



Government Gazette

REPUBLIC OF SOUTH AFRICA
RIPHABLIKI YA AFRIKA TSHIPEMBE

Vol. 619 Cape Town, 19 January 2017 **No. 40557**
Kaapstad,

THE PRESIDENCY

No. 35 19 January 2017

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

Act No. 10 Of 2016: Unemployment Insurance Amendment Act, 2016

VHUPRESIDENDE

Nom 35 19 January 2017

Zwi khou divhadziwa henefha uri mupresidende o tendelana na uyu mulayo une wa khou andadziwa hu u itela ndivhadzo kha tshitshavha:

Nom 10 ya 2016: Mulayo wa Ndindakhombo ya vho Fhelelwaho nga Mushumo wo Khwiņiswaho, 2016



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.
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(English text signed by the President)
(Assented to 18 January 2017)

ACT

To amend the Unemployment Insurance Act, 2001, so as to provide for the extension of the unemployment insurance benefits to learners who are undergoing learnership training and civil servants; to adjust the accrual rate of a contributor's entitlement to unemployment insurance benefits; to finance employment services; to extend a contributor's entitlement to benefits under certain circumstances; to provide for the process of application for maternity benefits; to repeal some enforcement provisions; to empower the Unemployment Insurance Board to provide in its constitution for the functions of regional appeals committees; to amend Schedule 2 to the Unemployment Insurance Act, 2001, so as to provide for the adjustment of the Income Replacement Rate; and to provide for matters connected therewith.

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

Substitution of section 3 of Act 63 of 2001, as amended by section 2 of Act 32 of 2003

1. The following section is hereby substituted for section 3 of the Unemployment Insurance Act, 2001 (hereinafter referred to as the principal Act):

“Application of this Act

3. (1) This Act applies to all employers and employees, other than employees employed for less than 24 hours a month with a particular employer, and their employers.

(2) This Act does not apply to members of parliament, cabinet ministers, deputy ministers, members of provincial executive councils, members of provincial legislatures and municipal councillors.”.

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ṬHALUTSHEDZONYANGAREDZI

[] Maipfi o swifhadzwaho a re kha buraketse dza zwikwea a sumbedza zwo bviswaho.

_____ Maipfi o talelwaho nga mutalo u sa khauwi a sumbedza zwo dzheniswaho.

(English text signed by the President)
(Assented to 18 January 2017)

MULAYOTIBE

U khwiṇisa Mulayo wa Ndindakhombo ya vho Fhelelwaho nga Mushumo wa, 2001, u itela u engedza ndindakhombo uri i katele-vho na vhagudiswamushumo vhane vha dzhenela kha vhugudi ha ngudamushumo na vhashumi vha muvhuso; u shandukisa tshikalo tsha zwo kuvhanganywaho zwo fanelaho mubadeli kha mbuelo dza ndindakhombo ya vho fhelelwaho nga mushumo; u lambedza masheleni kha tshumelo dza mushumo; u ita mbetshelo dza kuitele kwa khumbelo ya mbuelo dza zwa vhudzadze; u fhelisa dziṇwe mbetshelo; u maandafhadza Bodo ya Ndindakhombo ya vho Fhelelwaho nga Mushumo u itela mbetshelo kha ndayotewa yayo hu vhe na mishumo ya komiti dza aphili dza dzingu; u khwiṇisa Shedulu ya 2 kha Mulayo wa Ndindakhombo ya vho Fhelelwaho nga Mushumo wa, 2001 u itela mbetshelo ya u shandukisa Tshikalo tshi Imelaho Muholo; na u ita mbetshelo ya zwine zwa kwama izwo.

