

PROVINCE OF THE WESTERN CAPE

**WESTERN CAPE LAWS REPEAL
BILL**

(As introduced)

(MINISTER OF SOCIAL DEVELOPMENT)

[B 1—2011]

PROVINSIE WES-KAAP

**WES-KAAPSE WETSONTWERP
OP DIE HERROEPING VAN
WETTE**

(Soos ingedien)

(MINISTER VAN MAATSKAPLIKE ONTWIKKELING)

[W 1—2011]

IPHONDO LENTSHONA KOLONI

**UMTHETHO OSAYILWAYO
WOKUBHANGISA IMITHETHO
YENTSHONA KOLONI**

(Njengoko wazisiwe)

(NGUMPHATHISWA WEZOPHULISO LOLUNTU)

[B 1—2011]

BILL

To repeal certain obsolete laws; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Repeal of laws

1. The laws listed in the Schedule are hereby repealed.

Short title

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2. This Act is called the Western Cape Laws Repeal Act, 2011.

SCHEDULE

No. and year of law	Short title
Ordinance 4 of 1919	Poor Relief and Charitable Institutions Ordinance, 1919
Ordinance 5 of 1924	Poor Relief and Charitable Institutions (Amendment) Ordinance, 1924
Ordinance 5 of 1932	City of Cape Town Additional Poor Relief Ordinance, 1932

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**MEMORANDUM ON THE OBJECT OF THE
WESTERN CAPE LAWS REPEAL BILL [B1–2011]**

1. OBJECT OF BILL

The object of the Bill is to repeal the Poor Relief and Charitable Institutions Ordinance 4 of 1919, Poor Relief and Charitable Institutions (Amendment) Ordinance 5 of 1924, and the City of Cape Town Additional Poor Relief Ordinance 5 of 1932, which were applied in the Province and are now redundant, and no longer applied in practice by the Department of Social Development or local government.

2. BACKGROUND

- 2.1 The Poor Relief and Charitable Institutions Ordinance, 1919, provides for the regulation and determination of the methods of distribution of poor relief, and provides for the support, maintenance and control of registered charitable institutions and societies.
- 2.2 The Poor Relief and Charitable Institutions (Amendment) Ordinance, 1924, amended section 25 of the Poor Relief and Charitable Institutions Ordinance, 1919, relating to the Cape Town General Board of Aid.
- 2.3 The Welfare Laws Amendment Act, 1997 (Act 106 of 1997), prohibits the payment of any social assistance in terms of the Ordinances referred to in paragraphs 2.1 and 2.2. The new constitutional dispensation legislation supersedes these Ordinances.
- 2.4 The City of Cape Town Additional Poor Relief Ordinance, 1932, empowers the Council of the City of Cape Town to provide additional poor relief, medical services, medicines and surgical appurtenances to necessitous persons within the area of its jurisdiction, and to recover half of any amount expended on such additional poor relief from the Provincial Administration. This law is redundant as it has also been superseded by legislation enacted after the coming into operation of the Constitution.
- 2.5 Currently, social assistance is regulated by the Social Assistance Act, 2004 (Act 13 of 2004). This Act provides for the rendering of social assistance to persons and the mechanism for the rendering of such assistance.

3. PERSONNEL IMPLICATIONS

None.

4. FINANCIAL IMPLICATIONS

None.

5. CONSULTATION

Department of the Premier: Legal Services.

6. LEGISLATIVE COMPETENCE

The Provincial Minister responsible for social development is satisfied that the provisions in the Bill fall within the Province's legislative competence.

7. CONTENTS OF BILL

Clause 1

Clause 1 provides for the repeal of the Ordinances listed in the Schedule.

Clause 2

Clause 2 provides for the short title.

WETSONTWERP

Om sekere verouderde wette te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Provinsie Wes-Kaap, soos volg:—

Herroeping van wette

1. Die wette wat in die Bylae hiervan gelys word, word hierby herroep.

Kort titel

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2. Hierdie Wet heet die Wes-Kaapse Wet op die Herroeping van Wette, 2011.

