

PROVINCE OF WESTERN CAPE

**WESTERN CAPE LAWS REPEAL
BILL**

(As introduced)

(MINISTER OF SOCIAL DEVELOPMENT)

[B 5—2008]

PROVINSIE WES-KAAP

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

(Soos ingedien)

(MINISTER VAN MAATSKAPLIKE ONTWIKKELING)

[W 5—2008]

IPHONDO LENTSHONA KOLONI

**UMTHETHO OSAYILWAYO
WOBHANGISO LWEMITHETHO
WENTSHONA KOLONI**

(Njengoko wazisiwe)

(uMPHATHISWA WEZO PHUHLISO LO LUNTU)

[B 5—2008]

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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 The laws listed in the Schedule are hereby repealed.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, 2008.

SCHEDULE

No. and year of law	Short Title	
Ordinance 4 of 1919	Poor Relief and Charitable Institutions Ordinance, 1919	5
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	
Ordinance 21 of 1964	Dryfe House and the Deanery Alienation Ordinance, 1964	10

EXPLANATORY MEMORANDUM

The proposed repeal of certain obsolete laws

1. The *Poor Relief and Charitable Institutions Ordinance, 1919*; *Poor Relief and Charitable Institutions (Amendment) Ordinance, 1924*; *City of Cape Town Additional Poor Relief Ordinance, 1932*; and *Dryfe House and the Deanery Alienation Ordinance, 1964*, are redundant, and no longer apply.
2. 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.
3. 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.
4. 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 and 3. The new constitutional dispensation legislation supersedes these Ordinances.
5. 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 one-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.
6. The *Dryfe House and the Deanery Alienation Ordinance, 1964* provides for the transfer of the Dryfe House and the Deanery, Cape Town to the Peninsula Welfare Organisation for the Aged. This law has no other purpose, and therefore is redundant.
7. The Bill has been drafted to repeal these laws.

WETSONTWERP

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

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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 genoem word, word hierby herroep.

Kort titel

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2. Hierdie Wet heet die Wes-Kaapse Wet op die Herroeping van Wette, 2008.

BYLAE

No. en jaar van wet	Kort titel	
Ordonnantie 4 van 1919	Armeverzorging en Inrichtingen van Liefdadigheid Ordonnantie, 1919	5
Ordonnantie 5 van 1924	Armeverzorging en Inrichtingen van Liefdadigheid (wijziging) Ordonnantie, 1924	
Ordonnansie 5 van 1932	Addisionele Armesorg en die Stad Kaapstad, Ordonnansie, 1932	
Ordonnansie 21 van 1964	Vervreemding van Dryfe House en The Deanery Ordonnansie, 1964	10

VERKLARENDE MEMORANDUM

Die voorgestelde herroeping van sekere verouderde wette

1. Die *Armeeverzorging en Inrigtingen van Liefdadigheid Ordonnantie, 1919*; *Armeeverzorging en Inrigtingen van Liefdadigheid (wijziging) Ordonnantie, 1924*; *Addisionele Armesorg en die Stad Kaapstad, Ordonnansie, 1932*; en die *Vervreemding van Dryfe House en The Deanery Ordonnansie, 1964*, is oorbodig en is nie meer van toepassing nie.
2. Die *Armeeverzorging en Inrigtingen van Liefdadigheid Ordonnantie, 1919*, maak voorsiening vir die regulering en bepaling van die metodes vir die verspreiding van armesorg, asook vir die ondersteuning, instandhouding en beheer van geregistreerde liefdadigheidsinstellings en -verenigings.
3. Die *Armeeverzorging en Inrigtingen van Liefdadigheid (wijziging) Ordonnantie, 1924*, het 'n wysiging behels van artikel 25 van die *Armeeverzorging en Inrigtingen van Liefdadigheid Ordonnantie, 1919*, rakende die De Kaapstadse Algemene Kommissie Van Bijstand.
4. Die *Wysigingswet op Welsynswette, 1997* (Wet 106 van 1997), verbied die betaling van enige maatskaplike bystand ingevolge die Ordonnansies in paragrawe 2 en 3 bedoel. Wetgewing ingevolge die nuwe grondwetlike bedeling vervang hierdie Ordonnansies
5. Die *Addisionele Armesorg en die Stad Kaapstad, Ordonnansie, 1932*, verleen aan die Stadsraad van die Stad Kaapstad die bevoegdheid om bykomende armesorg, mediese dienste, medisyne en chirurgiese toebehore aan behoeftige persone binne sy regsgebied te verskaf, en om die helfte van enige bedrag wat aan sodanige bykomende armesorg bestee is, van die Provinsiale Administrasie te verhaal. Hierdie wet is oorbodig, aangesien dit ook reeds vervang is deur wetgewing wat sedert die inwerkingtreding van die Grondwet verorden is.
6. Die *Vervreemding van Dryfe House en The Deanery Ordonnansie, 1964*, maak voorsiening vir die oordrag van die Dryfe House en The Deanery, Kaapstad, aan die Skiereiland Welsynorganisasie vir Bejaardes. Hierdie wet het geen ander doel nie en is dus oorbodig.
7. Die Wetsontwerp is opgestel om hierdie wette te herroep.