U KHWAṬHISWE nga Phalamennde ya Riphabuḽiki ya Afrika Tshipembe nga nḽila i tevhelaho:—

U imelwa ha khethekanyo ya 3 ya Mulayo wa 63 wa 2001, une wa khou khwiṇiswa nga khethekanyo ya 2 ya Mulayo wa 32 wa 2003

1. Khethekanyo i tevhelaho i khou imelwa kha khethekanyo ya 3 ya Mulayo wa Ndindakhombo ya vho Fhelelwaho nga Mushumo wa, 2001 (afha u tshi khou vhidzwa upfi Mulayo muhulwane):

“Kushumisele kwa Mulayo

3. (1) Uno Mulayo u shuma kha vhatholi vhoṭhe na vhashumi vhoṭhe nga nḽa ha vhashumi vhane vha shuma iri ṭhukhu kha 24 nga nḽwedzi kha vhatholi vhenevho na vhatholi vhavho.

(2) Uno Mulayo a u shumi kha mirado ya phalamennde, ministḽa dza khabinete, vthusaministḽa, mirado ya khorotshitumbe ya mavundu, mirado ya vhusimamilayo ya mavundu na vhoraḽorobo vha mimasipala.”

Amendment of section 5 of Act 63 of 2001

2. Section 5 of the principal Act is hereby amended by the addition of the following paragraph:

“(d) financing of the retention of contributors in employment and the re-entry of contributors into the labour market and any other scheme aimed at vulnerable workers.” 5

Amendment of section 7 of Act 63 of 2001

3. Section 7 of the principal Act is hereby amended by substitution for subsection (1) of the following subsection:

“(1) The money of the Fund other than money required to meet the current expenditure of the Fund may be deposited on behalf of the Fund by the Director-General with the Public Investment [Commissioners] Corporation to be invested **[in terms of the Public Investment Commissioners Act, 1984 (Act No. 45 of 1984)]** in accordance with the Public Investment Corporation Act, 2004 (Act No. 23 of 2004), and any other applicable legislation.” 15

Amendment of section 12 of Act 63 of 2001

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

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

“(1B) A contributor employed in any sector who loses his or her income due to reduced working time, despite still being employed, is entitled to benefits if the contributor’s total income falls below the benefit level that the contributor would have received if he or she had become wholly unemployed, subject to that contributor having enough credits.”; and 20

(b) by the addition in subsection (3) of the following paragraphs: 25

“(c) For the purposes of Part D, maternity benefits must be paid at a rate of 66% of the earnings of the beneficiary at the date of application, subject to the maximum income threshold set in terms of paragraph (a).

(d) Subject to section 13(3), the benefit for—

(i) the first 238 days of benefits is paid at the income replacement rate set in terms of paragraph (b); and 30
(ii) the remainder of credits is paid at a flat rate of 20.”.

Amendment of section 13 of Act 63 of 2001, as amended by section 5 of Act 32 of 2003

5. Section 13 of the principal Act is hereby amended— 35

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

“(3) (a) Subject to subsection (5), a contributor’s entitlement to benefits in terms of this Chapter accrues at a rate of one day’s benefit for every completed ~~[six]~~ five days of employment as a contributor subject to a maximum accrual of ~~[238]~~ 365 days benefit in the four year period immediately preceding **[the date of application for benefits]** the day after the date of ending of the period of employment in terms of this Chapter [less any days of benefit received by the contributor during this period]. 40

(b) Unemployment benefits must be paid to the unemployed contributor regardless of whether or not the contributor has received benefits within that four year cycle, if the contributor has credits.”; 45

Ukhwiniiswa ha khethekanyo ya 5 ya Mulayo wa 63 wa 2001

2. Khethekanyo ya 5 ya Mulayo muhulwane i khou khwiniswa nga u engedzwa ha phara i tevhelaho:

“(d) u lambedza masheleni a u fareledza vhadzheneli kha zwa mushumo na u dzhena-hafhu ha vhadzheneli kha maraga wa zwa mishumo na zwiñwe zwikimu zwa u thusa vhashumi vhane vha todesesa thuso.”

