

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette
Regulasiekoerant

No. 5060

Vol. 334

PRETORIA, 16 APRIL 1993

No. 14742 ✓

GOVERNMENT NOTICE

DEPARTMENT OF MANPOWER

No. R. 643 16 April 1993

UNEMPLOYMENT INSURANCE ACT, 1966

AMENDMENT OF REGULATIONS

The Minister of Manpower has, under section 62 of the Unemployment Insurance Act, 1966 (Act No. 30 of 1966), made the regulations set out in the Schedule.

SCHEDULE

Definition

1. In these regulations "the Regulations" means the regulations published under Government Notice No. R. 849 of 29 April 1983, as amended by Government Notices Nos. R. 1235 of 17 June 1983, R. 2613 of 2 December 1983, R. 2775 of 21 December 1984, R. 2487 of 8 November 1985, R. 901 of 16 May 1986, R. 1114 of 6 June 1986, R. 2427 of 21 November 1986, R. 2161 of 2 October 1987, R. 2412 of 30 October 1987, R. 2667 of 4 December 1987, R. 419 of 11 March 1988, R. 960 of 20 May 1988, R. 2115 of 21 October 1988, R. 272 of 24 February 1989, R. 1707 of 27 July 1990, R. 2962 of 21 December 1990, R. 1884 of 9 August 1991, R. 2585 of 11 September 1992 and R. 2936 of 23 October 1992.

Insertion of Regulation 6A in the Regulations

2. The following Regulation is hereby inserted in the Regulations after Regulation 6:

"6A. Application to be exempted from liability to contribute to the Unemployment Insurance Fund

An application to be exempted from liability to contribute to the Unemployment Insurance Fund in terms of section 2 (5) (a) (i) of the Act shall be in the form of and contain the information called for in Annexure UF 64."

GOEWERMENSKENNISGEWING

DEPARTEMENT VAN MANNEKRAG

No. R. 643 16 April 1993

WERKLOOSHEIDVERSEKERINGSWET, 1966

WYSIGING VAN REGULASIES

Die Minister van Mannekrag het kragtens artikel 62 van die Werkloosheidversekeringswet, 1966 (Wet No. 30 van 1966), die regulasies in die Bylae vervat, uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 849 van 29 April 1983, soos gewysig by Goewermentskennisgewings Nos. R. 1235 van 17 Junie 1983, R. 2613 van 2 Desember 1983, R. 2775 van 21 Desember 1984, R. 2487 van 8 November 1985, R. 901 van 16 Mei 1986, R. 1114 van 6 Junie 1986, R. 2427 van 21 November 1986, R. 2161 of 2 Oktober 1987, R. 2412 van 30 Oktober 1987, R. 2667 van 4 Desember 1987, R. 419 van 11 Maart 1988, R. 960 van 20 Mei 1988, R. 2115 van 21 Oktober 1988, R. 272 van 24 Februarie 1989, R. 1707 van 27 Julie 1990, R. 2962 van 21 Desember 1990, R. 1884 van 9 Augustus 1991, R. 2585 van 11 September 1992 en R. 2936 van 23 Oktober 1992.

Invoeging van Regulasie 6A in die Regulasies

2. Die volgende Regulasie word hierby in die Regulasies na Regulasie 6 ingevoeg:

"6A. Aansoek om vrygestel te word van bydraeplichtigheid tot die Werkloosheidversekeringsfonds

'n Aansoek om vrystelling van bydraeplichtigheid tot die Werkloosheidversekeringsfonds ingevolge artikel 2 (5) (a) (i) van die Wet moet in die vorm van Aanhangsel UF 64 wees en die inligting bevat wat daarin gevra word."

Amendment of Regulation 7 of the Regulations

3. Regulation 7 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

“(2) When an employer pays any contributions to the Unemployment Insurance Fund in terms of section 29 (3) of the Act, such contributions shall be accompanied by a statement in the form of Annexure UF 3 which shall contain the particulars specified therein and shall be certified by him as true and correct.”.

