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6 November 2025

No. 53641

THE PRESIDENCY

No. 6816 6 November 2025

It is hereby notified that the President has assented to the following Act, which is hereby published for general information:—

Act No. 01 of 2025: Older Persons Amendment Act, 2025

OFISI YA MOPORESIDENTE

No. 6816 6 November 2025

Mona ho tsebiswa hore Mopresidente o amohetse Molao ona o latelang, o phatlalatswang mona bakeng sa tsebiso ya setjhaba ka bophara:—

No. 01 ya 2025: Phetolo ya Molao ya Metsofe, 2025

ISSN 1682-5845



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AIDS HELPLINE: 0800-0123-22 Prevention is the cure

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the President)
(Assented to 03 November 2025)

ACT

To amend the Older Persons Act, 2006, so as to insert new definitions; to insert new provisions relating to the monitoring and evaluation of all services to older persons and for the removal of older persons to a temporary safe care without a court order; to tighten up the existing implementation and compliance measures; to effect some textual amendments for greater clarity; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 13 of 2006

1. Section 1 of the Older Persons Act, 2006 (Act No. 13 of 2006) (hereinafter referred to as the “principal Act”), is hereby amended— 5
- (a) by the insertion after the definition of “abuse” of the following definition: 5
- “**assisted living facility**” means a residential facility used for the provision of safe and accessible accommodation with access to care and support services to older persons who are partially independent, with or without assistive devices, and who need some form of supervision and assistance with their activities of daily living;” 10
- (b) by the substitution for the definition of “care” of the following definition: 10
- “**care**” means physical, psychological, social, or material assistance to an older person, and includes services aimed at promoting [the] and maintaining the comfort, quality of life and general well-being of an older person;” 15
- (c) by the substitution for the definition of “caregiver” of the following definition: 15
- “**caregiver**” means— 20
- (a) a family member or any other person who provides family care; or 20
- (b) any other person who provides care and support services at a community-based care facility, residential facility or similar facility and who possesses a qualification accredited in terms of the National Qualifications Framework, appropriate for the care of older persons;” 25
- (d) by the substitution for the definition of “Director-General” of the following definition: 25
- “**Director-General**” means the Director-General of the [Department] department responsible for social development;” 25

TLHALOSO KA KAKARETSO:

- [] Mantswe a ka hara masakana a bontsha ho tlohelwa melaong e teng.
- _____ Mantswe a sehetsweng mola a bontsha ho kenngwa melao e teng.

(English text signed by the President)
(Assented to 03 November 2025)

MOLAO

Ho fetola Molao wa Metsofe, 2006, ho kenya ditlhaloso tse ntjha; ho kenya dipehelo tse ntjha tse amanang le tekolo le ho hlalloba ditshebeletso tsohle tsa metsofe le bakeng sa ho isa metsofe tlhokomelong e bolokehileng ya nakwana ntle le taelo ya lekgotla; ho tiisa mehato e teng ya ho kenngwa tshebetsong le boikamahanyo; ho etsa diphetoho tse ding tsa ditemana bakeng sa ho hlaka haholwanyane; le ho fana ka ditaba tse amanang le hona.

HA E SE E NTSWE MOLAO ke Palamente ya Rephaboliki ya Afrika Borwa, ka mokgwa o latelang:—

Phetolo ya karolo ya 1 ya Molao wa 13 wa 2006

1. Karolo ya 1 ya “Molao wa Metsofe”, 2006 (Molao wa 13 wa 2006) (eo ka mora mona e tla bitswa Molao o ka sehloohong), e fetotswe—
- (a) ka ho kenngwa ha tlhaloso e latelang ka mora tlhaloso ya “tthekefetso”:
- “**‘setsi sa bodulo se nang le thuso’** e hlalosa setsi sa bodulo se sebediswang bakeng sa ho fana ka bodulo bo bolokehileng le bo fihlillehang bo nang le phihlollo ya ditshebeletso tsa tlhokomelo le tshehetso ho metsofe e ikemetseng ka mokgwa o itseng, ba nang le disebediswa tse thusang kapa ba se nang tsona, mme ba hloka mofuta o itseng wa tlhokomelo le thuso mesebeting ya bona ya letsatsi le letsatsi;”;
- (b) ka phetoho ya tlhaloso ya “tlhokomelo” ya tlhaloso e latelang:
- “**‘tlhokomelo’** e hlalosa thuso mmeleng, kelellong, setjhabeng kapa ya dintho tse bonahalang ho motsofe, mme e kenyelletsa ditshebeletso tse reretsweng ho kgothaletsa **[ho]** le ho boloka boiketlo, boleng ba bophelo le boiketlo ka kakaretso ba motsofe;”;
- (c) ka phetoho ya tlhaloso ya “mohlakomedi” ya tlhaloso e latelang:
- “**‘mohlakomedi’** e hlalosa—
- (a) setho sa lelapa kapa motho ofe kapa ofe ya fanang ka tlhokomelo ya lelapa; kapa
- (b) motho ofe kapa ofe ya fanang ka ditshebeletso tsa tlhokomelo le tshehetso setsing sa tlhokomelo sa setjhaba, setsing sa bodulo kapa setsing se tshwanang mme a na le mangolo a amohetsweng ho latela Moralo wa Tshebetso wa Naha wa Kabo ya Mangolo, a loketseng tlhokomelo ya metsofe;”;
- (d) ka phetoho ya tlhaloso ya “Molaodi-Kakaretso” ya tlhaloso e latelang:
- “**‘Molaodi-Kakaretso’** e hlalosa Molaodi-Kakaretso wa **[Lefapha]** lefapha le ikarabellang bakeng sa ntshetsopele ya setjhaba;”;

- (e) by the insertion after the definition of “Director-General” of the following definition:
 “**family care**’ means the provision of support and assistance by family members or any other person to an older person including one who is frail or living with disabilities;”;
- (f) by the insertion of the following definitions after the definition of “home-based care”:
 “**independent living facility**’ means a residential facility used for the provision of safe and accessible accommodation to active older persons, who are fully independent with or without assistive devices and who do not need assistance with their activities of daily living;
 “**inter-departmental structure**’ means a structure consisting of the departments responsible for social development, agriculture, arts and culture, basic education, cooperative governance and traditional affairs, correctional services, defence and military veterans, health, human settlements, justice and constitutional development, land reform and rural development, public works, sport and recreation, water and sanitation and the National Prosecuting Authority and South African Police Service, at national level and, where applicable, at provincial and local levels of government, and may include any other organ of state;”;
- (g) by the substitution for the definition of “manager” of the following definition:
 “**manager**’ means the person responsible for the day-to-day management of a residential facility or similar facility, institution or programme for the rendering of services to older persons;”;
- (h) by the substitution for the definition of “older person” of the following definition:
 “**older person**’ means a person who [, in the case of a male, is 65 years of age or older and, in the case of a female, is 60 years of age or older];”;
- (i) by the substitution for the definition of “person” of the following definition:
 “**person**’ includes a trust and for the purposes of the registration and operation of community-based care and support services, home-based care and residential facilities, means a juristic person or a trust only;”;
- (j) by the insertion after the definition of “prescribed” of the following definition:
 “**private residential facility**’ means a residential facility that is not owned by the state and that is registered in terms of any applicable law;”;
- (k) by the substitution for the definition of “rehabilitation” of the following definition:
 “**rehabilitation**’ means a process by which an older person is enabled to reach and maintain his or her optimal physical, sensory, intellectual, psychiatric, spiritual or social functional levels, and includes measures to restore functions or compensate for the loss or absence of a function, but excludes medical care;”;
- (l) by the substitution for the definition of “residential facility” of the following definition:
 “**residential facility**’ means a building or other structure that is used primarily for [the purposes of providing] 24-hour care, accommodation and [of providing a 24-hour service] the provision of services to older persons in both public and private residential facilities, and includes assisted-living, independent-living, frail care and similar facilities;”;
- (m) by the insertion after the definition of “social worker” of the following definitions:
 “**special care**’ means customised care and support tailored to meet the unique needs and challenges faced by the older person;
 “**stakeholder**’ means a civil society organisation or a person in the public or private sector, that works with or has an interest in programmes or services rendered to older persons;”;

