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No. 10889

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 1889.

2 September 1987

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

No. 36 of 1987: Unemployment Insurance Amendment Act, 1987.

No. 1889.

2 September 1987

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

No. 36 van 1987: Wysigingswet op Werkloosheidsversekering, 1987.

Act No. 36, 1987

UNEMPLOYMENT INSURANCE AMENDMENT ACT, 1987

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, with regard to the definition of "contributor"; in order to delete the provision in terms of which a contributor shall not be regarded as unemployed during any period in which he is undergoing certain training; to make different provision relating to the payment of maternity benefits; to make provision for the payment of adoption benefits to female contributors who adopt children; and to do away with a limitation which applies in respect of certain payments to the widowers of deceased contributors; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 25 August 1987.)*

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

Amendment of section 2 of Act 30 of 1966, as amended by section 1 of Act 27 of 1967, section 1 of Act 87 of 1968, section 1 of Act 61 of 1971, section 1 of Act 12 of 1974, section 1 of Act 51 of 1975, section 1 of Act 6 of 1978, section 2 of Act 9 of 1979, Proclamation 278 of 1979, Proclamation R.193 of 1980, section 2 of Act 1 of 1981, section 18 of Act 1 of 1982, Proclamation R.202 of 1982, section 1 of Act 89 of 1982, Proclamation R.189 of 1983, Proclamation R.209 of 1984 and Proclamation R.193 of 1985.

1. Section 2 of the Unemployment Insurance Act, 1966 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (o) of subsection (2) of the following paragraph: 5

- "(o) (i) persons who are in terms of section **[5 of the Railways and Harbours Service Act, 1960 (Act No. 22 of 1960)]** 7 (1) of the Conditions of Employment (South African Transport Services) Act, 1983 10 (Act No. 16 of 1983), in the permanent employment of the **[railway administration]** South African Transport Services;
- (ii) persons employed by the **[said administration on its regular non-European staff establishment]** 15 South African Transport Services for a period of at least two years and who are members of the Railways and Harbours Pension Fund for Non-White Employees established by section 2 of the Railways and Harbours Pensions for Non-Whites Act, 20 1974 (Act No. 43 of 1974); or".

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Amendment of section 26 of Act 30 of 1966, as amended by section 10 of Act 9 of 1979.

2. Section 26 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) receive applications for benefits made in terms of section 35, 36, [or] 37 or 37A and for allowances made in terms of section 48;”.

Amendment of section 33 of Act 30 of 1966, as amended by section 13 of Act 9 of 1979.

3. Section 33 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) A contributor shall retain his record card delivered to him in terms of subsection (2) until he is required by the claims officer to deliver it to him when applying for benefits in terms of section 35, 36, [or] 37 or 37A or an allowance under section 48 or until he is again employed as a contributor, when he shall deliver it to his new employer.”.

Amendment of section 34 of Act 30 of 1966, as substituted by section 14 of Act 9 of 1979.

4. Section 34 of the principal Act is hereby amended— 15

(a) by the addition to subsection (1) of the following paragraph:

“(d) adoption benefits in terms of section 37A.”; and

(b) by the deletion of paragraph (b) of subsection (6).

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 and section 11 of Act 1 of 1982.

5. Section 37 of the principal Act is hereby amended— 20

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

“(1) Subject to the provisions of section 34 and of this section and of any applicable regulation made under section 62, a female contributor who is unemployed may be paid benefits in accordance with the provisions of this Act in respect of her pregnancy and confinement for a period not exceeding twenty-six weeks, from the date on which she is deemed to have become unemployed, whether or not she is capable of and available for work.”;

(b) by the deletion of the proviso to subsection (6); and

(c) by the addition of the following subsection:

“(7) No payment shall be made in terms of subsection (1) unless application is made therefor before the date of birth concerned or within a period of fifty-two weeks from that date.”.

Insertion of section 37A in Act 30 of 1966.

6. The following section is hereby inserted in the principal Act after section 37:

“Conditions relating to adoption benefits. 37A. (1) Subject to the provisions of section 34 and of this section and of any applicable regulation made under section 62, a female contributor who is unemployed may be paid benefits, hereinafter in this section referred to as adoption benefits, in accordance with the provisions of this Act for a period not exceeding twenty-six weeks, commencing not earlier than the date on which she legally adopts a child under the age of two years, whether or not she is capable of and available for work. 45

(2) Application for adoption benefits under subsection (1) shall be made by a contributor, in the prescribed form, to the claims officer having jurisdiction in the area in which the contributor resides or resides temporarily. 50

(3) If a contributor who has applied for adoption benefits in terms of subsection (2) moves to the area of jurisdiction of another claims officer, the claims officer with whom the application was originally lodged may, subject to the provisions of this Act, authorize or continue to authorize the payment of adoption benefits to which the contributor may be entitled in respect of such application. 60

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(4) The claims officer shall investigate the applicant's claim for adoption benefits and, if satisfied that she is entitled thereto, admit the claim and authorize the payment of benefits as prescribed by section 34.

(5) No payment shall be made in terms of subsection (1)— 5

(a) unless application is made therefor within a period of fifty-two weeks from the date of the adoption concerned; and

(b) unless the contributor concerned was in employment as a contributor, or was otherwise in employment, for at least eighteen weeks during the period of fifty-two weeks immediately preceding the date of the adoption: Provided 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 part 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).” 10 15 20

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, section 12 of Act 1 of 1982 and section 7 of Act 27 of 1986.

7. Section 38 of the principal Act is hereby amended by the substitution in subsection (7) for subparagraph (i) of paragraph 25 (a) of the following subparagraph:

“(i) the widow or [invalid] widower of the deceased contributor;”.

Amendment of section 62 of Act 30 of 1966, as amended by section 30 of Act 9 of 1979 and section 17 of Act 1 of 1982.

8. Section 62 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (1) of the following 30 paragraph:

“(c) the information to be furnished by an employer in regard to an application for benefits in terms of section 35, 36, [or] 37 or 37A or an application for the payment of an amount in terms of section 38;” 35

Short title and commencement.

9. This Act shall be called the Unemployment Insurance Amendment Act, 1987, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.