Amendment of Regulation 12A of the Regulations

4. Regulation 12A of the Regulations is hereby amended by the substitution for subregulation (1) of the following subregulation:

“(1) (a) An application for adoption benefits in terms of section 37A of the Act shall—

- (i) be made by the person claiming such benefits;
- (ii) be in the form of and contain the particulars specified in Annexure UF 92A;
- (iii) be presented at, or forwarded to an office of the Department of Manpower, a magistrate or an agent, as the case may be, for transmission to the claims officer having jurisdiction in the area in which the contributor resides or resides temporarily; and
- (iv) be accompanied by—
 - (aa) the contributor's record card (UF 74) of the applicant unless the applicant is not in possession of such card, in which case the said card shall be submitted to the claims officer as soon as possible thereafter;
 - (bb) a certified copy of the birth certificate of the child concerned and of the application to a children's court in terms of section 18 (2) of the Child Care Act, 1983 (Act No. 74 of 1983), for the adoption of that child; and
 - (cc) if an adoption order has already been issued by the children's court, a certified copy of that order.

(b) If the children's court has not already issued such an order on the date of application for adoption benefits, a certified copy of the order shall be submitted to the claims officer, as soon as possible after it has been issued.

(c) If the date of the application to a children's court in terms of section 18 (2) of the Child Care Act, 1983, does not appear on the adoption order, documentary proof of that date shall be submitted.”.

Wysiging van Regulasie 7 van die Regulasies

3. Regulasie 7 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

“(2) Wanneer 'n werkgever ingevolge artikel 29 (3) van die Wet enige bydraes aan die Werkloosheidversekeringsfonds betaal, moet daardie bydraes vergesel word van 'n opgawe in die vorm van Aanhangel UF 3 wat die besonderhede bevat wat daarin gespesifiseer word en wat deur hom as juis en korrek gesertifiseer is.”.

Wysiging van Regulasie 12A van die Regulasies

4. Regulasie 12A van die Regulasies word hierby gewysig deur subregulasie (1) deur die volgende subregulasie te vervang:

“(1) (a) 'n Aansoek om aannemingsvoordele ingevolge artikel 37A van die Wet moet—

- (i) gedoen word deur die persoon wat op sodanige voordele aanspraak maak;
- (ii) in die vorm van Aanhangel UF 92A wees en die besonderhede bevat wat daarin gespesifiseer word;
- (iii) ingedien word by, of gestuur word aan, 'n kantoor van die Departement van Mannekrag, 'n landdros of 'n agent, na gelang van die geval, vir deursending aan die eisebeampte wat seggenskap het in die gebied waarin die bydraer woonagtig of tydelik woonagtig is; en
- (iv) vergesel gaan van—

(aa) die applikant sy bydraers-verslagkaart (UF 74), tensy die applikant nie die kaart in haar besit het nie, in welke geval genoemde kaart so gou doenlik daarna aan die eisebeampte voorgelê moet word;

(bb) 'n gesertifiseerde afskrif van die geboortesertifikaat van die betrokke kind en van die aansoek by 'n kinderhof ingevolge artikel 18 (2) van die Wet op Kindersorg, 1983 (Wet No. 74 van 1983), om die aanneming van daardie kind; en

(cc) indien 'n aannemingsbevel reeds deur die kinderhof uitgereik is, 'n gesertifiseerde afskrif van daardie bevel.

(b) Indien die kinderhof op die datum van aansoek om aannemingsvoordele nog nie so 'n bevel uitgereik het nie, moet 'n gesertifiseerde afskrif van die bevel so gou doenlik nadat dit uitgereik is, aan die eisebeampte voorgelê word.

(c) Indien die datum van die aansoek by 'n kinderhof ingevolge artikel 18 (2) van die Wet op Kindersorg, 1983, nie op die aannemingsbevel voorkom nie, moet dokumentêre bewys van daardie datum aan die eisebeampte voorgelê word.”.