- (e) ka ho kenngwa ha tlhaloso e latelang ka mora tlhaloso ya “Molaodi-Kakaretso”:
“‘tlhokomelo ya lelapa’ e hlalosa ho fana ka tshehetso le thuso ke ditho tsa lelapa kapa motho ofe kapa ofe ho motsofe ho kenyeletswa le ya fokolang kapa ya phelang ka boqhwalu;”; 5
- (f) ka ho kenngwa ha tlhaloso e latelang ka mora tlhaloso ya “tlhokomelo e tswang lapeng”:
“‘setsi sa bodulo se ikemetseng’ e hlalosa setsi sa bodulo se sebediswang bakeng sa ho fana ka bodulo bo bolokehileng le bo fihlellhang ho metsofe e mafolofolo, ba ikemetseng ka ho feletseng ba nang le disebediswa tse thusang kapa ba se nang tsona mme ba sa hloke thuso mesebetsing ya bona ya letsatsi le letsatsi;
‘sebopeho sa mafapha a fapaneng’ e hlalosa sebopeho se nang le mafapha a ikarabellang bakeng sa ntshetsopele ya setjhaba, temo, bonono le setso, thuto ya motheo, puso ya kopanelo le merero ya setso, ditshebetso tsa tshokollo ya batshwaruwa, tshireletso le mekaubere ya sesole, bophelo bo botle, bodulo ba batho, toka le ntshetsopele ya molaotso, kabobotjha ya mobu le ntshetsopele ya mahae, mesebetsi ya setjhaba, dipapadi le boikgathollo, metsi le dikgwerekgwere le Bolaodi ba Botjhotjhi ba Naha le Tshebetso ya Sepolesa sa Afrika Borwa, boemong ba naha le, moo ho hlokehang, boemong ba mmuso wa provense le wa selehae, mme e ka kenyeletsa setheo sefe kapa sefe sa mmuso;”; 10
- (g) ka phetoho ya tlhaloso ya “mookamedi” ya tlhaloso e latelang:
“‘mookamedi’ e hlalosa motho ya ikarabellang bakeng sa tsamaiso ya letsatsi le letsatsi ya setsi sa bodulo kapa setsi se tshwanang, motheo kapa lenaneo bakeng sa phano ya ditshebetso ho metsofe;”; 15
- (h) ka phetoho ya tlhaloso ya “motsofe” ya tlhaloso e latelang:
“‘motsofe’ e hlalosa motho eo [‘haeba e le monna, a le dilemo tse 65 kapa tse fetang, mme haeba e le mosadi, a le dilemo tsa 60 kapa tse fetang’] o dilemo tse 60 kapa tse fetang;”; 20
- (i) ka phetoho ya tlhaloso ya “motho” ya tlhaloso e latelang:
“‘motho’ e kenyeletsa terasete le bakeng sa merero ya ngodiso le tshebetso ya ditshebetso tsa tlhokomelo ya setjhaba le tshehetso, tlhokomelo ya lapeng le ditsi tsa bodulo, e hlalosa motho ya kgonang ho qosa le ho qoswa kapa terasete feela;”; 25
- (j) ka ho kenngwa ha tlhaloso e latelang ka mora tlhaloso ya “e laetsweng”:
“‘setsi sa bodulo sa poraefete’ e hlalosa setsi sa bodulo seo e seng sa mmuso mme se ngodisitswe ho latela molao ofe kapa ofe o sebetsang;”; 30
- (k) ka phetoho ya tlhaloso ya “tlhabollo” ya tlhaloso e latelang:
“‘tlhabollo’ e hlalosa tshebetso eo ka yona motsofe a dumellwang ho fihlella le ho boloka maemo a hodimo a tshebetso ya mmeleng, maikutlong, bohlae, kelellong, moyeng kapa setjhabeng, mme e kenyeletsa mehato ya ho tsosolosa tshebetso kapa ho lefella tahlehelo kapa ho se be teng ha tshebetso, empa e sa kenyeletse tlhokomelo ya tsa bongaka;”; 35
- (l) ka phetoho ya tlhaloso ya “setsi sa bodulo” ya tlhaloso e latelang:
“‘setsi sa bodulo’ e hlalosa moaho kapa sebopeho se seng se sebediswang haholo holo [‘molemong wa ho fana ka’] tlhokomelo ya dihora tse 24, bodulo le [‘ho fana ka ditshebetso tsa dihora tse 24’] phano ya ditshebetso ho metsofe ditsing tsa bodulo tsa setjhaba le tsa poraefete, mme e kenyeletsa ho phela ka thuso, ho phela ka boikemelo, tlhokomelo ya batho ba fokolang le ditsi tse tshwanang;”; mme 40
- (m) ka ho kenngwa ha tlhaloso tse latelang ka mora tlhaloso ya “mosebeletsi wa setjhaba”:
“‘Tlhokomelo e kgethehileng’ e hlalosa tlhokomelo le tshehetso e kgethehileng e etseditsweng ho fihlella ditlhoko le diphephetso tseo motho ya tsosetseng a tobaneng le tsona;
‘bankakarlo’ e hlalosa mokgatlo wa setjhaba kapa motho lefapheng la setjhaba kapa la poraefete, ya sebetsang le kapa ya nang le thahasello mananeong kapa ditshebeletsong tse fuwang metsofe; 45

“‘**substance**’ means a substance as defined in section 1 of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No. 70 of 2008); ‘**temporary safe care**’ means, in relation to older persons, a shelter or any other place where an older person is protected and safely accommodated, for a period not exceeding six months;”.

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Amendment of section 2 of Act 13 of 2006

2. Section 2 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of the following paragraph:
“(b) recognise, maintain and protect the rights of older persons in terms of any laws and policies on vulnerability, ageing, disability, families and other applicable legislation;”;
- (b) by the substitution for paragraph (e) of the following paragraph:
“(e) prevent and combat the abuse of older persons;”;
- (c) by the insertion after paragraph (e) of the following paragraph:
“(f) prevent and combat ageism against older persons.”.

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Amendment of section 3 of Act 13 of 2006

3. Section 3 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:
“(1) Subject to this Act allocating roles and responsibilities, the Act must be implemented by all organs of state and any other stakeholders rendering services **[to older persons in the national, provincial and, where applicable, local sphere of government]** in an integrated, co-ordinated and uniform manner.”;
- (b) by the substitution for subsection (2) of the following subsection:
“(2) Recognising that competing social and economic needs exist, such organs of state and stakeholders must take reasonable measures to the maximum extent of their available resources to achieve the realisation of the objects of this Act.”;
- (c) by the substitution for subsection (3) of the following subsection:
“(3) To achieve the implementation of this Act in the manner contemplated in subsections (1) and (2), all organs of state and stakeholders must co-operate in the development of a uniform approach aimed at co-ordinating and integrating the services delivered to older persons.”; and
- (d) by the addition of the following subsections after subsection (3):
“(4) To achieve the implementation of this Act in the manner contemplated in subsections (1), (2) and (3), all public service facilities and service points providing services must prioritise older persons.
(5) There must be an inter-departmental structure to integrate, co-ordinate and monitor the effective implementation of this Act, as prescribed.
(6) The Office of the Premier in each province must, together with the provincial department of social development, facilitate and support the co-ordination and integration of provincial plans and the implementation of this Act, as may be prescribed.”.

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Amendment of section 4 of Act 13 of 2006

4. Section 4 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

- “(2) All organs of state and all officials, employees and representatives of organs of state and stakeholders must respect, protect and promote the rights of older persons contained in this Act.”.

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‘**dithethefatsi**’ e hlalosa dithethefatsi jwalo ka ha ho hlalositse karolong ya 1 ya Molao wa Thibelo le Kalafo bakeng sa Tshebediso e mpe ya Dithethefatsi, 2008 (Molao wa 70 wa 2008);
 ‘**tlhokomelo e sireletsehileng ya nakwana**’ e hlalosa, mabapi le metsofe, setshabelo kapa sebaka sefe kapa sefe moo motsofe a sireleditsweng le ho fuwa bodulo ka polokeho, nako e sa feteng dikgwedi tse tshelatseng.”

Phetolo ya karolo ya 2 ya Molao wa 13 wa 2006

2. Karolo ya 2 ya Molao o ka Sehloohong e fetotswe—
- (a) ka phetoho bakeng la seratswana sa (b) sa seratswana se latelang: 10
 “(b) ho amohela, ho boloka le ho sireletsa ditokelo tsa metsofe ho latela melao le dipholisi dife kapa dife mabapi le ho ba kotsing, botsofadi, boqhwalala, malapa le melao e meng e sebetsang;”;
- (b) ka phetoho bakeng la seratswana sa (e) sa seratswana se latelang: 15
 “(e) ho thibela le ho lwantsha tlhekefetso ya metsofe;”;
- (c) ka ho kenngwa ha seratswana sa (e) sa seratswana se latelang: 15
 “(f) ho thibela le ho lwantsha botsofadi kgahlanong le metsofe.”.

