

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 325.

3 Maart 1982.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 1 van 1982: Wysigingswet op Werkloosheids-
versekering, 1982.

No. 325.

3 Maart 1982.

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

No. 1 of 1982: Unemployment Insurance Amendment
Act, 1982.

UNEMPLOYMENT INSURANCE AMENDMENT ACT, 1982

Act No. 1, 1982

GENERAL EXPLANATORY NOTE:

- [** **]** Words in bold type in square brackets indicate omissions from existing enactments.

- _____ Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Unemployment Insurance Act, 1966, so as further to define or to replace certain expressions, and to provide for the discontinuation of the furnishing of annual reports by unemployment benefit committees, for the admissibility of certain reproductions of certain records, and for the recognition, for the purposes of the payment of unemployment, illness and maternity benefits to contributors and certain other amounts to dependants of deceased contributors, of certain periods during which military service and training are performed and undergone; and to provide for matters connected therewith.

(English text signed by the State President.)
 (Assented to 16 February 1982.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

- 1. (1) Section 1 of the Unemployment Insurance Act, 1966 (hereinafter referred to as the principal Act), is hereby 5 amended—
 - (a) by the deletion of the definition of “Commission”;
 - (b) by the insertion after the definition of “contributor” of the following definition:
 - 10 **“Director-General’ means the Director-General:**
 - Manpower and, in relation to the exercise, performance or carrying out of any power, function or duty delegated by the Director-General to an officer or employee in his department in terms of section 51, includes that officer or employee;”**;
 - 15 (c) by the substitution for the definition of “Minister” of the following definition:
 - “Minister’ means the Minister of **[Labour] Manpower;**”;** and
 - 20 (d) by the deletion of the definition of “Secretary”.
- (2) Paragraph (a) of subsection (1) shall be deemed to have come into operation on 1 August 1979, and paragraphs (b) and (d) of that subsection shall be deemed to have come into operation on 1 April 1980.

- 2. Section 6 of the principal Act is hereby amended by the 25 substitution in paragraph (c) for the words “Consolidated Revenue Fund” of the words “State Revenue Fund”.
 - Amendment of section 6 of Act 30 of 1966, as amended by section 3 of Act 9 of 1979.

- 3. Section 7 of the principal Act is hereby amended by the 30 substitution in paragraph (d) for the words “Consolidated Revenue Fund” and “Department of Labour” of the words “State Revenue Fund” and “Department of Manpower”, respectively.
 - Amendment of section 7 of Act 30 of 1966, as amended by section 1 of Act 118 of 1977 and section 4 of Act 9 of 1979.

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4. Section 8 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection: Amendment of section 8 of Act 30 of 1966.
- 5 “(1) The moneys of the fund other than such moneys as may be required to meet the current expenditure incurred in connection with the administration of this Act shall be deposited with the Public Debt Commissioners in an account to be known as the unemployment insurance fund account, and such moneys shall be regarded as ‘deposits’ in terms of **[section 9 of the Public Debt Commissioners Act, 1911 (Act No. 18 of 1911)]** section 5 of the Public Debt Commissioners Act, 1969 (Act No. 2 of 1969).”.
- 10
5. Section 10 of the principal Act is hereby amended by the substitution in subsection (1) for the words “Department of Labour” and “Consolidated Revenue Fund” of the words Amendment of section 10 of Act 30 of 1966.
- 15 “Department of Manpower” and “State Revenue Fund”, respectively.
6. Section 11 of the principal Act is hereby amended by the substitution in subsection (3) for the words “Controller and Auditor-General” of the word “Auditor-General”. Amendment of section 11 of Act 30 of 1966.
- 20 7. The following section is hereby substituted for section 20 of the principal Act: Substitution of section 20 of Act 30 of 1966.
- “Reports of committees. 20. A committee shall furnish the **[Secretary—**
- 25 (a) **before the thirty-first day of January in each year, or as soon as practicable thereafter, with an annual report in duplicate of its transactions during the preceding financial year, and such other information as the Secretary may require in respect of that year; and**
- 30 (b) **Director-General at any [other] time with such information relating to its functions as the [Secretary] Director-General may require.”.**
8. Section 32 of the principal Act is hereby amended— Amendment of section 32 of Act 30 of 1966, as amended by section 3 of Act 51 of 1975.
- 35 (a) by the substitution for subsection (1) of the following subsection:
- 40 “(1) Every employer shall keep in respect of every contributor employed by him records of earnings paid, time worked and payment made for piecework or overtime and of any such other particulars as may be prescribed, and shall retain any such record or a microfilm or other microform reproduction thereof for a period of three years after the date on which **[it] the said record is made.**”; and
- 45 (b) by the substitution for subsection (3) of the following subsection:
- 50 “(3) An employer shall at all reasonable times produce the records or reproduction thereof referred to in subsection (1), on demand to any inspector for his inspection.”.
9. Section 35 of the principal Act is hereby amended by the substitution for the proviso to paragraph (a) of subsection (13) of the following proviso: Amendment of section 35 of Act 30 of 1966, as substituted by section 15 of Act 9 of 1979.
- 55 “Provided that for the purposes of this paragraph such contributor shall be deemed to have been employed as a contributor during any period during which he was **[undergoing the continuous service contemplated in section 22 (3)]** performing any continuous service or undergoing continuous training in any portion of the South African Defence Force (except the Permanent Force) or the Reserve, within the meaning of the Defence Act, 1957 (Act
- 60 No. 44 of 1957);”.