BYLAE

No. en jaar van wet	Kort titel	
Ordonnansie 4 van 1919	Armeeverzorging en Inrigtingen van Liefdadigheid Ordonnantie, 1919	10
Ordonnansie 5 van 1924	Armeeverzorging en Inrigtingen van Liefdadigheid (Wijziging) Ordonnantie, 1924	
Ordonnansie 5 van 1932	Ordonnansie op Addisionele Armesorg in die Stad Kaapstad, 1932	15

MEMORANDUM OOR DIE OOGMERK VAN DIE WES-KAAPSE WETSONTWERP OP DIE HERROEPING VAN WETTE [W1-2011]

1. OOGMERK VAN WETSONTWERP

Die oogmerk van die Wetsontwerp is die herroeping van die Armeeverzorging en Inrigtingen van Liefdadigheid Ordonnantie 4 van 1919, Armeeverzorging en Inrigtingen van Liefdadigheid (Wijziging) Ordonnantie 5 van 1924, en die Ordonnansie op Addisionele Armesorg in die Stad Kaapstad 5 van 1932, wat in die Provinsie toegepas is en nou oorbodig is, en nie meer in die praktyk deur die Departement van Maatskaplike Ontwikkeling of plaaslike regering toegepas word nie.

2. AGTERGROND

- 2.1 Die Armeeverzorging en Inrigtingen van Liefdadigheids Ordonnantie, 1919, voorsien vir die regulering en bepaling van die verspreidingsmetodes van armsorg, en voorsien vir die ondersteuning, instandhouding en beheer van geregistreerde liefdadigheidsinstellings en -verenigings.
- 2.2 Die Armeeverzorging en Inrigtingen van Liefdadigheid (Wijziging) Ordonnantie, 1924, het artikel 25 van die Armeeverzorging en Inrigtingen van Liefdadigheid Ordonnantie, 1919, gewysig, wat betrekking het op die Kommissie van Bijstand van Kaapstad.
- 2.3 Die Wysigingswet op Welsynswette, 1997 (Wet 106 van 1997), verbied die betaling van enige maatskaplike hulp ingevolge die Ordonnansies waarna in paragrawe 2.1 en 2.2 verwys word. Die wetgewing van die nuwe grondwetlike bedeling vervang hierdie Ordonnansies.
- 2.4 Die Ordonnansie op Addisionele Armesorg in die Stad Kaapstad, 1932, bemagtig die Stadsraad van Kaapstad om bykomende armsorg, mediese dienste, medisyne en chirurgiese toebehore te verskaf aan behoeftige persone in hul gesagsgebied, en om die helfte van enige bedrag bestee op sodanige bykomende armsorg op die Provinsiale Administrasie te verhaal. Hierdie wet is oorbodig aangesien dit ook vervang is deur wetgewing wat ná die inwerkingtrede van die Grondwet verorden is.
- 2.5 Maatskaplike hulp word tans gereguleer deur die Wet op Maatskaplike Bystand, 2004 (Wet 13 van 2004). Hierdie Wet maak voorsiening vir die lewering van maatskaplike hulp aan persone, en die meganisme vir die lewering van sodanige hulp.

3. PERSONEELIMPLIKASIES

Geen.

4. FINANSIËLE IMPLIKASIES

Geen.

5. RAADPLEGING

Departement van die Premier: Regsdienste.

6. WETGEWENDE BEVOEGDHEID

Die Provinsiale Minister verantwoordelik vir maatskaplike ontwikkeling is tevrede dat die bepalings in die Wetsontwerp binne die Provinsie se wetgewende bevoegdheid ressorteer.

7. INHOUD VAN WETSONTWERP

Klousule 1

Klousule 1 maak voorsiening vir die herroeping van die Ordonnansies gelys in die Bylae.

Klousule 2

Klousule 2 maak voorsiening vir die kort titel.

UMTHETHO OYILWAYO

Ukutshitshisa imithetho ethile engasasebenziyo, nokujongana nemiba eyayamene noko.

KUNGOKO KE KUSIWISWA umthetho yiPalamente yePhondo leNtshona Koloni, ngale ndlela ilandelayo:—

Ukutshitshiswa kwemithetho

1. Imithetho edweliswe kule Shedyuli iyatshitshiswa ngoluxwebhu.

Isihloko esifutshane

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2. Lo Mthetho kuthiwa nguMthetho weNtshona Koloni wokuTshitshiswa kweMithetho, 2011.