Phetolo ya karolo ya 3 ya Molao wa 13 wa 2006

3. Karolo ya 3 ya Molao o ka Sehloohong e fetotswe—
- (a) ka phetoho karolwaneng ya (1) ya karolwana e latelang: 20
 “(1) Ho latela Molao ona ho fana ka mesebetsi le boikarabello, Molao o tlameha ho kenngwa tshabetsong ke metheo yohle ya mmuso le bankakarolo ba bang ba fanang ka ditshebeletso [ho metsofe boemong ba mmuso wa naha, wa provense le, moo ho hlokehang, wa selehae] ka mokgwa o kopaneng, o hokahaneng le o tshwanang.”;
- (b) ka phetoho karolwaneng ya (2) ya karolwana e latelang: 25
 “(2) Ka ho hlokomela hore ho na le tlhodiso ya dithoko tsa setjhaba le tsa ikonomi, metheo ya mmuso e jwalo le bankakarolo ba tlameha ho nka mehato e utlwalahalang ho fihlela tekanyo e kgolo ya mehlodi ya bona e fumanehang ho fihlela phethahatso ya maikemisetso a Molao ona.”;
- (c) ka phetoho karolwaneng ya (3) ya karolwana e latelang: 30
 “(3) Ho fihlela ho kenngwa tshabetsong ha Molao ona ka mokgwa o hlalositsweng karolwaneng ya (1) le (2), metheo yohle ya mmuso le bankakarolo ba tlameha ho sebedisana ho ntshetsopele ya mokgwa o tshwanang o reretsweng ho hokahanya le ho kopanya ditshebeletso tse fuwang metsofe;”;
- (d) ka tlatsetso ya dikarolwana tse latelang ka mora karolwana ya (3): 35
 “(4) Ho fihlela ho kenngwa tshabetsong ha Molao ona ka mokgwa o hlalositsweng karolwaneng ya (1), (2) le (3), ditsi tsohle tsa ditshebeletso tsa setjhaba le dibaka tsa ditshebeletso tse fanang ka ditshebeletso di lokela ho beha metsofe pele.
 (5) Ho tlameha hore ho be le sebopeho sa mafapha a fapaneng ho kopanya, ho hokahanya le ho lekola ho kenngwa tshabetsong ha Molao ona ka katleho, jwalo ka ha ho laetswe.
 (6) Ofisi ya Tonakgolo provenseng e nngwe le e nngwe, mmoho le lefapha la provense la ntshetsopele ya setjhaba, e lokela ho tsamaisa le ho tshahetsa kgokahanyo le kopanyo ya meralo ya provense le ho kenngwa tshabetsong ha Molao ona, jwalo ka ha ho ka laelwa.”.

Phetolo ya karolo ya 4 ya Molao wa 13 wa 2006

4. Karolo ya 4 ya Molao o ka Sehloohong e fetotswe ka ho fetola karolwana ya (2) ya karolwana e latelang: 50
 “(2) Metheo yohle ya mmuso le bahlanka bohle ba mmuso, basebeleletsi le baemedi ba metheo ya mmuso le bankakarolo ba tlameha ho hlompheha, ho sireletsa le ho phahamisa ditokelo tsa metsofe tse fuperweng Molaong ona.”.

Amendment of section 5 of Act 13 of 2006

5. Section 5 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) all proceedings, actions and decisions by any organ of state and stakeholders in any matter concerning an older person or older persons in general.”; and

- (b) by the addition after subsection (3) of the following subsection:

“(4) Anyone dealing with an older person must take all the measures necessary to eliminate traditional practices, including witchcraft accusations, which may affect the welfare, health, life and dignity of that older person.”.

Insertion of sections 7A and 7B in Act 13 of 2006

6. The following sections are hereby inserted in the principal Act after section 7:

“Responsibilities of older person 15

7A. Older persons have the responsibility to—

- (a) mentor and pass on knowledge and experience to a younger person;
 (b) foster and facilitate inter-generational dialogue and solidarity within his or her family or community; and
 (c) play a role in mediation and conflict resolution. 20

Protection of rights against abuse, to property, inheritance and bodily integrity of older person

7B. An older person has the right to protection against—

- (a) any form of abuse, violence and discrimination based on gender;
 (b) abuse related to property and land rights; and
 (c) abuse related to the right to inheritance.” 25

Amendment of section 11 of Act 13 of 2006

7. Section 11 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (c) of the following paragraph:

- “(c) information, education and counselling services, including HIV and AIDS, 30
 care for orphans, Alzheimer’s, all diseases, dementia and basic emergency care;”.

Amendment of section 13 of Act 13 of 2006

8. Section 13 of the principal Act is hereby amended—

- (a) by the insertion after subsection (1) of the following subsection: 35

“(1A) Only a juristic person or a trust may be registered to provide community-based care and support services to older persons.”.

- (b) by the substitution for subsection (2) of the following subsection:

“(2) The Minister must prescribe conditions for the registration of community-based care and support services, including application for registration, approval of registration, temporary registration or conditional registration, duration of registration, withdrawal and termination of registration, and any matter contemplated in subsection (4).”; and

- (c) by the substitution for subsection (4) of the following subsection:

“(4) If the [provider of a] service provider for any reason intends to stop providing the service terminate or suspend the provision of a service, or the Department for any reason intends to terminate or suspend

Phetolo ya karolo ya 5 ya Molao wa 13 wa 2006

5. Karolo ya 5 ya Molao o ka Sehloohong e fetotswe—

- (a) ka phetoho ya karolwana ya (1) bakeng la temana ya (b) ya temana e latelang:
 “(b) ditsamaiso tsohle, diketso le diqeto tsa metheo ya mmuso efe kapa efe le bankakaro tabeng efe kapa efe e mabapi le motsofe kapa metsofe ka kakaretso.”; le 5
- (b) ka kenyeletso ka mora karolwana ya (3) ya karolwana e latelang:
 “(4) Mang kapa mang ya sebetsanang le motsofe o tlameha ho nka mehato yohle e hlokahalang ho fedisa ditlwaelo tsa setso, ho kenyeletswa diqoso tsa boloi, tse ka amang boiketlo, bophelo bo botle, bophelo le seriti sa motsofe eo.”. 10

Ho kenngwa ha dikarolo tsa 7A le 7B Molaong wa 13 wa 2006

6. Dikarolo tse latelang di kentswe Molaong o ka sehloohong ka mora karolo ya 7:

“Boikarabelo ba motsofe

7A. Metsofe ba na le boikarabelo ba— 15

- (a) ho tataisa le ho fetisetsa tsebo le boiphihlelo ho motjha;
 (b) ho kgothaletsa le ho nolofatsa puisano pakeng tsa meloko le bonngwe ka hara lelapa la hae kapa setjhabeng; le
 (c) ho bapala karolo ya bonamodi le tharollo ya dikgohlano.

Tshireletso ya ditokelo kgahlanong le tthekefetso, ho thepa, lefa le seriti sa mmele sa motsofe 20

7B. Motsofe o na le tokelo ya ho sireletswa kgahlanong le—

- (a) mokgwa ofe kapa ofe wa tthekefetso, pefo le kgethollo e itshetlehleng hodima bong;
 (b) tthekefetso e amanang le ditokelo tsa thepa le mobu;
 (c) le tthekefetso e amanang le tokelo ya lefa.”. 25

Phetolo ya karolo ya 11 ya Molao wa 13 wa 2006

7. Karolo ya 11 ya Molao o ka Sehloohong e fetotswe ka ho fetola karolwana:

- (2) bakeng la seratswana sa (c) sa seratswana se latelang:
 “(c) tlhahisoleseding, thuto le ditshebeletso tsa thuso ya keletso, ho kenyeletswa *HIV* le *AIDS*, tlhokomelo ya dikgutsana, ba nang le lefu la bolebadi *Alzheimer’s*, mafu ohle, ho fokola ha kelello le tlhokomelo ya mantlha ya tshohanyetso.”. 30

Phetolo ya karolo ya 13 ya Molao wa 13 wa 2006

8. Karolo ya 13 ya Molao o ka sehloohong e fetotswe— 35

- (a) ka ho kenngwa ha karolwana ya (1) ya karolwana e latelang:
 “(1A) Ke motho ya kgonang ho qosa le ho qoswa kapa terasete feela ya ka ngodiswang ho fana ka ditshebeletso tsa tlhokomelo ya setjhaba le tshetsetso ho metsofe.”. 40
- (b) ka phetoho karolwaneng ya (2) ya karolwana e latelang:
 “(2) Letona le tlameha ho laela dipehelo bakeng sa ngodiso ya tlhokomelo e thehilweng setjhabeng le ditshebeletso tsa tshetsetso, ho kenyeletswa kopo ya ngodiso, tumello ya ngodiso, ngodiso ya nakwana kapa ngodiso e nang le dipehelo, nako ya ngodiso, ho fediswa le ho kgaotswa ha ngodiso, le taba efe kapa efe e hlalositsweng karolwaneng ya (4).”; le 45
- (c) ka phetoho karolwaneng ya (4) ya karolwana e latelang:
 “(4) Haeba [mofani wa] mofani wa ditshebeletso ka lebaka lefe kapa lefe a rera ho [kgaotsa ho fana ka ditshebeletso] kgaotsa kapa ho emisa phano ya ditshebeletso, kapa Lefapha ka lebaka lefe kapa lefe le rera ho kgaotsa kapa ho emisa mofani wa ditshebeletso ho fana ka tshetsetso, 50

the service provider from providing a service, **[the provider]** the service provider or the Department, as the case may be, must, prior to **[stopping]** the termination or suspension of the service in question—

