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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 584.

26 Maart 1986

No. 584.

26 March 1986

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

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

No. 27 van 1986: Wysigingswet op Werkloosheidsversekering, 1986.

No. 27 of 1986: Unemployment Insurance Amendment Act, 1986.

UNEMPLOYMENT INSURANCE AMENDMENT ACT, 1986

Act No. 27, 1986

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 to define "labour broker" and "labour broker's office" and to further define "employer"; to make other provision regarding the determination of the value of the services rendered to the unemployment insurance fund by the Department of Manpower and the repayment of the expenditure by the fund; to further regulate the constitution of the unemployment insurance board; to extend the period within which appeal against a decision of a claims officer shall be noted; to authorize the board to delegate certain of its powers; to further regulate the appointment of inspectors; to increase certain fines; to provide for the payment of certain benefits to certain persons after KwaNdebele becomes independent; and to provide for the payment of a certain amount to the Government of KwaNdebele in order to enable such Government to establish an unemployment insurance fund; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 19 March 1986.)

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

1. Section 1 of the Unemployment Insurance Act, 1966 (hereinafter referred to as the principal Act), is hereby amended by the insertion after the definition of "inspector" of the following definitions:
- "labour broker" means any person who conducts or carries on a labour broker's office;
- "labour broker's office" means any business whereby a labour broker for reward provides a client with persons to render service to or perform work for the client or procures such persons for him, for which service or work such persons are remunerated by the labour broker;"
2. Section 4 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- "(1) Subject to the provisions of this section and unless the context otherwise indicates, 'employer' in this Act means a person who employs a contributor and includes the State, a labour broker and any person controlling the business of an employer."
3. Section 7 of the principal Act is hereby amended—
- (a) by the deletion in paragraph (d) of the words "in consultation with the Treasury"; and
- (b) by the substitution for paragraph (g) of the following paragraph:

Amendment of section 1 of Act 30 of 1966, as amended by section 1 of Act 29 of 1977, section 1 of Act 9 of 1979, section 1 of Act 1 of 1981 and section 1 of Act 1 of 1982.

Amendment of section 4 of Act 30 of 1966.

Amendment of section 7 of Act 30 of 1966, as amended by section 1 of Act 118 of 1977,

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- “(g) the payment of any other expenditure incurred by the Director-General in the administration of this Act, including the expenses referred to in section 49, 64C, [or] 64F or 64H.”.
- 5 4. Section 10 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 “(1) The Director-General shall as soon as practicable after the end of every [financial year] month, [in consultation with the Treasury] determine the value of the services rendered to the fund by the Department of Manpower during [that financial year] the month concerned and the amount thereof shall [reimburse] as soon as practicable after the end of each month be paid out of the State Revenue Fund [with the amount thereof] and shall be reimbursed by the unemployment insurance fund to the State Revenue Fund.”.
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5. Section 12 of the principal Act is hereby amended by the substitution in subsection (1) for the word “sixteen” of the word “thirty”.
- 20 6. Section 27 of the principal Act is hereby amended by the substitution in subsection (1) for the word “thirty” of the word “ninety”.
7. Section 38 of the principal Act is hereby amended by the addition to subsection (4) of the following paragraph:
 25 “(e) The board may, subject to such conditions and for such period as it may determine, delegate any power conferred upon it by paragraphs (c) and (d) of subsection (4) to any claims officer or any officer or employee designated in terms of section 26 (3) to assist a claims officer.”.
- 30
8. Section 54 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
 “(1) The Minister or any officer designated by him for that purpose may, subject to the laws governing the public service, appoint any person as an inspector under this Act.”.
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9. Section 61 of the principal Act is hereby amended by the substitution in subsection (1) in the words following upon paragraph (j) for the words “two hundred” of the words “five hundred”.
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10. The following sections are hereby inserted in the principal Act after section 64F:
 “Preservation of certain rights after KwaNdebele becomes independent.
 45 **64G.** (1) No benefit payable to any person under Chapter VI immediately prior to the date on which KwaNdebele becomes independent and no benefit to which any person has become entitled under the said Chapter before that date, shall cease to be payable on or after that date by reason only that the person concerned ceased to be a contributor by virtue of KwaNdebele’s becoming independent or that KwaNdebele no longer forms part of the Republic.
 50 (2) Any application by a person referred to in subsection (1) for payment of a benefit under Chapter VI shall, subject to the provisions of this section, be

section 4 of Act 9 of 1979, section 3 of Act 1 of 1982 and section 2 of Act 89 of 1982.

Amendment of section 10 of Act 30 of 1966, as amended by section 5 of Act 1 of 1982.

Amendment of section 12 of Act 30 of 1966.

Amendment of section 27 of Act 30 of 1966, as amended by section 11 of Act 9 of 1979.

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 and section 12 of Act 1 of 1982.

Amendment of section 54 of Act 30 of 1966, as amended by section 26 of Act 9 of 1979.

Amendment of section 61 of Act 30 of 1966, as amended by section 29 of Act 9 of 1979.

Insertion of sections 64G and 64H in Act 30 of 1966.

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5 made to and be dealt with by a claims officer of the Department of Manpower of the Republic, but such application shall not be considered unless it is received by such a claims officer or his representative, who may be an officer or employee in the public service of KwaNdebele, before the date on which KwaNdebele becomes independent.

10 Payment to KwaNdebele to establish unemployment insurance fund.

15 **64H.** The Director-General shall, as soon as practicable after the date on which KwaNdebele becomes independent, pay from the fund to the Government of KwaNdebele an amount determined by agreement between the Government of the Republic and the Government of KwaNdebele to enable the latter Government to establish an unemployment insurance fund for the payment of unemployment benefits in KwaNdebele."

11. This Act shall be called the Unemployment Insurance Amendment Act, 1986, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Short title and commencement.