ISHEDYULI

Inombolo yomthetho nonyaka wawo	Isihloko esifutshane	
uMmiselo 4 ka 1919	Poor Relief and Charitable Institutions Ordinance, 1919	10
uMmiselo 5 ka 1924	Poor Relief and Charitable Institutions (Amendment) Ordinance, 1924	15
uMmiselo 5 ka 1932	City of Cape Town Additional Poor Relief Ordinance, 1932	

**IMEMORANDAM NGENJONGO YOMTHETHO OSAYILWAYO
WOKUTSHITSHISA IMITHETHO YENTSHONA KOLONI [B1-2011]**

1. INJONGO YALO MTHETHO USAYILWAYO

Injongo yalo Mthetho uSayilwayo kukutshitshisa iPoor Relief and Charitable Institutions Ordinance 4 ka-1919; iPoor Relief and Charitable Institutions (Amendment) Ordinance 5 ka-1924; kwakunye neCity of Cape Town Additional Poor Relief Ordinance 5 ka-1932, ezazisetyenziswa kweli Phondo ekungoku nje azisenantsingiselo, futhi ezingasetyenziswayo liSebe loPhuhliso loLuntu okanye uRhulumente woMmandla.

2. INTSUSA

- 2.1 IPoor Relief and Charitable Institutions Ordinance ka-1919 ibonelela umkhomba-ndlela ekumiselweni nasekusekweni kweenkqubo zokuhlangukwa kwamaqela ahlelelekileyo, ze kunikezelwe inkxaso, ukugcinwa nokulawulwa kwamaziko nemibutho enikezela ngeenkono zohlangulo.
- 2.2 IPoor Relief and Charitable Institutions (Amendment) Ordinance ka-1924 yayihlaziya icandelo lama-25 lePoor Relief and Charitable Institutions Ordinance ka-1919 enento yokwenza neCape Town General Board of Aid.
- 2.3 Umthetho iWelfare Laws Amendment Act ka-1997 (Act 106 ka- 1997) uyakukhaba ukuhlawulelwa kwalo naluphi na uncendo olunikezelwa kuluntu ngokwemigaqo yale miqule Yezinyanzeliso ichazwe kwimihlathi 2.1 no-2.2. Inkqubo entsha yolawulo ngokomgaqo-siseko ingene endaweni yale Miqule.
- 2.4 ICity of Cape Town Additional Poor Relief Ordinance ka-1932 ixhobisa ngamagunya iBhunga leSixeko saseKapa ukuze sibe nakho ukunikezela ngeenkono eyongezelelweyo yohlangulo kuluntu, iinkono zonyango amayeza nezixhobo zonyango kubantu abadinga olo ncedo kwingingqi yolawulo lwesi sixeko, ze futhi lithabathe isiqingatha sayo nayiphi na imali ethe yasetyenziselwa ukunikezela ezi nkono zongezelelweyo zohlangulo loluntu kwiCandelo loLawulo lwePhondo. Lo mthetho awusasebenzi njengoko sele uthathelwe indawo yimithetho ethe yamiselwa emva kokumiselwa koMgaqo-siseko.
- 2.5 Okwakaloku nje, ukunikezelwa kweenkono zohlangulo loluntu kuphantsi kwemimiselo yomthetho iSocial Assistance Act ka-2004 (Act 13 ka-2004). Lo Mthetho unikezela ngomkhomba-ndlela kumba wokunikezelwa kweenkono zohlangulo ebantwini, kwanamacebo okunikezelwa kolo ncedo.

3. IIMFUNO NGOKWABASEBENZI

Azikhona

4. IZIDINGO ZEMALI

Azikhona

5. IINGCEBISO ZEENGCALI

iSebe leNkulumbuso: iCandelo leeNkono zoMthetho.

6. ISAKHONO SOWISO-MITHETHO

UMphathiswa wePhondo onoxanduva loPhuhliso loluntu wanelisekile ukuba izibonelelo kuMthetho oSayilwayo ziwela phantsi kwesakhono sowiso-mithetho.

7. UMONGO WALO MTHETHO USAYILWAYO

Igaty 1

Igaty 1 Libonelela ngokurhoxiswa kweMimiselo edweliswe kwiShedyuli.

Igaty 2

Igaty 2 Libonelela ngesihloko esifutshane.