- (a) notify the Director-General or the manager of the service provider of the intention, reasons and the implications of such **[stoppage]** termination or suspension **[for]** on the affected older persons; 5
- (b) inform the older persons affected of the intended **[stoppage]** termination or suspension of the service, and the reasons for the intended termination or suspension; and 10
- (c) take reasonable steps to ensure that the older persons benefiting from the service are not adversely affected or put at risk and, where appropriate, are referred to **[a person]** an alternative registered facility or institution providing similar services.”. 10
- (d) by the addition of the following subsection: 15

“(5) Any person who contravenes or fails to comply with the provisions of this section is guilty of an offence.”.

Amendment of section 14 of Act 13 of 2006

9. Section 14 of the principal Act is hereby amended—

- (a) by the substitution for the heading of the following heading: 20

“**Persons providing home-based care and frail care**”;
- (b) by the substitution for subsection (1) of the following subsection:

“(1) Any person who provides home-based care and frail care must ensure that caregivers receive the prescribed training.”; and
- (c) by the substitution in subsection (3) for paragraph (a) of the following paragraph: 25

“(a) The Minister must keep a register of all caregivers providing home-based care and frail care and must prescribe a code of conduct for such caregivers.”.

Substitution of section 15 of Act 13 of 2006

10. The principal Act is hereby amended by the substitution for section 15 of the following section: 30

“Monitoring and evaluation of community-based care and support services

15. Subject to section 22 of the Act and to the extent to which that section is applicable, monitoring and evaluation of community-based care and support services must be implemented as prescribed.”. 35

Amendment of section 17 of Act 13 of 2006

11. Section 17 of the principal Act is hereby amended—

- (a) by the substitution for paragraphs (i) and (j) of the following paragraphs: 40

“(i) training of volunteer caregivers to deal with frail older persons; **[and]** (j) sport and recreational activities **[.]**”; and
- (b) by the addition of the following paragraphs: 45

“(k) assisted-living which provides accommodation, care and support services for older persons who need specialised care; and (l) independent-living which provides safe and accessible accommodation to active older persons.”.

[mofani] mofani wa ditshebeletso kapa Lefapha, ka moo ho ka bang ka teng, pele [ho emisa] ho kgaotswa kapa ho emiswa tshebeletso e boletsweng—

- (a) a tsebise Molaodi-Kakaretso kapa mookamedi wa mofani wa ditshebeletso ka maikemisetso, mabaka le ditlamorao tsa [ho emisa] ho kgaotswa kapa ho emiswa ho jwalo [bakeng sa] ho metsofe e amehileng; 5
- (b) ho tsebisa metsofe e amehang ka [ho emiswa] ho kgaotswa kapa ho emiswa ha tshebeletso ho rerilweng, le mabaka a ho kgaotswa kapa ho emiswa ho rerilweng; le 10
- (c) ho nka mehato e utlwalang ho etsa bonnete ba hore metsofe e ruang molemo tshebeletsong ena ha ba amehe hampe kapa ba behwa kotsing mme moo ho lokelang, ba fetisetswe ho [motho] setsi se seng se ngodisitsweng kapa motheo o fanang ka ditshebeletso tse tshwanang.”. 15
- (d) ka ho kenngwa ha karolwana e latelang:
 “(5) Motho ofe kapa ofe ya tlohang kapa ya hlolehang ho ikamahanya le diphelelo tsefe kapa tsefe tsa karolo ena o molato.”.

Phetolo ya karolo ya 14 ya Molao wa 13 wa 2006

9. Karolo ya 14 ya Molao o ka sehloohong e fetotswe— 20
- (a) ka phetoho ya sehlooho sa sehlooho se latelang:
 “**Batho ba fanang ka tlhokomelo e tswang lapeng le tlhokomelo ya batho ba fokolang**”;
- (b) ka phetoho karolwaneng ya (1) ya karolwana e latelang:
 “(1) Motho ofe kapa ofe ya fanang ka tlhokomelo e tswang lapeng le tlhokomelo ya batho ba fokolang o tlameha ho netefatsa hore bahlakomedi ba fumana thupelo e laetsweng.”; mme 25
- (c) ka phetoho ya karolwana ya (3) bakeng la seratswana sa (a) sa seratswana se latelang:
 “(a) Letona le tlameha ho boloka rejisetara ya bahlakomedi bohle ba fanang ka tlhokomelo e tswang lapeng le tlhokomelo ya batho ba fokolang mme le tlameha ho fana ka melawana ya boitshwaro bakeng sa bahlakomedi ba jwalo.”. 30

Phetolo ya karolo ya 15 ya Molao wa 13 wa 2006

10. Molao o ka Sehloohong o fetotswe ka ho fetola karolwana ya karolo ya 15 ya karolo e latelang: 35

“Tekolo le tlhahlobo ya ditshebeletso tsa tlhokomelo ya setjhaba le tshehetso

15. Ho latela karolo ya 22 ya Molao le ho isa tekanyong eo karolo eo e sebetsang ka yona, tekolo le tlhahlobo ya ditshebeletso tsa tlhokomelo ya setjhaba le tshehetso di tlameha ho kenngwa tshehetsong jwalo ka ha ho laetswe.”. 40

Phetolo ya karolo ya 17 ya Molao wa 13 wa 2006

11. Karolo ya 17 ya Molao o ka sehloohong e fetotswe—
- (a) ka phetoho bakeng la diratswana tsa (i) le (j) tsa diratswana tse latelang: 45
- “(i) thupello ya bahlakomedi ba baithaopi ho sebetsana le metsofe e fokolang; **[le]**
- (j) dipapadi le mekgwa ya boithapallo **[.]**”; le
- (b) ka ho kenngwa ha diratswana tse latelang: 50
- “(k) ho phela ka thuso ho fanang ka bodulo, ditshebeletso tsa tlhokomelo le tshehetso ho metsofe e hlohang tlhokomelo e kgethehileng; le
- (l) ho phela ka boikemelo ho fanang ka bodulo bo bolokehileng le bo fihlillehang bakeng sa metsofe e mafolofolo.”.

Amendment of section 18 of Act 13 of 2006

12. Section 18 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) Subject to section 35, no person may operate a residential facility, including a private residential facility, assisted-living facility or similar facility, unless such facility has been registered under this section.”; and

- (b) by the substitution for subsection (2) of the following subsection:

“(2) A juristic person [who wishes] or a trust wishing to operate a residential facility must, in the prescribed manner, apply to the Minister for registration thereof.”.

Insertion of section 18A in Act 13 of 2006

13. The following section is hereby inserted in the principal Act after section 18:

“Deregistration, closing and revocation of registration of residential or community-based facilities

18A. (1) Notwithstanding the provisions of this section and any provision of this Act, a person designated by the Director-General may close down any unregistered or illegal community-based care or residential facility service or any similar service for older persons.

(2) A person designated by the Director-General may—

- (a) in writing, direct any person operating an unregistered or illegal facility to close down operations immediately within 24 hours;
- (b) where necessary, enlist the assistance of the police to effect the closure;

(c) in instances where there is a material contravention of this Act by a registered community-based care service provider or residential facility operator, recommend to the Director-General that such community-based care service provider or residential facility be deregistered and closed; and

(d) in instances where a person refuses to co-operate with, obstructs or misrepresents any fact to a social worker, health care provider, police official or an official exercising any reporting, enforcement and monitoring powers conferred by this Act, upon receipt of such information, recommend to the Director-General that the community-based care or residential facility concerned be deregistered or that the registration of the community-based care or residential facility be revoked.