Ukhwiniiswa ha khethekanyo ya 7 ya Mulayo wa 63 wa 2001

3. Khethekanyo ya 7 ya Mulayo muhulwane i khou khwiniswa nga u imelwa kha khethekanyo thukhu ya (1) ya khethekanyo thukhu i tevhelaho:

“(1) Tshelede ya Tshikwama nga nnda ha tshelede i todeaho kha u fusha mugaganyagwama wa zwino wa Tshikwama i nga diphosithwa ho imelwa Tshikwama nga Mulangi-Muangaredzi kha [Khomishinari] Koporasi ya u Bindudza ya Muvhuso uri i bindudzwe [hu tshi tevhedzwa Mulayo wa Public Investment Commissioners Act, 1984 (Act No. 45 of 1984)] u ya nga Mulayo wa Public Investment Corporation Act, 2004 (Act No. 23 of 2004), na miwe milayo yo teaho.”

Ukhwiniiswa ha khethekanyo ya 12 ya Mulayo wa 63 wa 2001

4. Khethekanyo ya 12 ya Mulayo muhulwane i khou khwiniswa—

(a) nga u dzheniswa nga murahu ha khethekanyo thukhu ya (1A) ya khethekanyo thukhu i tevhelaho:

“(1B) A mubadeli o tholwaho kha sekithara inwe na inwe ane a fhelelwa nga muholo wawe nga vhanga ja u fhungudzwa ha tshifhinga tsha mushumo, hu songo sedzwa uri u tshe o tholwa, o fanelwa nga u wana mbuelo dza ndindakhombo arali muholo wo fhelelaho wo tsela fhasi ha tshikalo tshine murafo wa ndindakhombo o vha a tshi do wana musi o vha o tou fhelelwa nga mushumo, fhedzi zwi tshi do bva kha uri naa murafo wa ndindakhombo u na zwo edanaho naa uri a fhushe thodea dza u wana mbuelo.”; na

(b) nga u engedza kha khethekanyo thukhu ya (3) ya pharagirafu dzi tevhelaho:

“(c) Hu tshi itelwa Tshipiqa tsha D, mbuelo dza vhudzadze dzi tea u badelwa dzi kha tshikalo tsha phesenthe dza 66 dza u hola mbuelo nga datumu ya khumbelo, hu tshi khou tevhedzwa phungudzelo ya muholo wa nthesa sa zwo sumbedzwaho kha phara ya (a).

(d) Hu tshi tevhedzwa khethekanyo ya 13(3), mbuelo ya—

(i) maquvha a 238 a u thoma a mbuelo a badelwa e kha tshikalo tsha u imela muholo sa zwo sumbedzwaho kha phata ya (b); na
(ii) zwo salaho zwa badelwa zwi kha tshikalo tsha 20.”

Ukhwiniiswa ha khethekanyo ya 13 ya Mulayo wa 63 wa 2001, u khwiniswaho nga khethekanyo ya 5 ya Mulayo wa 32 wa 2003

5. Khethekanyo ya 13 ya Mulayo muhulwane i khou khwiniswa—

(a) nga u imelwa kha khethekanyo thukhu ya (3) ya khethekanyo thukhu i tevhelaho:

“(3) (a) Hu tshi tevhedzwa khethekanyo thukhu ya (5), u fanelwa nga mbuelo ha murafo wa ndindakhombo u ya nga ino Ndima hu kuvhanganna hu kha tshikalo tsha mbuelo nthihi ya quvha lithihi kha maquvha a rathi o fhedzwaho lwa tshifhinga tsho fhelelaho tsha maquvha [a rathi] maanu a mushumo sa izwi murafo wa ndindakhombo a tshi tewa nga mbuelo dza maquvha a [238] 365 kha minwaha miqa hu tshi rangelwa [datumu ya khumbelo ya mbuelo] quvha nga murahu ha datumu ya u fhela ha mushumo hu tshi tevhelwa iyi Ndima [maquvha mañwe na mañwe mañuku a mbuelo sa zwo tangedzwaho nga murafo wa ndindakhombo nga itshi tshifhinga].