Substitution of Regulation 15 of the Regulations

5. The following Regulation is hereby substituted for Regulation 15 of the Regulations:

"15. Value of remuneration in kind

- (1) Should remuneration in kind be paid to a contributor, the value thereof is calculated as follows in terms of section 50 (3), read with section 62 (1) (m) of the Act:
 - (a) In the case of a contributor who is employed otherwise than in agriculture and that contributor is provided by his employer with food or quarters or with both food and quarters, the weekly or monthly value of such food or quarters, or food and quarters, for the purposes of section 50 of the Act, shall, in respect of food, be at the rate of 17 per cent of the weekly or monthly amount, as the case may be, of the earnings paid or payable in cash to such contributor, and shall, in respect of quarters, be at the rate of 8 per cent of the amount of such earnings and, in respect of food and quarters, be at the rate of 25 per cent of the amount of such earnings;
 - (b) in the case of a contributor who is employed in agriculture, the value of remuneration in kind is in terms of section 50 (3), read with section 62 (1) (m) of the Act, determined as the greater of—
 - (i) 30 per cent of the monthly earnings paid or payable to a contributor in cash; or
 - (ii) the amount of one hundred rand.
- (2) Notwithstanding the provisions of subregulation (1) an employer and a contributor in agriculture can in terms of section 50 (3), read with section 62 (1) (m) of the Act, agree in writing on the value of remuneration in kind subject to such value being not less favourable as determined in paragraph (b) (ii) of subregulation (1) and the agreed value shall be valid for the purposes of section 50 of the Act."

Insertion of Regulation 15A in the Regulations

6. The following Regulation is hereby inserted in the Regulations after Regulation 15:

"15A. Safe-keeping of agreement

In terms of section 62 (1) (m) of the Act it is prescribed that an employer shall keep a copy of the written agreement as intended in subregulation 15 (2) for a period of three years after the date of termination of employment of the contributor."

Vervanging van Regulasie 15 van die Regulasies

5. Regulasie 15 van die Regulasies word deur die volgende Regulasie vervang:

"15. Waarde van vergoeding in natura

- (1) Indien vergoeding in natura aan 'n bydraer betaal word, word die waarde daarvan ingevolge artikel 50 (3), saamgelees met artikel 62 (1) (m) van die Wet, soos volg bereken:
 - (a) In die geval van 'n bydraer wat in diens is anders as in landbou en daar die bydraer deur sy werkgever van voedsel of huisvesting of van beide voedsel en huisvesting voorsien word, is die weeklikse of maandelikse waarde van sodanige voedsel of huisvesting, of voedsel en huisvesting, vir die toepassing van artikel 50 van die Wet, ten opsigte van voedsel, volgens die skaal van 17 persent van die weeklikse of maandelikse bedrag, na gelang van die geval, van die verdienste betaal of betaalbaar in kontant aan sodanige bydraer, ten opsigte van huisvesting volgens die skaal van 8 persent van die bedrag van sodanige verdienste en, ten opsigte van voedsel en huisvesting volgens die skaal van 25 persent van die bedrag van sodanige verdienste;
 - (b) in die geval van 'n bydraer wat in diens is in landbou, word die waarde van vergoeding in natura ingevolge artikel 50 (3), saamgelees met artikel 62 (1) (m) van die Wet, bepaal as die grootste van—
 - (i) 30 persent van die maandelikse verdienste betaal of betaalbaar aan die bydraer in kontant; of
 - (ii) die bedrag van eenhonderd rand.
- (2) Ondanks die bepalings van subregulasie (1), kan 'n werkgever en 'n bydraer in die landbou ingevolge artikel 50 (3), saamgelees met artikel 62 (1) (m) van die Wet, skriftelik ooreenkom oor die waarde van vergoeding in natura op voorwaarde dat so 'n waarde nie minder gunstig is soos in paragraaf (b) (ii) van subregulasie (1) bepaal nie, en die ooreengekome waarde sal vir die doeleindes van artikel 50 van die wet geldig wees."

Invoeging van Regulasie 15A in die Regulasies

6. Die volgende Regulasie word hierby in die Regulasies na Regulasie 15 ingevoeg:

"15A. Bewaring van ooreenkoms

Kragtens artikel 62 (1) (m) van die Wet word voorgeskryf dat 'n werkgever 'n afskrif van die skriftelike ooreenkoms soos bedoel in subregulasie 15 (2) moet bewaar vir 'n tydperk van drie jaar na die datum van diensbeëindiging van die bydraer."

