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SOCIAL ASSISTANCE ACT
13 OF 2004

Section 1 defines:

"agency" – is the South African Social Security Agency established by the South African Social Security Agency Act 2004.

"applicant" – a person who applies for social assistance n respect to himself/herself or on behalf of someone else.

"beneficiary" – is a person who receives social assistance.

"**care dependent child**" – is a child who receives permanent care due to his/her severe mental or physical disability.

"child" – is a person under the age of 18 years

"dependant" – is a person whom the beneficiary is legally obliged to support financially and is in fact supporting.

"**foster child**" – means a child who has been placed in the care of a foster parent or a tutor to whom a letter of tutorship has been issued.

"foster parent" – is a person other than the parent of he child, in whose foster care a child has been placed in terms of any law, or a tutor to whom a letter of tutorship has been issued.

"**primary care giver**" – means a person older than 16 years, whether or not related to the child, who takes primary responsibility for meeting the daily needs of that child.

Section 2: Application and implementation

- This Act applies to a person who is not a South African citizen, who with a agreement , contemplated in section 231 of the Constitution, between the Republic and the country of which that person is a citizen of makes provision for this Act to apply to a citizen of that country who resides in the Republic.

- The Act makes the Agency responsible for administration of social assistance and to offer social assistance to a person, who, due to his/her age, a disability or

inability to read or write, is unable to understand, appreciate or exercise his/her rights, duties or obligations in terms of this Act, in the official language of the Republic which he/she is likely to understand.

Section 4:

The Minister of Finance must make available moneys appropriated by Parliament for that purpose for a child support(Section 6), care dependency(Section 7), foster child(Section 8), disability(Section 9), older person's(Section 10) and war veteran's grant(Section 11) and a grant-in-aid(Section 12) as well as a social relief of distress according to Section 13.

Section 5: Factors taken into account to be eligible for social assistance, namely that –
- the person falls into a group according to Sections 6 – 13,
- is a South African citizen, or a member of a group/category of persons prescribed by the Minister by notice in the Government Gazette,
- complies with any additional requirements/conditions prescribed by the Minister and
- applies for social assistance.

Section 15: Appointment of procurator

This person apply and receive social assistance on another beneficiary's behalf. This can also be a person or welfare organization appointed by the agency.

Section 16:

- A beneficiary whom will be absent from the Republic for more than 90 days must inform the agency in order for them to suspend the payments until such beneficiary appear in front of the agency to inform them that he/she has returned to the Republic.

- Further the agency may continue payments or part thereof to the beneficiary/procurator for a such a period as the agency may deem fit. If a beneficiary will be absent from the Republic for more than 90 days because of a

medical emergency/unexplained, then the procurator or other person must submit an Affidavit to the agency informing them of the beneficiary's absence, where they are, when they will be back and all other relevant information.

- The agency must then in writing tell the beneficiary of the circumstances and the information which came before them which led to them suspending the grant and that that person has 90 days to inform the agency why they didn't notify the agency of their planned absence.

According to Section 18 a person may also Appeal to a decision of the agency in regards to any provision of this Act.

Section 19 – Abuse of social grants

- The agency may appoint a person to investigate suspected abuse of the social grant by a beneficiary, procurator or primary care giver.

- If this inspector finds objective grounds that abuse have taken place, then the agency may suspend the social grant and appoint another person to receive this grant

Section 20 – Restrictions on a social grant

- A social grant may not be transferred, ceded, pledged or in any other way encumbered or disposed of unless on good grounds consents thereto. Such action may be declared void by the Minister.

- If any amount has accrued under a beneficiary's estate it may not be attached or subjected to any kind of execution, under judgement, court order, by law or part of insolvent estate.

Section 21 – False representations

- A person is guilty of an offence, when applying for social assistance, furnishes information which he/she knows to be untrue, misleading in a material respect

or makes a representation which to his /her knowledge is false in order to get social assistance to which this person is not entitled to, more social assistance than this person is entitled to or not inform the agency regarding a change in material information.

Section 22 – Third parties to whom the agency must furnish information to:

- Any organ of state or
- A financial institution.

Section 24 – 28 deals with the Inspector for social assistance and his functions, which is –

- Conduct investigations to ensure the maintenance of the integrity of the social assistance frameworks and systems,
- Execute internal financial audits and audits on compliance by the agency with regulatory and policy measures and instruments,
- Investigate fraud, corruption and other financial and service mismanagement and criminal activities in the agency in connection with it's functions, duties and operations,
- Establish a complaint mechanism,
- do anything necessary to combat abuse of social assistance.

Section 29 – 34:

This sections sets out the delegating powers of the Minister and what constitute offences in terms of obstructing he functioning of this Act.