(3) If a person designated by the Director-General has directed that a community-based care or residential facility be closed down, deregistered or the registration of a community-based care or residential facility be revoked, such designated person must—

(a) notify the person in charge of the community-based care or residential facility, in writing, of the intention to deregister the facility or the intention to revoke the registration of such facility;

(b) afford the person in charge of the community-based care or residential facility an opportunity of no less than 30 days to make written representations in respect of such closure, deregistration or revocation of registration;

(c) consider the representations made by the person in charge of the community-based care or residential facility with regard to such closure, deregistration or revocation of registration; and

Phetolo ya karolo ya 18 ya Molao wa 13 wa 2006

12. Karolo ya 18 ya Molao o ka sehloohong e fetotswe—

- (a) ka phetoho ya karolwana ya (1) bakeng la seratswana sa (a) sa seratswana se latelang:

“(a) Ho latela karolo ya 35, ha ho motho ya ka tsamaisang setsi sa bodulo, ho kenyeletswa setsi sa bodulo sa poraefete, setsi sa ho phela ka thuso kapa setsi se tshwanang, ntle le haeba setsi se jwalo se ngodisitswe tlasa karolo ena.”; le

- (b) ka phetoho karolwaneng ya (2) ya karolwana e latelang:

“(2) Motho ya kgonang ho qosa le ho qoswa [ya lakatsang] kapa terasete e lakatsang ho tsamaisa setsi sa bodulo, ka mokgwa o laetsweng, o tlameha ho etsa kopo ho Letona bakeng sa ngodiso ya sona.”.

Ho kenngwa ha karolo ya 18A Molaong wa 13 wa 2006

13. Karolo e latelang e kentswe Molaong o ka sehloohong ka mora karolo ya 18:

“Ho hlakolwa ha ngodiso, ho kwalwa le ho hlakolwa ha ngodiso ya ditsi tsa bodulo kapa tsa setjhaba

18A. (1) Le ka ntle ho dipehelo tsa karolo ena le dipehelo dife kapa dife tsa Molao ona, motho ya thontsweng ke Molaodi-Kakaretso a ka kwala tlhokomelo efe kapa efe ya setjhaba e sa ngodiswang kapa e seng molaong kapa ditshebetso tsa bodulo kapa ditshebetso dife kapa dife tse tshwanang bakeng sa metsofe.

(2) Motho ya thontsweng ke Molaodi-Kakaretso—

- (a) ka ho ngola, a ka laela motho ofe kapa ofe ya tsamaisang setsi se sa ngodiswang kapa se seng molaong ho kwala tsebetso hang hang nakong ya dihora tse 24;
- (b) moo ho hlokehang, a kopa thuso ya sepolesa ho phethahatsa ho kwala;
- (c) maemong ao ho nang le tlolo ya molao ya Molao ona ke mofani wa ditshebetso tsa tlhokomelo ya setjhaba ya ngodisitsweng kapa motsamaisi wa setsi sa bodulo, a ka kgothaletsa Molaodi-Kakaretso hore mofani wa ditshebetso tsa tlhokomelo ya setjhaba kapa setsi sa bodulo se hlakolwe ho ngodiso le ho kwalwa; le
- (d) maemong ao motho a hanang ho sebedisana le, a sitisang kapa a hlahisa taba efe kapa efe e fosahetseng ho mosebeletsi wa setjhaba, ho mofani wa tlhokomelo ya bophelo bo botle, ofisiri ya sepolesa kapa ofisiri e sebedisang matla afe kapa afe a ho tlaleha, ho qobella le ho lekola a fanweng ke Molao ona, ha a fumana tlhahisoleseding e jwalo, a kgothaletse ho Molaodi-Kakaretso hore setsi sa tlhokomelo ya setjhaba kapa sa bodulo se amehang se hlakolwe ngodisong kapa hore ngodiso ya setsi sa tlhokomelo ya setjhaba kapa sa bodulo se hlakolwe.
- (3) Haeba motho ya thontsweng ke Molaodi-Kakaretso a laetse hore setsi sa tlhokomelo ya setjhaba kapa sa bodulo se kwalwe, se hlakolwe ngodisong kapa ngodiso ya setsi sa tlhokomelo ya setjhaba kapa sa bodulo se hlakolwe, motho ya thontsweng jwalo o tlameha—
- (a) ho tsebisa motho ya ikarabellang bakeng sa setsi sa tlhokomelo ya setjhaba kapa sa bodulo, ka ho ngola, ka maikemisetso a ho hlakola ngodiso ya setsi kapa maikemisetso a ho hlakola ngodiso ya setsi se jwalo;
- (b) ho fa motho ya ikarabellang bakeng sa setsi sa tlhokomelo ya setjhaba kapa sa bodulo monyetla wa matsatsi a seng ka tlase ho a 30 ho etsa ditlhahiso tse ngotsweng mabapi le ho kwalwa ho jwalo, ho hlakolwa kapa ho hlakolwa ha ngodiso;
- (c) ho nahana ka ditlhahiso tse entsweng ke motho ya ikarabellang setsing sa tlhokomelo ya setjhaba kapa sa bodulo mabapi le ho kwalwa ho jwalo, ho hlakolwa kapa ho hlakolwa ha ngodiso; le

- (d) in writing, notify the person in charge of the community-based care or residential facility of the decision regarding the closure, deregistration or revocation of registration of the facility and measures to accommodate or relocate the beneficiaries of such services.
- (4) Any person who contravenes or fails to comply with any provision of this section is guilty of an offence.” 5

Amendment of section 25 of Act 13 of 2006

14. Section 25 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (5) for the following paragraph: 10
- “(a) has his or her income, assets or **[old age] older person’s** grant taken against his or her wishes or who suffers any other economic abuse;”;
- (b) by the deletion in subsection (5) of the word “or” at the end of paragraph (g);
- (c) by the substitution at the end of subsection (5)(h) for the full stop of a semicolon; and 15
- (d) by the addition in subsection (5) of the following paragraphs:
- “(i) has been or is being maltreated, abused, neglected or degraded by a care-giver, family member or any other person; or
- (j) has been or is being accused of practising witchcraft or blamed by the community for inexplicable events.” 20

Insertion of sections 25A and 25B in Act 13 of 2006

15. The following sections are hereby inserted in the principal Act after section 25:

“Removal of older person to temporary safe care

- 25A.** (1) A social worker or health care provider or a police official must, with the consent of an older person or authorised person in the event that the older person is incapable of providing such consent, remove such older person and place that older person in temporary safe care without a court order, if there are reasonable grounds for believing— 25
- (a) that the older person— 30
- (i) is in need of care and protection as contemplated in section 25(5) of the Act; and
- (ii) needs immediate emergency protection;
- (b) that the delay in obtaining a court order for the removal of an older person to temporary safe care may jeopardise the safety and well-being of the older person; and 35
- (c) that the removal of the older person from his or her home environment is the best way to secure the safety and well-being of that older person.
- (2) If a social worker or health care provider has removed an older person and placed the older person in temporary safe care as contemplated in subsection (1), the social worker or health care provider must, in writing, report the matter to the relevant provincial department of social development and must— 40
- (a) without delay, but within 24 hours, inform the family of the older person of such removal and the place where the older person has been moved to; and 45
- (b) without delay, obtain a court order within 48 hours for the placement of the older person in temporary safe care.
- (3) If a police official has removed an older person and placed the older person in temporary safe care as contemplated in subsection (1), the police official must— 50

- (d) ho tsebisa motho ya ikarabellang bakeng sa setsi sa tlhokomelo ya setjhaba kapa sa bodulo ka ho ngola, ka qeto e mabapi le ho kwalwa, ho hlakolwa kapa ho hlakolwa ha ngodiso ya setsi le mehato ya ho amohela kapa ho fallisa bajalefa ba ditshebeletso tse jwalo.
- (4) Motho ofe kapa ofe ya tlohang kapa ya hlolehang ho ikamahanya le 5
pehelo efe kapa efe ya karolo ena o molato.”.

Phetolo ya karolo ya 25 ya Molao wa 13 wa 2006**14. Karolo ya 25 ya Molao o ka sehloohong e fetotswe—**

- (a) ka phetoho bakeng la seratswana sa (a) sa karolwana ya (5) bakeng sa seratswana se latelang: 10
“(a) o na le lekeno la hae, thepa kapa [botsofe] krante ya metsofe e nkilweng kgahlanong le thato ya hae kapa a hlekefetswa ka tsela efe kapa efe ya ikonomi;”;
- (b) ka ho hlakolwa ha karolwana ya (5) ya lentswe “kapa” qetellong ya seratswana sa (g); 15
- (c) ka phetoho qetellong ya karolwana ya (5)(h) bakeng sa kgutlo ya kgutlofeelwana; le
- (d) ka kenyeletso karolwaneng ya (5) ya diratswana tse latelang:
“(i) o kile a tshwarwa hampe, a hlekefetswa, a se tsotellwe kapa a nyenyefatswa ke mohlakomedi, setho sa lelapa kapa motho ofe kapa ofe; 20
kapa
(j) o kile a qoswa kapa o ntse a qoswa ka ho sebedisa boloi kapa a qoswa ke setjhaba ka diketsahalo tse sa hlaloseheng.”.