Substitution of Annexure UF 92A to the Regulations

7. The accompanying Annexure UF 92A is hereby substituted for Annexure UF 92A to the Regulations.

8. The Annexures to the Regulations are hereby amended by the insertion of Annexure UF 64.

Commencement

9. These Regulations shall be deemed to have come into operation on **1 January 1993**.

Vervanging van Aanhangsel UF 92A tot die Regulasies

7. Aanhangsel UF 92A tot die Regulasies word deur die meegaande Aanhangsel UF 92A vervang.

8. Die aanhangsels tot die Regulasies word hierby gewysig deur die byvoeging van Aanhangsel UF 64.

Inwerkingtreding

9. Hierdie Regulasies word geag op **1 Januarie 1993** in werking te getree het.

ANNEXURE UF 64**UNEMPLOYMENT INSURANCE ACT, 1966****APPLICATION TO BE EXEMPTED FROM LIABILITY TO CONTRIBUTE TO THE UNEMPLOYMENT INSURANCE FUND
IN TERMS OF SECTION 2 (5) (a) (i) OF THE ACT**

The Unemployment Insurance Commissioner
P.O. Box 1851
PRETORIA
0001

I hereby, in terms of section 2 (5) (a) (i) of the Unemployment Insurance Act, 1966, make application that the persons or category of persons mentioned below not be regarded as contributors in the application of the said Act:

1. Name of employer.....

2. Address

..... Postal code

Telephone number..... Dialing code.....

3. My business is already registered with the Unemployment Insurance Fund and the reference number is

4. Nature of business

5. Date of commencement of business

6. Particulars of class of persons or business or area in respect of whom or of which exemption is required:

6.1 Number of employees employed

6.2 The activities of the business are seasonal bound and the nature of the seasonal activities and the duration of the seasons are as follows:

* In the event of application for exemption on financial grounds, full details of your financial position must accompany this application.

** Any other reason in motivation of your application must be attached, please.

I declare that before I lodged this application, I discussed the matter with the employees concerned who indicated that they are also desirous to be exempted from the provisions of the Act.

.....
Signature of employer or responsible person

.....
Signature of person on behalf of the employees concerned

Date

AANHANGSEL UF 64

WERKLOOSHEIDVERSEKERINGSWET, 1966

AANSOEK OM INGEVOLGE ARTIKEL 2 (5) (a) (i) VAN DIE WET VRYGESTEL TE WORD VAN BYDRAEPLIGTIGHEID
TOT DIE WERKLOOSHEIDVERSEKERINGSFONDS

Die Werkloosheidversekeringskommissaris
Posbus 1851
PRETORIA
0001

Hiermee doen ek kragtens artikel 2 (5) (a) (i) van die Werkloosheidversekeringswet, 1966, aansoek dat die persone of kategorie van persone hieronder vermeld by die toepassing van genoemde Wet nie as bydraers beskou word nie:

1. Naam van werkgever

2. Adres

Poskode.....

Telefoonnommer Skakelkode.....

3. My besigheid is reeds by die Werkloosheidversekeringsfonds geregistreer en my verwysingsnommer is

4. Aard van besigheid

5. Aanvangsdatum van besigheid.....

6. Besonderhede van kategorie persone of besigheid of gebied ten opsigte van wie of waarvan vrystelling verlang word:

.....

6.1 Getal werknemers in diens

6.2 Die bedrywighede in die besigheid is seisoensgebonde en die aard van die seisoensbedrywighede en die duur van die seisoene is soos volg:

.....

.....

* Indien u aansoek om vrystelling doen weens finansiële oorwegings moet 'n volledige uiteensetting van u finansiële posisie hierdie aansoek vergesel.

** Enige ander rede ter motivering van u aansoek moet hierby aangeheg word.

Ek verklaar dat alvorens ek hierdie aansoek ingedien het, ek die aangeleentheid met die betrokke werknemers bespreek het wat aangedui het dat hulle ook begerig is om van die bepalings van die Wet uitgesluit te word.

.....
Handtekening van werkgever of verantwoordelike persoon

.....
Handtekening van persoon namens die werknemers wat
betrokke is

Datum

CONTENTS				INHOUD			
No.		Page No.	Gazette No.	No.		Bladsy No.	Koerant No.
GOVERNMENT NOTICE				GOEWERMENTSKENNISGEWING			
Manpower, Department of				Mannekrag, Departement van			
<i>Government Notice</i>				<i>Goewermentskennisgewing</i>			
643	Unemployment Insurance Act (30/1966): Amendment of regulations	1	14742	R. 643	Werkloosheidversekeringswet (30/1966): Wysiging van regulasies	1	14742