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

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**GOVERNMENT NOTICE**  
**GOEWERMENSKENNISGEWING**

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**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**  
**DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING**

No. R. 1660

12 November 2003

**PROMOTION OF NATIONAL UNITY AND RECONCILIATION ACT, 1995 (ACT No. 34 of 1995): REGULATIONS REGARDING REPARATION TO VICTIMS**

The President has, under section 27(2) of the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995), and after the procedures prescribed in sections 4(f)(i) and 27(1) and (2) of the said Act have been complied with, made the Regulations in the Schedule.

**SCHEDULE**

**Definitions**

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned and, unless the context otherwise indicates –

"accounting officer" means the officer appointed by the Minister under section 42(6) of the Act;

"alive" means alive at the time of the request for payment in terms of regulation 4;

"beneficiary" means a person contemplated in regulation 3;

"completed request form" means a form contemplated in regulation 4(1) or (2), on which all the required information has been submitted;

"child" means a child of an identified victim, irrespective of whether such child was born in or out of wedlock or was legally adopted;

"Fund" means the Fund established under section 42(1) of the Act;

"Fund administrator" means an officer designated by the Minister under section 42(5) of the Act;

"identified victim" means a person who has been found by the Commission to be a victim of a gross violation of human rights;

"parent of a victim" means a parent of, or a person who exercises or has exercised parental responsibility over, an identified victim;

"reparation grant" means the reparation grant referred to in regulation 3(1);

"spouse" means the person married to an identified victim under any law, custom or belief; and

"the Act" means the Promotion of National Unity and Reconciliation Act, 1995 (Act No. 34 of 1995).

### **Authority responsible for application of regulations**

2. The accounting officer is responsible for the application of these Regulations.

### **Basis and conditions of individual reparation grant**

3. (1) An identified victim is entitled to a once-off reparation grant in the amount of R30 000 as final reparation.

(2) The reparation grant must be paid to an identified victim if he or she is alive.

(3) If an identified victim is not alive, the reparation grant must, subject to the provisions of subregulation (7), be paid to the person to whom urgent interim reparation relating to that identified victim had been paid.

(4) If both the identified victim and the person to whom urgent interim reparation relating to that identified victim had been paid are not alive, the reparation grant must –

- (a) be paid to the spouse of the identified victim; or
- (b) in the case of the identified victim having more than one spouse, be divided equally among and paid to all the spouses of that victim.

(5) If both the identified victim and the person to whom urgent interim reparation relating to an identified victim had been paid are not alive, and that victim is not survived by a spouse, the reparation grant is to be divided equally among and paid to the following persons in the following order of preference:

- (a) If the victim is survived by children, the reparation grant must be paid to those children;
- (b) if the victim is not survived by a child, the reparation grant must be paid to the parents of that victim;
- (c) if the victim is not survived by a parent, the reparation grant must be paid to other blood relations of that victim who are related to the victim nearest in degree; or
- (d) if the victim is not survived by any person contemplated in this subregulation, the reparation grant must remain in the Fund.

(6) If an identified victim is not alive and no urgent interim reparation relating to that victim has been paid, the reparation grant must be paid to a person contemplated in subregulation (4) or (5) in the order of preference contemplated in the said subregulations.

(7) If an identified victim is not alive, the reparation grant may be paid to a person contemplated in subregulation (4) or (5) in the order of preference contemplated in the

said subregulations, if such person, in the opinion of the Fund administrator, ranks higher than the recipient of the urgent interim reparation in terms of the order of preference referred to.

### **Request for payment**

4. (1) A request by –

- (a) an identified victim; or
- (b) a person to whom urgent interim reparation relating to that identified victim had been paid,

for payment of the reparation grant contemplated in regulation 3 must be made in the form of Request Form 1 contained in the Annexure.

(2) A request by a beneficiary, excluding a person contemplated in subregulation (1), for payment of the reparation grant contemplated in regulation 3 must be made in the form of Request Form 2 contained in the Annexure.

(3) A reparation grant must, subject to the provisions of regulation 5, be paid on receipt of a completed request form.

(4) The completed request form must be submitted to the Fund administrator in one of the following ways:

- (a) By mail, in which case it must be addressed to the Fund Administrator of the President's Fund, Private Bag X81, Pretoria, 0001; or
- (b) by personal delivery to the Fund Administrator of the President's Fund, Presidia Building, corner of Paul Kruger and Pretorius Street, Room 245, Pretoria.

### **Processing of request**

5. (1) On receipt of a completed request form the Fund administrator must –

- (a) forthwith, for purposes of the speedy payment of the reparation grant, obtain any further information or documentation or clarify any uncertainties with regard to the information in that form;
  - (b) make arrangements with relevant persons or institutions to facilitate the payment of the reparation grant;
  - (c) satisfy himself or herself that the person requesting the payment is a beneficiary entitled to the reparation grant; and
  - (d) subject to the provisions of subregulation (2), make the payment in accordance with the manner specified by the beneficiary in the completed request form.
- (2) The Fund administrator must, before a reparation grant is paid to a person other than an identified victim, in a notice -
- (a) make known the particulars of the identified victim, the person to whom the reparation grant will be paid, the relation between the identified victim and the person and the amount to be paid; and
  - (b) invite the persons contemplated in regulation 3(4) and (5) to lodge, within 30 days after the date of the notice, an objection, if any, to the payment to be made.
- (3) The notice contemplated in subregulation (2) must be displayed on the notice board at every magistrate's office or post office.