(b) Mbuelo dza u fhelelwa nga mushumo dzi tea u badelwa kha uyo murafo wa ndindakhombo o fhelelwaho nga mushumo hu songo sedzwa uri naa o vhuya a tangedza mbuelo kha sekele ya minwaha miqa, arali uyo o fhelelwaho nga mushumo hu na zwi re hone zwine a tea u wana.”;

- (b) by the substitution for subsection (5) of the following subsection:
“(5) (a) The days of benefits that a contributor is entitled to in terms of subsection (3) may not be reduced by the payment of maternity benefits in terms of Part D of this Chapter.
(b) The payment of maternity benefits may not affect the payment of unemployment benefits.”; and 5
- (c) by the substitution for subsection (6) of the following subsection:
“(6) If an application for benefits is made within the four year cycle of a previous claim, the Fund must subtract the number of days in respect of which benefits have already been paid in that cycle.”. 10

Amendment of section 14 of Act 63 of 2001, as amended by section 94 of Act 20 of 2006

6. Section 14 of the principal Act is hereby amended by the deletion of paragraph (a).

Amendment of section 17 of Act 63 of 2001

7. Section 17 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: 15
“(2) The application must be made within ~~[six]~~ 12 months of the termination of the contract of employment, but the Commissioner may accept an application made after the ~~[six-month]~~ 12-month time limit has expired on just cause shown.”.

Amendment of section 20 of Act 63 of 2001 20

8. Section 20 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (a) of the following paragraph:
“(a) if the period of illness is less than ~~[14]~~ seven days; and”.

Amendment of section 24 of Act 63 of 2001, as amended by section 8 of Act 32 of 2003 25

9. Section 24 of the principal Act is hereby amended—
(a) by the substitution for subsection (5) of the following subsection:
“(5) A contributor who has a miscarriage during the third trimester or bears a still-born child is entitled to a ~~[maximum]~~ full maternity benefit of ~~[six]~~ 17 to 32 weeks ~~[after the miscarriage or stillbirth]~~; and 30
(b) by the addition of the following subsection:
“(6) A contributor is not entitled to benefits unless she was in employment, whether as a contributor or not, for at least 13 weeks before the date of application for maternity benefits.”.

Amendment of section 25 of Act 63 of 2001 35

10. Section 25 of the principal Act is hereby amended—
(a) by the substitution for subsection (1) of the following subsection:
“(1) An application for maternity benefits must be made in the prescribed form at an employment office ~~[at least eight weeks before childbirth]~~ at any time before or after childbirth: Provided that the application shall be made within a period of 12 months after the date of childbirth.”; and 40
(b) by the deletion of subsection (2).

- (b) nga u imelwa kha khethekanyo tshukhu ya (5) ya khethekanyo tshukhu i tevhelaho:

“(5) (a) Maḍuvha a mbuelo o fanela muraḍo wa ndindakhombo u ya nga khethekanyo tshukhu ya (3) a nga si fhungudzwe nga mbadelo ya mbuelo dza vhudzadze u ya nga Tshipiḍa tsha D kha ino Ndima. 5

(b) Mbadelo ya mbuelo dza vhudzadze a i nga kwami mbadelo ya mbuelo dza u fhelelwa nga mushumo.”; na

- (c) nga u imelwa kha khethekanyo tshukhu ya (6) ya khethekanyo tshukhu i tevhelaho:

“(6) Arali khumbelo ya mbuelo ya itwa kha sekele ya minwaha miḅa ya mbilo yo fhelaho, Tshikwama tshi tea u tusa tshivhalo tsha maḍuvha malugana na mbuelo ine yo no badelwa kha sekele yeneyo.”. 10

Ukhwiniḱiswa ha khethekanyo ya 14 ya Mulayo wa 63 wa 2001, une wa khou khwiniḱiswa nga khethekanyo ya 94 ya Mulayo wa 20 wa 2006

6. Khethekanyo ya 14 ya Mulayo muhulwane i khou khwiniḱiswa nga u thutha phara ya (a). 15

Ukhwiniḱiswa ha khethekanyo ya 17 ya Mulayo wa 63 wa 2001

7. Khethekanyo ya 17 ya Mulayo muhulwane i khou khwiniḱiswa nga u imelwa kha khethekanyo tshukhu ya (2) ya khethekanyo tshukhu i tevhelaho:

