the purposes of the older persons grant, disability grant and war veterans grant means the income and assets of-</p> <p>(a) An applicant; or</p> <p>(b) An applicant and his or her spouse;</p>	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>	<p>Yes</p>	<p>No comment</p>	<p>No comment</p>	<p>The inclusion of the purpose of the proposed amendment, to create a yardstick against which it can be measured.</p>
<p>To be inserted before the definition of “prevention and early intervention programmes”</p>	<p>[Insertion] “Procedural manual” refers to the manual for determining the application, eligibility, payment and appeal processes for social relief of distress approved by the Minister;</p>	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>				<p>The inclusion of the purpose of the proposed amendment, to create a yardstick against which it can be measured.</p>
<p>Regulation 9</p>						
<p>9(1) Subject to the provisions of the Act, a person in need of temporary material assistance may qualify for social relief of distress if he or she complies with one or more of the following conditions-</p> <p>(a) The person is awaiting permanent aid;</p>	<p>(1) Subject to the provision of section 5 read with section 13 of the Act, a person in need of temporary assistance may qualify [qualifies] for social relief of distress if he or she is:-</p> <p>[(a) affected by a disaster whether declared or not;</p> <p>(b) a South African citizen or permanent resident or a refugee and resides in the Republic who-</p>	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>	<p>While we agree with the compilation of a list of households affected by a disaster as verified by the Provincial or Local Disaster Management Response Unit,</p>	<p>No comment</p>	<p>No comment</p>	<p>The inclusion of the purpose of the proposed amendment, to create a yardstick against which it can be measured. Together with the</p>



<p>(b) The person has, for a period of not exceeding six months, been found to be medically unfit to undertake any remunerative work;</p> <p>(d) No maintenance is received from a person obliged to pay maintenance and proof is furnished that efforts made to trace such person or obtain maintenance were unsuccessful;</p> <p>(e) The breadwinner has died, and there are insufficient means available;</p> <p>(e) the breadwinner has been admitted to a State institution for a period not exceeding six months;</p> <p>(f) the person has been affected by a disaster, despite the fact that the area of</p>	<p>i. is awaiting payment of an approved social grant; or</p> <p>ii. the breadwinner-</p> <p>(aa) has been assessed to be disabled for a period of less than six months;</p> <p>(bb) of that household has died and an applicant for social relief of disaster is made within 12 months following the death of the breadwinner; [or]</p> <p>(cc) of that household has been admitted to a public or private institution for a period of at least one month; and [.]</p> <p>(dd) does not receive any form of maintenance from a person legally obliged to pay maintenance to him or her, or</p> <p>iii. a person's household has been affected by a disaster whether or not it has been declared in terms of the Disaster Management Act, 2002 (Act 57 of 2002), provided that person's household has been determined by the Agency as such based on the need of the affected community.]</p> <p>(a) a person or a representative of a household that has been</p>		<p>will be regarded as the final list for the provision of immediate humanitarian relief, we propose that the list be verified by a professional who has no political affiliations; such professionals could be social workers, legal practitioners and / or an auditor. This is to ensure impartiality of the process in instances of disaster management.</p>		<p>addition of an independent professional to verify the list of households to be regarded as the final list for the provision of immediate humanitarian relief.</p>
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<p>the community in which he or she lives has not yet been declared a disaster area; or</p> <p>(g) the person is not receiving assistance from any other organisation; or</p> <p>(h) refusal of the application for social relief of distress may cause undue hardship.</p> <p>(2) A person is not entitled to another grant and a grant for social relief of distress simultaneously;</p> <p>(3) Any amount paid in terms of a grant for social relief of distress must be recovered from any grant payment, including an arrear payment in respect of a grant.</p> <p>(4) The Agency may, with the approval of the Minister, grant relief for social distress where, in the opinion of the Minister, exceptional circumstances exist for such an action.</p>	<p><u>affected by a disaster whether or not declared in terms of the Disaster Management Act, 20002 (Act 57 of 2002).</u></p> <p>(b) <u>a South African citizen or a permanent resident or a refugee registered on the Home Affairs database or a person who is a holder of a special permit under the Special Angolan Dispensation, the Lesotho Exemption Permit Dispensation and the Zimbabwe Exemption Permit Dispensation or an asylum seeker whose section 22 permit or visa is valid, and who-</u></p> <p>(i) <u>is between the age of 18 and 60; and</u></p> <p>(ii) <u>has sufficient means; and</u></p> <p>(iii) <u>does not unreasonably refuse to accept employment or educational opportunities.</u></p> <p>(c) <u>awaiting payment of an approved social grant.</u></p> <p>(2) <u>subject to the provisions of sub-regulation (1), a person may qualify for social relief of distress if refusal of the application may</u></p>					
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