Ho kenngwa ha dikarolo tsa 25A le 25B Molaong wa 13 wa 2006**15. Dikarolo tse latelang di kentswe Molaong o ka sehloohong ka mora karolo ya 25: 25****“Ho tloswa ha motsofe ho ya tlhokomelong ya nakwana e sireletsehileng**

- 25A.** (1) Mosebeletsi wa setjhaba kapa mofani wa tlhokomelo ya bophelo bo botle kapa ofisiri ya sepolesa, ka tumello ya motsofe kapa motho ya dumelletseng haeba motsofe a sa kgone ho fana ka tumello e jwalo, o tlameha ho tlosa motsofe ya jwalo mme a behe motsofe eo tlhokomelong e sireletsehileng ya nakwana ntle le taelo ya lekgotla, haeba ho na le mabaka a utlwahalang a ho dumela—
- (a) hore motsofe— 35
(i) o hloka tlhokomelo le tshireletso jwalo ka ha ho hlalositswe karolong ya 25(5) ya Molao; mme
(ii) o hloka tshireletso ya tshohanyetso;
- (b) hore tieho ya ho fumana taelo ya lekgotla bakeng sa ho tloswa ha motsofe ho ya tlhokomelong ya nakwana e sireletsehileng ho ka beha polokeho le boiketlo ba motsofe kotsing; le 40
- (c) hore ho tloswa ha motsofe tikolohong ya hae ya lehae ke tsela e molemo ya ho boloka polokeho le boiketlo ba motsofe eo.
- (2) Haeba mosebeletsi wa setjhaba kapa mofani wa tlhokomelo ya bophelo bo botle a tlositse motsofe mme a mo behile tlhokomelong ya nakwana e sireletsehileng jwalo ka ha ho hlalositswe karolwaneng ya (1), mosebeletsi wa setjhaba kapa mofani wa tlhokomelo ya bophelo bo botle o tlameha ho tlaleha taba ena ka ho ngola lefapheng la provense le amehang la ntshetsopele ya setjhaba mme o tlameha— 45
- (a) ntle le tieho, empa nakong ya dihora tse 24, a tsebise lelapa la motsofe ka ho tloswa ho jwalo le sebaka seo motsofe a isitsweng ho sona; mme 50
- (b) ntle le tieho, a fumane taelo ya lekgotla nakong ya dihora tse 48 bakeng sa ho behwa ha motsofe tlhokomelong ya nakwana e sireletsehileng.
- (3) Haeba ofisiri ya sepolesa e tlositse motsofe mme a behile motsofe tlhokomelong ya nakwana e sireletsehileng jwalo ka ha ho hlalositswe karolwaneng ya (1), ofisiri ya sepolesa e lokela— 55

- (a) without delay, but within 24 hours, inform the family of the older person, in writing, of such removal;
 - (b) without delay, but within 24 hours, notify the provincial department of social development, in writing, of the removal of the older person and of the place where the older person has been placed; and 5
 - (c) without delay, obtain a court order within 48 hours for the placement of the older person in temporary safe care.
- (4) Notwithstanding subsection (1), any person may apply to a court having jurisdiction to obtain an order authorising the removal of an older person to a temporary safe care in instances where there is no need for immediate removal. 10
- (5) The placement of an older person into temporary safe care may be for any period not exceeding six months and every effort must be made by the Director-General to find a safe permanent placement.
- (6) Misuse of a power referred to in subsection (1) by a social worker employed in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994), or any other law or by a non-profit organisation, constitutes unprofessional or improper conduct by that social worker. 15
- (7) Misuse of a power referred to in subsection (1) by a police official constitutes grounds for disciplinary proceedings against such police official as contemplated in section 40 of the South African Police Service Act, 1995 (Act No. 68 of 1995). 20
- (8) Misuse of a power referred to in subsection (1) by a health care worker constitutes grounds for disciplinary proceedings against such health care worker in accordance with section 23 of the Allied Health Professions Act, 1982 (Act No. 63 of 1982), section 3(n) of the Health Professions Act, 1974 (Act No. 56 of 1974), section 46 of the Nursing Act, 2005 (Act No. 33 of 2005), section 39 of the Pharmacy Act, 1974 (Act No. 53 of 1974), and section 35 of the Dental Technicians Act, 1979 (Act No. 19 of 1979), whichever Act is applicable. 25
- (9) A person exercising a power or acting pursuant to this section is not liable to any person if he or she has acted or exercised that power in good faith. 30

Older person with disability and chronic illness

- 25B.** (1) In any matter concerning an older person with a disability, due consideration must be given to— 35
- (a) providing the older person with family care or special care as and when appropriate;
 - (b) making it possible for the older person to participate in social, cultural, religious and educational activities, recognising the special needs that the older person may have; 40
 - (c) providing the older person with conditions that ensure dignity, promote self-reliance and facilitate active participation in the community; and
 - (d) providing the older person and the care-giver with the necessary support services. 45
- (2) In any matter concerning an older person with chronic illness, due consideration must be given to—
- (a) providing the older person with family care or special care as and when appropriate; 50
 - (b) providing the older person with conditions that ensure dignity, promote self-reliance and facilitate active participation in the community; and
 - (c) providing the older person with the necessary support services. 55
- (3) An older person with a disability or chronic illness has the right not to be subjected to medical, social, cultural or religious practices that are detrimental to his or her health, well-being or dignity.”

- (a) ntle le tieho, empa nakong ya dihora tse 24, a tsebise lelapa la motsofe, ka ho ngola, ka ho tloswa ho jwalo;
- (b) ntle le tieho, empa nakong ya dihora tse 24, a tsebise lefapha la provense la ntshetsopele ya setjhaba ka ho ngola, ka ho tloswa ha motsofe le ka sebaka seo motsofe a behilweng ho sona; mme 5
- (c) ntle le tieho, a fumane taelo ya lekgotla nakong ya dihora tse 48 bakeng sa ho behwa ha motsofe tlhokomelong ya nakwana e sireletsehileng.
- (4) Le ka ntle ho karolwana ya (1), motho e mong le e mong a ka etsa kopo lekgotleng le nang le matla a ho fumana taelo e dumellang ho tloswa ha motsofe ho ya tlhokomelong ya nakwana e sireletsehileng maemong ao ho sa hlokeheng hore a tloswe hang hang. 10
- (5) Ho behwa ha motsofe tlhokomelong ya nakwana e sireletsehileng e ka ba bakeng sa nako efe kapa efe e sa feteng dikgwedi tse tsheletseng mme Molaodi-Kakaretso o lokela ho etsa boiteko bohle ho fumana sebaka se sireletsehileng sa ho dula moshwelella. 15
- (6) Tshebediso e fosahetseng ya matla a boletsweng karolwaneng ya (1) ke mosebeletsi wa setjhaba ya hirilweng ho latela Molao wa Ditshebeletso tsa Setjhaba, 1994 (Phatlalatso ya 103 ya 1994), kapa molao ofe kapa ofe kapa mokgatlo o sa etseng phaello, e theha boitshwaro bo bobele kapa bo sa lokang ke mosebeletsi eo wa setjhaba. 20
- (7) Tshebediso e fosahetseng ya matla a boletsweng karolwaneng ya (1) ke ofisiri ya sepolesa e fana ka mabaka a ho nka mehato ya kgalemo kgahlanong le ofisiri eo ya sepolesa jwalo ka ha ho hlalositse karolong ya 40 ya Molao wa Tshebeletso ya Sepolesa sa Afrika Borwa, 1995 (Molao wa 68 wa 1995). 25
- (8) Tshebediso e fosahetseng ya matla a boletsweng karolwaneng ya (1) ke mosebeletsi wa tlhokomelo ya bophelo bo botle e fana ka mabaka a ho nka mehato ya kgalemo kgahlanong le mosebeletsi wa tlhokomelo ya bophelo bo botle ya jwalo ho latela karolo ya 23 ya *Allied Health Professions Act*, 1982 (Molao wa 63 wa 1982), karolo ya 3(n) ya *Health Professions Act*, 1974 (Molao wa 56 wa 1974), karolo ya 46 ya *Nursing Act*, 2005 (Molao wa 33 wa 2005), karolo ya 39 ya *Pharmacy Act*, 1974 (Molao wa 53 wa 1974), le karolo ya 35 ya *Dental Technicians Act*, 1979 (Molao wa 19 wa 1979), Molao ofe kapa ofe o sebetsang. 30
- (9) Motho ya sebedisang matla kapa a sebetsang ho latela karolo ena a ikarabelle ho motho ofe kapa ofe hae ba a entse kapa a sebedisitse matla ao ka tumelo e ntle. 35