“(2) Khumbelo i tea u itwa hu sa athu u fhela minwedzi ya [rathi] 12 musi konḱiraka ya mushumo yo khaulwa, fhedzi Khomishinari a nga ḱanganedza khumbelo yo itwaho nga murahu ha [minwedzi ya rathi] miwezi ya 12 musi tshifhinga tsha u vala tsho fhira arali hu na tshivhanga tsho sumbedzwaho.”. 20

Ukhwiniḱiswa ha khethekanyo ya 20 ya Mulayo wa 63 wa 2001

8. Khethekanyo ya 20 ya Mulayo muhulwane i khou khwiniḱiswa nga u imelwa kha khethekanyo tshukhu ya (2) kha phara ya (a) ya phara i tevhelaho:

“(a) arali tshifhinga tsha vhuḱwadze tshi tshikuku kha maḍuvha a [14] sumbe; na”. 25

Ukhwiniḱiswa ha khethekanyo ya 24 ya Mulayo wa 63 wa 2001, une wa khou khwiniḱiswa nga khethekanyo ya 8 ya Mulayo wa 32 wa 2003

9. Khethekanyo ya 24 ya Mulayo muhulwane i khou khwiniḱiswa— 30

- (a) nga u imelwa kha khethekanyo ya (5) ya khethekanyo tshukhu i tevhelaho:

“(5) Muraḍo wa ndindakhombo ane a o tshinyalelwa nga vhuimana kha minwedzi miraru ya mefhedziseloni a vhuimana kana ḱwnana bebwa o lovha o fanelwa nga u wana mbuelo ya zwa vhudzadze yo fhelelaho [yo ḱalaho] ya vhege dza [rathi] 17-32 [nga murahu ha u tshinyalelwa kana u lovha ha uyo ḱwana]; na 35

- (b) nga u engedza khethekanyo dzi tevhelaho:

“(6) Muraḍo wa ndindakhombo ha ngo fanelwa nga u wana mbuelo nga nḱa ha musi o vha a khou shuma, a nga vha e muraḍo kana a si muraḍo lu siho fhasi ha vhege dza 13 phanda ha datumu ya u ya u ita khumbelo ya mbuelo dza vhudzadze.”. 40

Ukhwiniḱiswa ha khethekanyo ya 25 ya Mulayo wa 63 wa 2001

10. Khethekanyo ya 25 ya Mulayo muhulwane i khou khwiniḱiswa —

- (a) nga u imelwa kha khethekanyo tshukhu ya (1) ya khethekanyo tshukhu i tevhelaho: 45

“(1) Khumbelo ya mbuelo dza vhudzadze dzi tea u itwa kha fomo yo randelwaho nahone ofisini dza mushumoni [phanda ha vhege dza malo ḱwana a sa athu u babwa] nga tshifhinga tshinwe na tshinwe phanda ha kana nga murahu ha musi ḱwana a tshi bebwa: Tenda khumbelo ya itwa kha tshifhinga tsha minwedzi ya 12 nga murahu ha datumu ya u bebwa ha ḱwana.”; na 50

- (b) nga u thutha khethekanyo ya (2).

Amendment of section 30 of Act 63 of 2001

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

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

“(b) within **[six]** 18 months of the death of the contributor except that, on just cause shown, the Commissioner may accept an application after the **[six-month]** 18-month period.”; 5

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

“(b) the surviving spouse or life partner has not made an application for the benefits within **[six]** (18) months of the contributor’s death.”; and 10

(c) by the insertion after subsection (2) of the following subsection:

“(2A) (a) Any nominated beneficiary of the deceased contributor may claim dependant’s benefits subject to paragraph (b). 15

(b) A nominated beneficiary will qualify for benefits if there is no surviving spouse, life partner or dependant children of the deceased contributor.”.

Amendment of section 33 of Act 63 of 2001

12. Section 33 of the principal Act is hereby amended by the addition of the following subsection: 20

“(3) When processing application for benefits neither the Fund nor any agency or person purporting to act on behalf of the applicant may charge a fee against the applicant.”.