<p>(3) A person is not entitled to social grant in respect of himself or herself and social relief of distress simultaneously.</p> <p>5) Notwithstanding the provisions of subregulation (1), in the event of a declared [or undeclared] disaster:</p> <p>(a) [a] any person may qualify for social relief of distress if that household has been affected by a disaster as defined in the Disaster Management Act, 2002 (Act 57 of 2002).</p> <p>(b) the value of social relief of distress paid to a person as a result of a disaster referred to in paragraph (1), may not be recovered from any social grant payment, including an arrear payment.</p> <p>(c) a list of households affected by a disaster as verified by the Provincial or Local Disaster Management Response Unit will be regarded as the final list for the provision of immediate humanitarian relief.</p>	<p>cause undue hardship as contained in the Procedure Manual for Social Relief of Distress [as approved by the Minister].</p> <p>3) A person is not entitled to a social grant in respect of himself or herself and social relief of distress simultaneously <u>except in case of a person or household affected by a disaster as contemplated in paragraph 1 (a).</u></p> <p>(4) Where a person has received both social relief of distress and a social grant for the same period, the value paid for social relief of distress must, subject to the provisions of sub-regulation (5), be recovered from any social grant payment, including an arrear payment.</p> <p>(5) Notwithstanding the provision of sub-regulations [(1)] (3) and (4):</p> <p><u>[(a) a person may qualify for social relief of distress if that household has been affected by a disaster as defined in the Disaster Management Act, 2002 (Act 57 of 2002).]</u></p> <p>(a) the value of social relief of distress paid <u>to a person or a representative of a household affected by a</u></p>					
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<p><u>(6) Notwithstanding the provisions of subregulations (1) and (5)(a) and subject to subregulation (5)(b) in the event of an undeclared disaster any person may qualify for social relief of distress if that household has been affected by a disaster.</u></p> <p><u>(7) In respect of subregulation (6) a list of households affected by a disaster as verified by the provincial or local office of the Agency will be regarded as the final list of those who are affected for the disbursing of social relief of distress.</u></p>	<p><u>disaster as contemplated in paragraph 1 (a), may not be recovered from any social grant payment, or other forms of social relief of distress being provided, including an arrear payment.</u></p> <p>A list of <u>person's or households</u> affected by a disaster as verified by the Provincial or Local Disaster Management Response Unit will be regarded as the final list for the provision of immediate humanitarian relief.</p> <p><u>(6) In respect of sub-regulation (5) (b) a list of households affected by a disaster as verified by the provincial or local office of the Agency will be regarded as the final list of those who are affected for the purpose of disbursing social relief of distress.</u></p> <p><u>(7) Th Agency may determine the most suitable method for disbursing social relief of distress and may amend such method from time to time, as required.</u></p> <p><u>(8) The Agency may limit disbursements to the budget made available for this benefit.</u></p>					
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Regulation 11						
	<p>(7) <u>Notwithstanding sub-regulation (1) to (6), the Agency may allow an application for social assistance to be completed by means of any other form of communication including electronic means and approved in the absence of documentation, where such information may be verified by alternative means.</u></p> <p>(8) <u>By virtue of application for Social Assistance, an applicant grants consent for the Agency or the Independent Tribunal, where relevant, to verify his or her identity, residency, sources of income, social security benefits or any other information required to assess an application with:</u></p> <ul style="list-style-type: none"> (a) <u>the Department of Home Affairs;</u> (b) <u>Social Security institutions;</u> (c) <u>Financial institutions; and</u> (d) <u>Any other government or private institution deemed necessary.</u> 	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>			<p>The inclusion of the purpose of the proposed amendment, to create a yardstick against which the proposed amendment can be measured</p>
Regulation 14						
	<p>(1) An application for social relief of distress must be made on the relevant form, <u>manually or electronically</u> and be </p>	<p>The proposed Amendment Bill makes no mention of</p>	<p>We agree with the proposed amendments.</p>			<p>The inclusion of the purpose of the proposed amendment,</p>