Motsofe ya nang le boqhwalala le bolwetse bo sa foleng

- 25B.** (1) Tabeng efe kapa efe e amang motsofe ya nang le boqhwalala, ho lokela ho nahanwa ka— 40
- (a) ho fa motsofe tlhokomelo ya lelapa kapa tlhokomelo e kgethehileng ha ho hloka hloka; 45
- (b) ho etsa hore motsofe a kgone ho nka karolo mesebetsing ya setjhaba, setso, bodumedi le thuto, ho hlokomela ditlhoko tse kgethehileng tseo motsofe a ka bang le tsona; 45
- (c) ho fa motsofe maemo a netefatsang seriti, ho kgothalletsa ho itshepa le ho thusa ho nka karolo ka mafolofolo setjhabeng; le 50
- (d) ho fa motsofe le mohlakomedi ditshebeletso tse hloka hloka tsa tshehetso. 50
- (2) Tabeng efe kapa efe e amang motsofe ya nang le bolwetse bo sa foleng, ho lokela ho nahanwa ka—
- (a) ho fa motsofe tlhokomelo ya lelapa kapa tlhokomelo e kgethehileng ha ho hloka hloka; 55
- (b) ho fa motsofe maemo a netefatsang seriti, ho kgothalletsa ho itshepa le ho thusa ho nka karolo ka mafolofolo setjhabeng; le 55
- (c) ho fa motsofe ditshebeletso tse hloka hloka tsa tshehetso.
- (3) Motsofe ya nang le boqhwalala kapa bolwetse bo sa foleng o na le tokelo ya hore a se ke a etswa ditlwaelo tsa bongaka, tsa setjhaba, tsa setso kapa tsa bodumedi tse senyang bophelo ba hae, boiketlo kapa seriti sa hae.”. 60

Amendment of section 26 of Act 13 of 2006

16. Section 26 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) Any person who suspects that an older person has been abused or suffers from an abuse-related injury must immediately notify the Director-General, a social worker or a police official or the manager, if applicable, of his or her suspicion.”; and 5

(b) by the substitution in subsection (4) for paragraph (a) of the following paragraph:

“(a) the Director-General, social worker, police official or manager must, within 48 hours, investigate the matter and if the suspicion is substantiated by the investigation, section 25(4) applies with the necessary changes.”. 10

Amendment of section 28 of Act 13 of 2006

17. Section 28 of the principal Act is hereby amended— 15

(a) by the substitution in subsection (6) for paragraph (b) of the following paragraph:

“(b) refuses to furnish to a social worker or a health care provider any information in connection with the alleged abuse of an older person at his or her disposal which such officer requires for the purposes of an investigation referred to in subsection (3): Provided that— 20

(i) the law regarding privilege as applicable to a witness summoned to give evidence in a criminal case in a court of law applies in relation to the questioning of a person for purposes of that investigation: Provided further that such a person may not refuse to answer any question on the ground that the answer would tend to expose him or her to a criminal charge; and 25

(ii) evidence regarding any questions and answers for purposes of an investigation referred to in subsection (3) is not admissible in any criminal proceedings, except in criminal proceedings where the person concerned stands trial on a charge contemplated in section 319(3) of the Criminal Procedure Act, 1955 (Act No. 56 of 1955).”; and 30

(b) by the addition of the following subsection after subsection (6): 35

“(7) In every investigative or court proceedings, as the case may be, an older person may—

(a) in addition to legal assistance, be assisted by a social worker, an intermediary or any suitable person; and 40

(b) be allowed to testify or cross-examine through an intermediary or in camera, in the language the older person understands.”. 40

Amendment of section 30 of Act 13 of 2006

18. Section 30 of the principal Act is hereby amended—

(a) by the substitution for subsection (3) of the following subsection:

“(3) For the purposes of subsection (2), ‘abuse’ includes physical, sexual, [psychological] emotional, verbal or psychological, harassment, spiritual abuse and economic abuse and— 45

(a) ‘physical abuse’ means any act or threat of physical violence towards an older person, including unlawful detention, medical sedation or shackling, deprivation of nutrition or medical care, neglect or exploitation of an older person in any manner; 50

(b) ‘sexual abuse’ means any conduct that violates the sexual integrity of an older person and includes an act of sexual penetration or

Phetolo ya karolo ya 26 ya Molao wa 13 wa 2006

16. Karolo ya 26 ya Molao o ka sehloohong e fetotswe—

(a) ka phetoho karolwaneng ya (1) ya karolwana e latelang:

“(1) Motho ofe kapa ofe ya belaelang hore motsofe o hlekefeditswe kapa o na le kotsi e amanang le tthekefetso o lokela ho tsebisa Molaodi-Kakaretso hang hang, mosebeletsi wa setjhaba kapa ofisiri ya sepolesa kapa mookamedi, haeba ho hloka hloka, ka dipelaelo tsa hae.”; le

(b) ka phetoho ya karolwana ya (4) bakeng la seratswana sa (a) sa seratswana se latelang:

“(a) Molaodi-Kakaretso, mosebeletsi wa setjhaba kapa ofisiri ya sepolesa kapa mookamedi, nakong ya dihora tse 48, o lokela ho fuputsa taba ena mme haeba dipelaelo di tiiswa ke phuputso, karolo ya 25(4) e sebetsa ka diphetoho tse hlokehang.”.

Phetolo ya karolo ya 28 ya Molao wa 13 wa 2006

17. Karolo ya 28 ya Molao o ka sehloohong e fetotswe—

(a) ka phetoho ya karolwana ya (6) bakeng la seratswana sa (b) sa seratswana se latelang:

“(b) o hana ho fa mosebeletsi wa setjhaba kapa mofani wa tlhokomelo ya bophelo bo botle tlhahisoleseding efe kapa efe e mabapi le ho hlekefetswa ha motsofe ho belaelwang eo a nang le yona eo ofisiri eo a e hloka ka sepheo sa ho etsa dipatlisiso tse boletsweng karolwaneng ya (3): Ha feela—

(i) molao o mabapi le tokelo e sebetsang ho paki e fuweng samane ho fana ka bopaki nyeweng ya bosinyi lekgotleng la molao o sebetsa mabapi le ho hlongwa dipotso ha motho bakeng sa sepheo sa dipatlisiso tseo: Ha feela motho ya jwalo a ke ke a hana ho araba potso efe kapa efe ka lebaka la hore karabo e ka mo pepesetsa molato wa bosinyi; mme

(ii) bopaki bo mabapi le dipotso le dikarabo dife kapa dife bakeng sa sepheo sa dipatlisiso tse boletsweng karolwaneng ya (3) ha bo amohelhe ditsamaisong dife kapa dife tsa bosinyi, ntle le ditsamaisong tsa bosinyi moo motho ya amehang a hlahellang nyeweng ka lebaka la molato o hlahositsweng karolong ya 319(3) ya *Criminal Procedure Act*, 1955 (Molao wa 56 wa 1955).”; le

(b) ka tlatsitso ya karolwana e latelang ka mora karolwana ya (6):

“(7) Ditsamaisong tse ding le tse ding tsa dipatlisiso kapa tsa lekgotla, ho latela maemo, motsofe—

(a) ho phaella ho thuso ya molao, a ka thuswa ke mosebeletsi wa setjhaba, mmueli kapa motho ofe kapa ofe ya loketseng; mme

(b) a dumellwe ho fana ka bopaki kapa ho botsa dipotso ka ho sebedisa mmueli kapa ka khamera, ka puo eo motsofe a e utlwisisang.”.