Amendment of section 36A of Act 63 of 2001, as inserted by section 10 of Act 32 of 2003 25

13. Section 36A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The **[Minister must, after consultation with the Board,]** Board must appoint a regional appeals committee for each region determined by the Minister.”. 30

Repeal of sections 38, 39, 40 and 41 of Act 63 of 2001

14. Sections 38, 39, 40 and 41 of the principal Act are hereby repealed.

Amendment of section 50 of Act 63 of 2001

15. Section 50 of the principal Act is hereby amended by the insertion in subsection (2)(a) after subparagraph (i) of the following subparagraph: 35

“(iA) the functions of a regional appeals committee;”.

Amendment of section 56 of Act 63 of 2001

16. Section 56 of the principal Act is hereby amended—

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

“(3) Every employer must, before the seventh day of each month, **[inform]** provide the Commissioner **[of any change during]** with all information for the previous month **[in any information furnished]** in terms of subsection (1).”; and 40

(b) by the insertion after subsection (3) of the following subsection:

(3A) The Minister will issue regulations on a special dispensation applicable to domestic employers and small businesses or enterprises regarding the submission of information in subsection (3).”. 45

Ukhwiniwisa ha khethekanyo ya 30 ya Mulayo wa 63 wa 2001**11. Khethekanyo ya 30 ya Mulayo muhulwane i khou khwiniwisa—**

- (a) nga u imelwa kha khethekanyo thukhu ya (1) kha pharagirafu ya (b) ya phara i tevhelaho:

“(b) kha minwedzi ya [rathi] 18 ya musi muraḁo wa ndindakhombo o lovha nga nḁa ha musi hu na tshiitisi tshi pfalaho, Khomishinari a nga tḁanedza khumbelo nga murahu ha minwedzi ya [rathi] 18.”;

- (b) nga u imelwa kha khethekanyo thukhu ya (2) kha pharagirafu ya (b) ya phara i tevhelaho:

“(b) mufarisi o salaho a khou tshila kana thama ya vhutshiloni ha ngo ita khumbelo ya mbuelo kha minwedzi ya [rathi] (18) musi ho lovha muraḁo wa ndindakhombo.”; na

- (c) nga u dzhenisa nga murahu ha khethekanyo thukhu ya (2) ya khethekanyo thukhu i tevhelaho:

“(2A) (a) Mujaifa muḁwe na muḁwe o nangiwaho nga mufu we a vha e muraḁo wa ndindakhombo a nga vhila mbuelo a tshi khou tevhedza phara ya (b).

(b) Mujaifa o nangiwaho u fusha thodea dza u wana mbuelo arali hu sina mufarisi ane a khou hanya, thama ya vhutshiloni kana vhaundwa vha mufu we a vha e muraḁo wa ndindakhombo ya vho fhelelwaho nga mushumo.”.

Ukhwiniwisa ha khethekanyo ya 33 ya Mulayo wa 63 wa 2001**12. Khethekanyo ya 33 ya Mulayo muhulwane i khou khwiniwisa nga u engedzwa ha khethekanyo thukhu i tevhelaho:**

“(3) Musi hu tshi khou shuḁwa khumbelo ya mbuelo a huna Tshikwama kana zhendedzi kana muthu ane a tea u imela muhumbeli ane a ḁo tendelwa u badelisa tshedele muhumbeli.”.

Ukhwiniwisa ha khethekanyo ya 36A ya Mulayo wa 63 wa 2001, hu tshi khou dzheniswa khethekanyo ya 10 ya Mulayo wa 32 wa 2003**13. Khethekanyo ya 36A ya Mulayo muhulwane i khou khwiniwisa nga u imelwa kha khethekanyo thukhu ya (1) ya khethekanyo thukhu i tevhelaho:**

“(1) [Minista u tea u kwamana na Bodo,] Bodo i tea u thola komiti ya aphiji dza dzingu kha dzingu iḁwe na iḁwe ho ta ene Minista.”.