### **Payment of reparation grant**

6. (1) The payment of the reparation grant is made from the Fund.
- (2) The reparation grant may be paid –
- (a) by electronic bank transfer; or
  - (b) by cheque.
- (3) The Fund administrator must –
- (a) inform the beneficiary when the payment of the reparation grant has been made; and

- (b) retain proof of the payment.

### **Representations by aggrieved persons**

7. (1) Any person who is aggrieved by a decision of the Fund administrator regarding the person to whom the reparation grant is to be or was paid, may make representations to the accounting officer.

(2) The representations contemplated in subregulation (1) –

- (a) may be made at any time but not later than 30 calendar days after payment of the reparation grant to a beneficiary;
- (b) must be in writing;
- (c) must indicate the reasons why the person is aggrieved; and
- (d) must, where possible, be accompanied by documents as proof for the reasons why the person is aggrieved.

(3) The Fund administrator must, immediately upon notification by the accounting officer of representations received in terms of subregulation (1), submit to the accounting officer the documents in his or her possession that relate to the matter, together with his or her reasons for the decision.

(4) The accounting officer may, in order to make a finding regarding the representations, make any enquiries that he or she deems fit.

(5) The accounting officer must make a finding in regard to the representations and inform, in writing, the person who made the representations of his or her finding.

### **Cession, assignment or attachment of reparation**

8. Despite any law to the contrary, no reparation grant shall –

- (a) be capable of cession or assignment by the beneficiary to whom it has been awarded;
- (b) be capable of attachment under a judgment or execution of a judgment of a court of law; or
- (c) form part of the estate of the beneficiary, should such estate be sequestrated.

**ANNEXURE****REQUEST FORM 1****REQUEST FOR PAYMENT OF ONCE-OFF REPARATION  
GRANT BY A VICTIM OR PERSON  
WHO HAD RECEIVED URGENT INTERIM REPARATION  
[Regulation 4(1)]**

The information and documents requested in this form are required for payment of the once-off reparation grant.

**PLEASE READ THE FOLLOWING NOTES BEFORE COMPLETING THE FORM:**

- Use this form to request payment of the once-off reparation grant provided for by the Promotion of National Unity and Reconciliation Act, 1995.
- Only persons who request payment by completing this form will be considered for payment.
- Complete this form only if you –
  - (i) have been identified by the TRC as a victim; or
  - (ii) have received urgent interim reparation.

Please ensure that the required information is complete and correct and that, where required, relevant proof and documents are attached before submitting the form to the Fund administrator.



**PART A**

**YOUR PERSONAL AND CONTACT DETAILS**

**1. Your personal details**

(a) Surname: .....

(b) Full names: .....

(c) Title: .....

(d) If married, indicate your surname before you were married:  
.....

(e) ID Number:

(f) Are you an identified victim? Yes/No .....

(g) Are you a person to whom urgent interim reparation had been paid?  
Yes/No  
.....

**2. Your contact details**

Address to which post may be sent:

(a) Street address: .....

.....

.....

(Block/Street & Number, Township/Suburb, City, Province, Postal Code, District, Country)

**OR**

(b) Postal address: .....

.....

.....

(Postal address, Suburb, City, and Postal Code if street address is not to be used)

(c) Particulars where you can be contacted:

\* Work telephone: Code (.....) .....

\* Home telephone: Code (.....) .....

\* Cell phone: .....

**NOTE: If you cannot be contacted directly, give the telephone particulars of the person through whom you can be contacted.**

**PART B**

**MANNER OF PAYMENT AND BANKING DETAILS**

1. Payment of the reparation grant by cheque

Yes  No

2. Particulars of the bank account into which the reparation grant must be paid, in the case of payment by electronic bank transfer:

Name of bank: .....

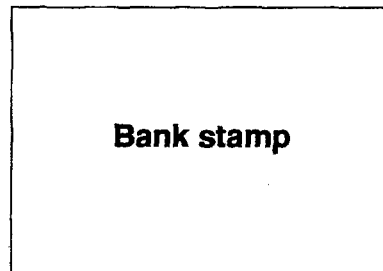
Branch: .....

Branch code: .....

Type of account: .....

Account number: .....

Name of account holder: .....



**NOTE: The above particulars must be confirmed by the bank by means of the bank stamp.**

**PART C**

**OATH AND SIGNATURES**

The beneficiary has acknowledged that he/she knows and understands the content of this declaration and that he/she hereby requests payment of the individual reparation grant as provided for by the Promotion of National Unity and Reconciliation Act, 1995.