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10. Section 36 of the principal Act is hereby amended—
- (a) by the substitution in subsection (2) for the words “Minister of Health” of the words “Minister of Health and Welfare”;
 - 5 (b) by the substitution for the proviso to paragraph (e) of subsection (6) of the following proviso:

“Provided that for the purposes of this paragraph such contributor shall be deemed to have been employed as a contributor during any period during which he was [undergoing the continuous service contemplated in section 22 (3)] performing any continuous service or undergoing continuous training in any portion of the South African Defence Force (except the Permanent Force) or the Reserve, within the meaning of the Defence Act, 1957 (Act No. 44 of 1957).”
 - (c) by the substitution in the proviso to subsection (7) for the word “upon” of the word “from”; and
 - 20 (d) by the substitution for subsection (8) of the following subsection:

“(8) A contributor, including a contributor referred to in subsection (1) (b), shall not be deemed to have become unemployed more than fifty-two weeks [prior to] immediately preceding the date upon which application is made in terms of subsection (3).”
- Amendment of section 36 of Act 30 of 1966, as substituted by section 16 of Act 9 of 1979 and amended by section 3 of Act 1 of 1981.
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11. Section 37 of the principal Act is hereby amended—
- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:

30 “(a) in respect of her pregnancy for a period not exceeding eighteen weeks commencing not earlier than eighteen weeks [prior to] immediately preceding the expected date of her confinement or, where application for benefits is made on or after the date of birth, eighteen weeks immediately preceding the date of birth, as the case may be; and”;
 - (b) by the addition to subsection (5) of the following further proviso:

40 “Provided further that for the purposes of this subsection such contributor shall be deemed to have been in employment as a contributor during any period during which she was performing any continuous service or undergoing continuous training in any portion of the South African Defence Force (except the Permanent Force) or the Reserve, within the meaning of the Defence Act, 1957 (Act No. 44 of 1957).”; and
 - (c) by the substitution for the proviso to subsection (6) of the following proviso:

50 “Provided that she shall not be deemed to have become unemployed more than twenty-six weeks [prior to] immediately preceding the date upon which application is made in terms of subsection (2).”
- Amendment of section 37 of Act 30 of 1966, as substituted by section 17 of Act 9 of 1979 and amended by section 4 of Act 1 of 1981.
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- 55 12. Section 38 of the principal Act is hereby amended by the addition of the following proviso to paragraph (b) of subsection (3):
- 60 “Provided that for the purposes of this paragraph such contributor shall be deemed to have been in employment as a contributor during any period during which he was performing any continuous service or undergoing continuous training in any portion of the South African
- Amendment of section 38 of Act 30 of 1966, as substituted by section 18 of Act 9 of 1979 and amended by section 5 of Act 1 of 1981.

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Defence Force (except the Permanent Force) or the Reserve, within the meaning of the Defence Act, 1957 (Act No. 44 of 1957).”.

13. Section 45 of the principal Act is hereby amended by the deletion of subsection (3).

Amendment of section 45 of Act 30 of 1966, as amended by section 7 of Act 29 of 1977 and section 20 of Act 9 of 1979.

14. Section 50 of the principal Act is hereby amended by the substitution in subsection (4) for the expression “36” of the expression “34”.

Amendment of section 50 of Act 30 of 1966, as substituted by section 9 of Act 29 of 1977.

15. Section 53 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 53 of Act 30 of 1966, as amended by section 25 of Act 9 of 1979.

“(2) The report referred to in subsection (1) together with the statement of income and expenditure and the balance sheet referred to in section 11 (2) shall be laid upon the Table **[in the Senate and]** in the House of Assembly within thirty days after the receipt thereof by the Minister if Parliament is then in ordinary session or, if Parliament is not then in ordinary session, within fourteen days of the commencement of its next ensuing ordinary session.”.

16. Section 60 of the principal Act is hereby amended by the addition of the following subsection:

Amendment of section 60 of Act 30 of 1966, as amended by section 28 of Act 9 of 1979.

“(5) In any proceedings under this Act, any statement or entry contained in any book or document kept by any employer or found upon or in any premises occupied by, or upon any vehicle used in the business of, that employer, and any copy or reproduction (whether obtained by microfilming or any other process) of any such statement or entry, shall be admissible in evidence against him as an admission of the facts set forth in that statement or entry, unless it is proved that that statement or entry was not made by that employer.”.

17. Section 62 of the principal Act is hereby amended by the substitution for subsections (2) and (3) of the following subsections, respectively:

Amendment of section 62 of Act 30 of 1966, as amended by section 30 of Act 9 of 1979.

“(2) Regulations made under subsection (1) shall, within fourteen days after the promulgation thereof, be laid upon the Table **[in the Senate and]** in the House of Assembly, if Parliament is then in session, and if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

“(3) If a resolution is passed by **[the Senate or]** the House of Assembly disapproving of any such regulation, that regulation shall lapse as from a date to be specified in the resolution, and no regulation having a similar import shall thereafter be made under subsection (1), except with due regard to the terms of such resolution or of any subsequent resolution rescinding or modifying such resolution.”.

18. (1) Sections 2, 6, 7, 10, 11, 13, 16, 17, 18, 26, 28, 29, 30, 31, 32, 33, 35, 38, 43, 45, 49, 50, 51, 52, 53, 56, 59, 60 and 64C of the principal Act are hereby amended by the substitution for the word “Secretary”, wherever it occurs therein, of the word “Director-General”.

Amendment of sections 2, 6, 7, 10, 11, 13, 16, 17, 18, 26, 28, 29, 30, 31, 32, 33, 35, 38, 43, 45, 49, 50, 51, 52, 53, 56, 59, 60 and 64C of Act 30 of 1966.

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1980.

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19. This Act shall be called the Unemployment Insurance Amendment Act, 1982, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title
and commence-
ment.