Phetolo ya karolo ya 30 ya Molao wa 13 wa 2006

18. Karolo ya 30 ya Molao o ka sehloohong e fetotswe—

(a) ka phetoho karolwaneng ya (3) ya karolwana e latelang:

“(3) Bakeng sa merero ya karolwana ya (2), ‘tthekefetso’ e kenyeletsa tthekefetso ya mmele, thobalano, [kellelo] maikutlo, mantswe le kellelo, tthekefetso, tthekefetso ya moya le ya ikonomi mme—

(a) ‘tthekefetso ya mmele’ e hlalosa ketso efe kapa efe kapa tshoso ya tthekefetso ya mmele ho motsofe, ho kenyeletswa ho tshwarwa ho se molaong, ho phomotswa ka meriana kapa ho tlangwa ka diketane, ho mo amoha phepo e nepahetseng kapa tlhokomelo ya bongaka, ho se tsotelle kapa ho sebedisa motsofe hampe ka mokgwa ofe kapa ofe;

(b) ‘tthekefetso ya thobalano’ e hlalosa boitshwaro bofe kapa bofe bo tloang botshepehi ba thobalano ba motsofe mme e kenyeletsa ketso ya thobalano kapa tthekefetso ya thobalano

sexual violation as defined in section 1 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No. 32 of 2007);

- (c) **‘psychological abuse’ means any pattern of degrading or humiliating conduct towards an older person, including** 5
- (i) **repeated insults, ridicule or name calling;**
 - (ii) **repeated threats to cause emotional pain; and**
 - (iii) **repeated invasion of an older person’s privacy, liberty, integrity or security]** ‘emotional, verbal or psychological abuse’ means emotional, verbal and psychological abuse as defined in section 1 of the Domestic Violence Act, 1998 (Act No. 116 of 1998) (‘Domestic Violence Act’); 10
- (d) **‘economic abuse’ means—**
- (i) the deprivation of economic and financial resources to which an older person is entitled under any law; 15
 - (ii) the unreasonable deprivation of economic and financial resources which the older person requires out of necessity; or
 - (iii) the disposal of household effects or other property that belongs to the older person without the older person’s consent; 20
- (e) **‘harassment’ means harassment as defined in section 1 of the Domestic Violence Act;**
- (f) **‘spiritual abuse’ means spiritual abuse as defined in section 1 of the Domestic Violence Act.”.**
- (b) by the addition of the following subsection after subsection (4): 25
- “(5) A court clerk or registrar must, upon a court convicting a person as contemplated in subsection (4), forthwith provide the Minister with the details of the offender, conviction and sentence for the purposes of reporting in the register contemplated in section 31 of this Act.”.

Amendment of section 31 of Act 13 of 2006

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19. Section 31 of the principal Act is hereby amended by the addition of the following subsection after subsection (2):

- “(3) An application to the Minister for the removal of a name from the register may be brought by any person, after the criminal record of the offender, whose name appears in the register, has been expunged in terms of section 271A, 271B, 271C or 271D of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). 35
- (4) A person referred to in subsection (3) who wants to operate or be employed at any residential facility or who wants to provide any community-based care and support service to an older person, must provide proof that he or she has been rehabilitated as prescribed.”. 40

Amendment of section 33 of Act 13 of 2006

20. Section 33 of the principal Act is hereby amended by the substitution for paragraph (a) of the following paragraph:

- “(a) section 12(2), 13(5), 14(4), 18(1), 18(8), 18(9), 18A(4), 19(4), 22(5)(a), (b) or (c), or 28(6)(a) or (b) is liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment;”. 45

jwalo ka ha ho hlalositse karolong ya 1 ya (*Sexual Offences and Related Matters*) Amendment Act, 2007 (Molao wa 32 wa 2007);

- (c) [‘tlhekefetso ya kellelo’ e hlalosa mokgwa ofe kapa ofe wa boitshwaro bo nyenyefatsang kapa bo tlontlolang ho motsofe, ho kenyeletswa 5
- (i) ditlhapa tse phetwang, ho soma kapa ho bitswa ka mabitsa;
- (ii) ditshoso tse phetwang tsa ho baka bohloko ba maikutlo; le 10
- (iii) ho hlasela boinotshi ba motsofe kgafetsa, tokoloho, botshepehi kapa tshireletso] ‘tlhekefetso ya maikutlo, mantswe kapa kellelo’ e hlalosa tlhekefetso ya maikutlo, mantswe le kellelo jwalo ka ha ho hlalositse karolong ya 1 ya Molao wa Tlhekefetso ya Lapeng, 1998 (Molao wa 116 wa 1998) (“Molao wa Tlhekefetso ya Lapeng”); 15
- (d) ‘tlhekefetso ya ikonomi’ e hlalosa—
- (i) ho amoha mehlodi ya ikonomi le ya ditjhelete eo motsofe a nang le tokelo ya ho e fumana ho latela molao ofe kapa ofe; 20
- (ii) ho amoha ho sa utlwalahaleng ha mehlodi ya ikonomi le ya ditjhelete eo motsofe a e hlokang ka lebaka la tlhokahalo; kapa
- (iii) ho lahlwa ha thepa ya ka tlung kapa thepa e nngwe eo e leng ya motsofe ntle le tumello ya motsofe; 25
- (e) ‘tlhekefetso’ e hlalosa tlhekefetso jwalo ka ha ho hlalositse karolong ya 1 ya Molao wa Tlhekefetso ya Lapeng;
- (f) ‘tlhekefetso ya semoya’ e hlalosa tlhekefetso ya semoya jwalo ka ha ho hlalositse karolong ya 1 ya Molao wa Tlhekefetso ya Lapeng.” 30
- (b) ka tlatsetso ya karolwana e latelang ka mora karolwana ya (4):
- “(5) Tlelereke ya lekgotla kapa morejistara, ha lekgotla le ahlola motho jwalo ka ha ho hlalositse karolwaneng ya (4), o tlameha ho fa Letona dintlha tsa motlolamolao, ho fumanwa molato le kahloko ka sepheo sa ho tlaleha rejistareng e hlalositsweng karolong ya 31 ya Molao ona.” 35

Phetolo ya karolo ya 31 ya Molao wa 13 wa 2006

19. Karolo ya 31 ya Molao o ka sehloohong e fetotswe ka ho kenngwa ha karolwana e latelang ka mora karolwana ya (2): 40

“(3) Kopo ho Letona bakeng sa ho tloswa ha lebitso rejistareng e ka tlišwa ke motho ofe kapa ofe, ka mora hore rekoto ya botlokotsebe ya motlolamolao, eo lebitso la hae le hlahang rejistareng, le hlakotswe ho latela karolo ya 271A, 271B, 271C kapa 271D ya *Criminal Procedure Act*, 1977 (Molao wa 51 wa 1977). 45

(4) Motho ya boletsweng karolwaneng ya (3) ya batlang ho sebetsa kapa ho hirwa setsing sefe kapa sefe sa bodulo kapa ya batlang ho fana ka tšhebeletso efe kapa efe ya tlhokomelo ya setjhaba le tšhehetso ho motsofe, o tlameha ho fana ka bopaki ba hore o ile a tsosoliswa ka mokgwa o laetsweng.”

Phetolo ya karolo ya 33 ya Molao wa 13 wa 2006

20. Karolo ya 33 ya Molao o ka sehloohong e fetotswe ka ho fetola seratswana sa (a) 50 sa seratswana se latelang:

“(a) karolo ya 12(2), 13(5), 14(4), 18(1), 18(8), 18(9), 18A(4), 19(4), 22(5)(a), (b) kapa (c), kapa 28(6)(a) kapa (b) o tla lefiswa kotlo kapa ho kwallwa teronkong nako e sa feteng selemo, kapa bobedi kotlo le ho kwallwa teronkong.”

Amendment of section 34 of Act 13 of 2006

21. Section 34 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

“(3) Any regulation made in terms of subsection (1) which affects the South African Police Service must be made after consultation with the Minister **[for Safety and Security]** of Police.”. 5

Transitional provision

22. Any person operating a community-based care and support service, home-based care or residential facility as a sole proprietor immediately before this Act took effect, must within 12 months from the date on which this Act took effect, convert the sole proprietorship to a juristic person. 10

Short title and commencement

23. (1) This Act is called the Older Persons Amendment Act, 2025, and takes effect on a date fixed by the President by Proclamation in the *Gazette*.

(2) Different dates may, under subsection (1), be fixed in respect of different provisions of this Act. 15

Phetolo ya karolo ya 34 ya Molao wa 13 wa 2006

21. Karolo ya 34 ya Molao o ka sehloohong e fetotswe ka ho fetola karolwana ya (3) ya karolwana e latelang:

“(3) Melawana efe kapa efe e entsweng ho latela karolwana ya (1) e amang Tshebeletso ya Sepolesa sa Afrika Borwa e lokela ho etswa ka mora therisano le Letona [la Polokeho le Tshireletso] la Sepolesa.”.

Dipehelo tsa nakwana

22. Motho ofe kapa ofe ya tsamaisang ditshebeletso tsa tlhokomelo ya setjhaba le tshehetso, tlhokomelo ya lapeng kapa setsi sa bodulo e le kgwebo ya hae a le mong hang hang pele molao ona o kena tshebetsong, o tlameha hore nakong ya dikgwedi tse 12 ho tloha ka letsatsi leo Molao ona o kentsweng tshebetsong a fetole kgwebo ya motho a le mong ho ba ya motho a kgonang ho qosa le ho qoswa.

Sehlooho se kgutshwane le qaleho

23. (1) Molao ona o bitswa Phetolo ya Molao wa Metsofe, 2025, mme o kena tshebetsong ka letsatsi leo Mopresidente a le hlalositse ka phatlalatso Koranteng ya Mmuso.

(2) Matsatsi a fapaneng, tlasa karolwana ya (1), a ka behwa mabapi le dipehelo tse fapaneng tsa Molao ona.

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