	<p><u>completed and signed by the applicant or his or her procurator.</u></p> <p>[(a) completed by the applicant in the presence of a designated officer, or with the assistance of the designated officer; and] [(b) signed, certified or confirmed by the applicant in the presence of the designated officer].</p> <p>(2) The Agency must approve or reject the application for social relief of distress <u>[immediately] within a reasonable timeframe as provided for in the Procedure Manual.</u></p> <p>(3) (a) The <u>[designated officer]</u> Agency must inform the applicant for social relief of distress that if the documentation required in terms of regulation 15(1) is not available when the application is made, such documentation must be produced before any subsequent payments are made. (b) The applicant for social relief of distress must be furnished with an <u>[a]</u> electronic receipt or notification of outcome for the application for social relief of distress <u>[which must be dated and stamped with the official stamp of the Agency stamp]</u> and must contain the name of the applicant</p>	the Purpose of the Amendments.			to create a yardstick against which the proposed amendment can be measured.
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	<p>[,][the designated officer] and the date of the application.</p> <p>(4) Where an application for social relief of distress is approved, the Agency must inform the applicant <u>[in writing] by electronic communication or any other means of communication</u> of such approval [,] and the amount or form of relief [and date on which such approval is] granted.</p> <p>(5) Where an application for social relief of distress is rejected, the Agency must inform the applicant by electronic communication or any other means of communication [in writing] of such rejection and of-</p> <p>(a) (a) the reason for such rejection; and [(b) the applicant's right to request the Agency to reconsider its decision; and]</p> <p>(b) <u>his or her right to, if he or she disagrees with the decision of the Agency, lodge an appeal electronically, or by any other means of communication as determined in the procedure manual, with the Independent Tribunal within a period of 90</u></p>					
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	<p>days of the decision being made by the Agency.</p> <p>[(c) the applicant's right, if he or she disagrees with the reconsidered decision, to lodge an appeal in writing with the Independent tribunal; and (d) the mechanism and procedure to lodge such an appeal.]</p> <p>[(6) With regard to the extension of social relief of distress, the Agency may request a social worker or any other designated person to investigate the circumstances of an applicant and to submit to the Agency a written report containing a recommendation whether social relief of distress should be extended.]</p> <p>(8) <u>The Agency must ensure that all personal information and biometrics received are processed, stored and protected in terms of the Protection of Personal Information Act 4 of 2013 and the Electronic Communications and Transactions Act 25 of 2002.</u></p>					
Regulation 14A						



	<p>(1) <u>Notwithstanding the existing regulations governing appeals as contemplated in section 14(3)(b)(iii) and section 18 of the Social Assistance Act and its Regulations, the appeals process for social relief of distress will be governed as follows:</u></p> <p>(a) <u>The Minister must appoint such number of persons as members of the Independent Tribunal as may be necessary to consider social relief of distress appeal applications as contemplated in regulation 14(5)(b):</u></p> <p>(b) <u>When lodging an appeal as contemplated in regulation 14(5)(b) the applicant or procurator must not be allowed to submit any evidence information which was not provided to the Agency at the time of the application for social relief of distress:</u></p>	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>	<p>We agree with the proposed amendments.</p>			<p>The inclusion of the purpose of the proposed amendment, to create a yardstick against which the proposed amendment is measured</p>
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	<p>(c) <u>The Independent Tribunal shall consider a social relief of distress appeal application by reassessing the decision of the Agency against the latest available information at its disposal and has the powers to either confirm or set aside the decision of the Agency;</u></p> <p>(d) <u>The Independent Tribunal must finalise a social relief of distress as contemplated above within a period of 90 days from the date on which the appeal was received by the Independent tribunal and communicate such decision and reasons thereof to the applicant;</u></p> <p>(a) <u>No application for social relief of distress appeal shall be considered by the Independent Tribunal if not submitted within the prescribed period of 90 days from the date of</u></p>					
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	rejection of such application by the Agency.					
Regulation 15						
	<p>(1)(c) [Proof of] for the purposes of insufficient means, [by way of] a declaration of [assets and income] insufficient means and an assessment provided for in the procedure manual;</p> <p>[(d) proof of admission of the breadwinner to a public or private institution;</p> <p>(e) proof of temporary medical disability; or]</p> <p>[f] (d) alternative proof to what is [that] contemplated in paragraphs (a), (b), and (c) [(c), (d) and (e)] as may be approved by the Agency; and [(g)] (e) in the case of a disaster, the list of households affected by a disaster as verified by the Provincial or Local Disaster Management Response Unit.</p> <p>(2) The Agency may [, in exceptional circumstances, such as when the prescribed document is lost, stolen or destroyed,] allow an application for social relief of distress to be completed by means of any other form of communication including electronic means [, attested to] and approved in the absence of</p>	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>	<p>We agree with the proposed amendments.</p>			<p>The inclusion of the purpose of the proposed amendment, to create a yardstick against which the proposed amendment is measured.</p>