This oath was duly declared/solemnly affirmed before me at  
..... this ..... day of .....

.....  
COMMISSIONER OF OATHS

.....  
BENEFICIARY

**REQUEST FORM 2****REQUEST FOR PAYMENT OF ONCE-OFF REPARATION  
GRANT BY BENEFICIARY OTHER THAN A VICTIM OR PERSON  
WHO HAD RECEIVED URGENT INTERIM REPARATION  
[Regulation 4(2)]**

The information and documents requested in this form are required for payment of the once-off reparation grant.

**PLEASE READ THE FOLLOWING NOTES BEFORE COMPLETING THE FORM:**

- o Use this form to request payment of the once-off reparation grant provided for by the Promotion of National Unity and Reconciliation Act, 1995.
- o Only persons who request payment by completing this form will be considered for payment.
- o Complete this form only if you –
  - (i) are a spouse of an identified victim, and that victim and the person who had received urgent interim reparation are not alive;
  - (ii) are a child of an identified victim, and that victim and the person who had received urgent interim reparation are not alive, and that victim is not survived by a spouse;
  - (iii) are a parent of an identified victim, and that victim and the person who had received urgent interim reparation are not alive, and that victim is not survived by a spouse or a child;
  - (iv) are the nearest blood relation of an identified victim, and that victim and the person who had received urgent interim reparation is not alive and that victim is not survived by a spouse, child or parent;
  - (v) are a spouse, child, parent or the nearest blood relative of an identified victim and that victim is not alive and no urgent interim reparation relating to that victim has been paid; or

(vi) are a spouse, child, parent or the nearest blood relative of an identified victim and that victim is not alive and the Fund administrator is of the opinion that you rank higher than the recipient of the urgent interim reparation.

- o You are a spouse of the victim if you are married to the victim under any law, custom or belief.
- o You are a child of a victim, whether born in or out of wedlock or legally adopted.
- o You are a parent of the victim if you are the biological parent of the victim, if the victim is your adopted child or if you exercise or have exercised parental responsibility over a victim.
- o You are a blood relative of the victim if you are, for example –
  - (a) a brother or sister of the victim;
  - (b) an uncle or an aunt of the victim;
  - (c) a nephew or niece of the victim; or
  - (d) a cousin of the victim.

Please ensure that the required information is complete and correct and that, where required, relevant proof and documents are attached before submitting the form to the Fund administrator.

## PART A

### YOUR PERSONAL AND CONTACT DETAILS

#### 1. Your personal details

- (a) Surname: .....
- (b) Full names: .....
- (c) Title: .....

(d) If married, indicate your surname before you were married:

.....

(e) ID Number:

(f) Relation to the identified victim: .....

.....

(g) Particulars of other persons who according to you are surviving spouses, children, parents or blood relatives of the identified victim who may qualify for the grant, and their relation to the victim:

.....

.....

.....

.....

.....

.....

**NOTE:**

- (i) You must submit proof of the deaths of the victim and the person who received urgent interim reparation.
- (ii) You must submit proof of your relation to the identified victim.
- (iii) If possible, also submit proof of the relation of the persons, in paragraph (g) above, to the identified victim.

**2. Your contact details**

Address to which post may be sent:

(a) Street address: .....

.....

.....

(Block/Street &amp; Number, Township/Suburb, City, Province, and Postal Code, District, Country)

**OR**

(b) Postal Address: .....

.....

.....

(Postal address, Suburb, City and Postal Code if street address is not to be used)

(c) Particulars where you can be contacted:

\* Work telephone: Code (.....) .....

\* Home telephone: Code (.....) .....

\* Cell phone: .....

**NOTE: If you cannot be contacted directly, give the telephone particulars of the person through whom you can be contacted.**



**PART B**

**MANNER OF PAYMENT AND BANKING DETAILS**

1. Payment of the reparation grant by cheque

Yes  No

2. Particulars of the bank account into which the reparation grant must be paid, in the case of payment by electronic bank transfer:

Name of bank: .....

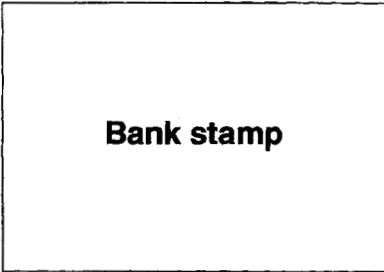
Branch: .....

Branch code: .....

Type of account: .....

Account number: .....

Name of account holder: .....



**NOTE: The above particulars must be confirmed by the bank by means of the bank stamp.**

**PART C**

**OATH AND SIGNATURES**

The beneficiary has acknowledged that he/she knows and understands the content of this declaration and that he/she hereby requests payment of the individual reparation grant as provided for by the Promotion of National Unity and Reconciliation Act, 1995.

This oath was duly declared /solemnly affirmed before me at  
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**COMMISSIONER OF OATHS**

.....  
**BENEFICIARY**