UMTHETHO OSAYILWAYO

Ukutshitshisa imithetho ethile engasasebenziyo, nokujongana nemiba eyayamene noko.

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

Ubhangiso lwemithetho

1. Imithetho edweliswe kule Shedyuli iyatshitshiswa ngolu xwebhu.

Isihloko esifutshane

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2. Lo Mthetho kuthiwa nguMthetho weNtshona Koloni woBhangiso lweMithetho, 2008.

ISHEDYULI

Inombolo yomthetho nonyaka wawo	Isihloko esiFutshaniweyo	
Odinensi 4 ka 1919	Eyaziwa njenge-Poor Relief and Charitable Institutions Ordinance, 1919	5
Odinensi 5 ka 1924	Eyaziwa njenge-Poor Relief and Charitable Institutions (Amendment) Ordinance, 1924	
Odinensi 5 ka 1932	Eyaziwa njenge-City of Cape Town Additional Poor Relief Ordinance, 1932	10
Odinensi 21 ka 1964	Eyaziwa njenge-Dryfe House and the Deanery Alienation Ordinance, 1964	

IMEMORANDAM ECACISAYO

Ukutshitshiswa okucetywayo kwemithetho ethile engasasebenziyo

1. I-Odinensi eyaziwa njenge-*Poor Relief and Charitable Institutions Ordinance, 1919*; neyaziwa njenge-*Poor Relief and Charitable Institutions (Amendment) Ordinance, 1924*; neyaziwa njenge-*City of Cape Town Additional Poor Relief Ordinance, 1932*; ndawonye naleyo yaziwa njenge-*Dryfe House and the Deanery Alienation Ordinance, 1964*, zii-odinensi ezingasafunekiyo kwaye azisasebenzi.
2. I-Odinensi eyaziwa njenge-*Poor Relief and Charitable Institutions Ordinance, 1919* imisela indlela yokuqulunqwa kwemigaqo neendlela zokusabalalisa iinkqubo zokubonelela abasweleyo kanaanjalo imisela indlela yokuxhaswa, yokugcinwa nokulawulwa kwamaziko anikela ngesisa neesosayithi ezibhalisiweyo.
3. I-Odinensi eyaziwa njenge-*Poor Relief and Charitable Institutions (Amendment) Ordinance, 1924* yayihlomela icandelo 25 le-odinensi eyaziwa njenge-*Poor Relief and Charitable Institutions Ordinance, 1919*, ngokubhekiselele kwi-Cape Town General Board of Aid.
4. *UMthetho woLungiso weNtlalo-ntle, 1997* (uMthetho 106 ka 1997) uyakuthintela ukuhlawulwa kweentlawulo zokunceda uluntu ngokwemiqathango yee-Odinensi ekubhekiswe kuzo kumhlathi 2 nomhlathi 3. Imithetho emiselwe ngokomgaqo-nkqubo omtsha yiyo ethabatha indawo yezo-Odinensi.
5. I-Odinensi eyaziwa njenge-*City of Cape Town Additional Poor Relief Ordinance, 1932* inika iBhunga lesiXeko saseKapa igunya lokubonelela ngoncedo olongeziweyo lweenkonzo zonyango, amayeza kunye nezincedisizozhaqho kubantu abasweleyo abakummandla waso, kanaanjalo sifumane ukubuyekezwa luLawulo lwePhondo isiqingatha sayo nayiphi na imali esetyenziselwe abasweleyo. Lo mthetho awusafuneki, njengoko nawo uthatyathelwe indawo yimithetho emiselwe emva kokusungulwa koMgaqo-siseko.
6. Umthetho owaziwa njenge-*Dryfe House and the Deanery Alienation Ordinance, 1964* umisela ukudluliselwa kwe-Drywe House ne-Deanery ekwisiXeko saseKapa kumbutho i-Peninsula Welfare Organisation for the Aged. Lo mthetho awunanjongo, ngoko awusafuneki.
7. Lo Mthetho uSayilwayo uqulunqelwe ukubhangisa le mithetho.