Ufheliswa ha khethekanyo 38, 39, 40 na 41 dza Mulayo wa 63 wa 2001**14. Khethekanyo 38, 39, 40 na 41 dza Mulayo muhulwane dzi khou fheliswa.****Khwiniwisa ya khethekanyo ya 50 ya Mulayo wa 63 wa 2001****15. Khethekanyo ya 50 ya Mulayo muhulwane i khou khwiniwisa nga u dzheniswa kha khethekanyo thukhu ya (2)(a) nga murahu ha phara thukhu ya (i) ya phara thukhu i tevhelaho:**

“(iA) mishumo ya komiti ya aphii dza dzingu;”.

Ukhwiniwisa ha khethekanyo ya 56 ya Mulayo wa 63 wa 2001**16. Khethekanyo ya 56 ya Mulayo muhulwane i khou khwiniwisa—**

- (a) nga u imelwa kha khethekanyo thukhu ya (3) ya khethekanyo thukhu i tevhelaho:

“(3) Mutholi muḁwe na muḁwe phanda ha maḁvha sumbe maḁwe na maḁwe u tea u [vhudza] fha Khomishinari tshanduko iḁwe na iḁwe] mafhungo ohe a ḁwedzi wo fhelaho [mafhungo maḁwe na maḁwe o netshedzwaho] u ya nga khethekanyo thukhu ya (1).”; na

- (b) nga u dzhenisa nga murahu ha khethekanyo thukhu ya (3) ya khethekanyo thukhu i tevehalaho:

“(3A) Minista u ḁo netshedza ndangulo nga ha kutshimbidzele kwa tshipentshela kha vhashumi vha hayani na mabindu mafuku malugana na kuissele kwa mafhungo a re kha khethekanyo thukhu ya (3).”.

Amendment of Schedule 2 to Act 63 of 2001

17. Schedule 2 to the principal Act is hereby amended by the substitution for the second paragraph under the heading “*Income Replacement Rate*” of the following paragraph:

“The IRR is at its maximum when income equals zero, and it reaches its minimum 5
 where income is equal to the benefit transition income level. The maximum IRR is
[fixed] currently set at 60%. The minimum IRR is currently set at 38%. However,
 the Minister may, in consultation with NEDLAC vary the minimum[**IRR**]
maximum income and flat replacement rate in terms of section 12(3)(b) but cannot
reduce the minimum IRR to any percentage below 38. The Minister may from time 10
to time after consultation with Parliament, vary the IRR and the benefit period by
regulations.”.

Short title

18. This Act is called the Unemployment Insurance Amendment Act, 2016.

Ukhwisiswa ha Sheduḽu ya 2 kha Mulayo wa 63 wa 2001

17. Sheduḽu ya 2 kha Mulayo muhulwane i khou khwisiswa nga u imelwa kha phara ya vuvhili nga fhasi ha ḽhoho ine ya ri “*Tshikalo tshi Imelaho Muholo*” kha phara i tevhelaho:

“Tshikalo tshi Imelaho Muholo tshi vha tshi nḽhesa musi muholo u tshi lingana na zero, nahone tshi swika fhasisa musi muholo u tshi lingana na mbuelo ya tshanduko ya muholo. Tshikalo tshi Imelaho Muholo [**a tshi shanduki**] zwa zwino tsho vhewa kha phesenthe dza 60. Tsha fhasisa tsho vhewa kha phesenthe dza 38. Minisḽa o kwamana na NEDLAC a nga shandukisa [IRR] muholo wa nhesa na tshikalo tshi sa shanduki a tshi khou tevhedza khethekanyo ya 12(3)(b) fhedzi a nga si kone u fhungudza tshikalo tsha IRR tsha fhasisa tsha vha fhasi ha 38. Minisḽa musi o ranga a kwamana na Phalamennde, a nga shandula IRR na tshifhinga tsha mbuelo nga ndangulo.”.

Dzina ḽipfufhi

18. Uyu Mulayo u vhidzwa u pfi Mulayo wa Ndindakhombo ya vho Fhelelwaho nga Mushumo wo Khwisiswaho wa, 2016.