	<u>[the required] documentation where such information can be verified by alternative means.</u>					
Regulation 16						
<p>23 (1) (a) a single person, an amount not exceeding the maximum amount payable per month in respect of older person's, disability and war veteran's grant;</p> <p>(b) A married person, where both spouses living together apply, an amount not exceeding the amount payable per month for each adult; and</p> <p>(c) a child, an amount not exceeding the maximum child support grant payable per month for each child.</p> <p>(2) Social relief of distress must be issued monthly or for such periods as determined by the Agency for a maximum period of three successive months.</p> <p>(3) Before extending social relief of</p>	<p>(1) Subject to the provisions of the Act, the value of social relief of distress may, in the case of –</p> <p>(a) a single person, <u>contemplated in regulation 9(1)(c)</u>, not exceed the maximum amount payable per month in respect of an older person's grant;</p> <p>(b) a person in a spousal relationship, <u>contemplated in regulation 9(1)(c)</u>, where both spouses living together apply, not exceed the maximum amount payable per month in respect of an older person's grant for each spouse;</p> <p>(c) a child, <u>contemplated in regulation 9(1)(c)</u>, not exceed the maximum amount payable per month in respect of a child support grant for the child concerned: Provided that in the</p>	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>	<p>While we agree with the proposed amendment to regulation 16, our concern is in relation to regulation 16(2) in so far as '<u>without confirmation that the person is still in need of assistance</u>' is deleted. This amendment is ambiguous and does not provide clarity in cases where the social distress extends for a period longer than three successive months.</p>			<p>The inclusion of the purpose of the proposed amendment, to create a yardstick against which the proposed amendment is measured.</p>



<p>distress in terms of sub-regulation (2), the Agency must reevaluate the application on the recommendation of a social worker or any other person authorized by the Agency.</p>	<p>case of a child awaiting the payment of an approved care dependency grant, the amount must not exceed the maximum amount of the care dependency grant payable per month for the child concerned; Provided further that in the case of a foster parent awaiting the payment of an approved foster child grant, the amount. Must not exceed the maximum amount of the foster child grant payable per month for the child concerned;</p> <p>(d) a disaster –</p> <p>(i) a once off payment for each affected household which may not exceed the amount payable per month for an older person's grant, for each affected household; or</p>					
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	<p>(ii) an amount determined by the Agency to provide humanitarian relief to the displaced person.</p> <p>(e) <u>Insufficient means, not below or above the value and duration prescribed by the Minister.</u></p> <p>(2) Social relief of distress [must] may be issued monthly but may not be paid for a period exceeding three successive months, <u>without confirmation that the person is still in need of assistance.</u></p> <p>(3) Social relief of distress may, at the end of the period contemplated in sub-regulation (2), and on <u>confirmation that the person is still in need of assistance,</u> [recommendation of a social service professional [worker] or any other person designated by the Agency,] be extended for</p>					
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	<p>[a] further periods not exceeding three months.</p> <p>[(4) Subsequent application for social relief of distress within one calendar year from the date of application must be supported by a report from a social service professional worker]</p> <p>[(5) (4) The Agency may provide non-financial assistance or relief to eligible applicants for social relief of distress.</p>					
	<p>[16A. Exceptional circumstances under which social relief of distress may be provided</p> <p>(1) Notwithstanding the provisions of regulation 6(1)(d), regulation 9(2) and (3) and regulation 16(1)(c) and (4) of the Regulations, social relief of distress may be provided to a child where-</p> <p>(a) The prevailing economic circumstances in the Republic warrants the provision of social relief of distress; or</p> <p>(b) failure to provide such social relief of distress would cause undue hardship to the child.</p>					



	<p>Subreg.(1) substituted by GN R208 of 26 February 2009 (wef 1 November 2008).</p> <p>(2) The provisions of subregulation (1) only apply in respect of the amount of R500 million appropriated to the Department of Social Development for social relief of distress as part of the 2008/2009 Adjusted Estimates of National Expenditure.</p> <p>(3) Upon the amount of money contemplated in subregulation (2) being exhausted, the provisions of regulation 16A will cease to apply.</p> <p>Reg. 16A inserted by GN R67 of 28 January 2009 (wef 1 November 2008).]</p>					
Regulation 17						
<p>The date on which an application for social relief of distress is signed before an attesting officer is deemed to be the date on which the application is made.</p>	<p>The date on which [an] a complete application for social relief is [signed] submitted [before a designated officer] is deemed to be the on which the application is [made] lodged.</p>	<p>The proposed Amendment Bill makes no mention of the Purpose of the Amendments.</p>	<p>We agree with the proposed amendments.</p>			<p>The inclusion of the purpose of the proposed amendment, to create a yardstick against which the</p>



						amendment is measured.
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5. References

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