

South Africa

Unemployment Insurance Act, 2001

## Unemployment Insurance Regulations, 2002

Government Notice R400 of 2002

Legislation as at 4 November 2019

FRBR URI: /akn/za/act/gn/2002/r400/eng@2019-11-04

There may have been updates since this file was created.

PDF created on 3 April 2024 at 09:31.

[Check for updates](#)



### About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

[www.lawlibrary.org.za](http://www.lawlibrary.org.za) | [info@lawlibrary.org.za](mailto:info@lawlibrary.org.za)

[www.laws.africa](http://www.laws.africa) | [info@laws.africa](mailto:info@laws.africa)

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

## Unemployment Insurance Regulations, 2002

### Contents

Section 1. ....	1
2. Proof of identity .....	2
3. Reduced working time benefits in terms of section 12(1B) of the Act .....	2
4. Illness benefits in terms of section 22 of the Act .....	2
5. Maternity benefits in terms of section 25 of the Act .....	3
5A. Application for parental benefits in terms of section 26B of the Act .....	3
6. Adoption benefits in terms of section 28 of the Act .....	3
7. Dependant's benefits in terms of section 31 of the Act .....	4
8. Appeals in terms of section 37(1) of the Act .....	5
9. Referral to arbitration in terms of section 37(2) of the Act .....	5
10. *** .....	5
11. *** .....	5
12. *** .....	5
13. Providing information in terms of Section 56 .....	5
14. Transitional provisions .....	6
15. Commencement .....	6
Schedule .....	7

## South Africa

### Unemployment Insurance Act, 2001

## Unemployment Insurance Regulations, 2002

### Government Notice R400 of 2002

Published in Government Gazette 23283 on 28 March 2002

**Commenced on 1 April 2002**

*[This is the version of this document as it was from 4 November 2019 to 13 February 2020.]*

*[Amended by [Unemployment Insurance Regulations: Amendment \(Government Notice R948 of 2009\)](#) on 1 April 2002]*

*[Amended by [Unemployment Insurance Regulations: Amendment \(Government Notice 536 of 2004\)](#) on 23 April 2004]*

*[Amended by [Unemployment Insurance Regulations: Amendment \(Government Notice R948 of 2009\)](#) on 7 February 2007]*

*[Amended by [Unemployment Insurance Regulations: Amendment \(Government Notice R948 of 2009\)](#) on 5 October 2009]*

*[Amended by [Unemployment Insurance Regulations: Amendment \(Government Notice R1434 of 2018\)](#) on 28 December 2018]*

*[Amended by [Unemployment Insurance Regulations: Amendment \(Government Notice R1421 of 2019\)](#) on 4 November 2019]*

The Minister of Labour has, under section [54](#) of the Unemployment Insurance Act, 2001 ([Act 63 of 2001](#)), made the Regulations set out in the Schedule hereto.

#### 1.

In these Regulations, unless the context otherwise indicates—

“**Act**” means the Unemployment Insurance Act, 2001 and any word or expression to which a meaning has been assigned in the Act, has that meaning;

“**Annexure**” means an Annexure to these Regulations;

“**certificate of service**” means a certificate of service in terms of section 42 of the Basic Conditions of Employment Act, 1997 ([Act no. 75 of 1997](#));

“**identity document**” means a 13-digit bar-coded RSA and non-RSA identity (card) document or a RSA bar-coded passport and includes valid foreign identity documents and passports.

*[definition of “identity document” substituted by section 2 of [Government Notice R948 of 2009](#)]*

“**life partner**” means any major person who is a party to the opposite sex or same sex relationship with another major person, which relationship must be intended to be permanent, exclude any other person and involve cohabitation, an obligation of mutual emotional support between the parties and a reciprocal obligation to support one another financially in circumstances where the one has the means to do so and the other requires such support in order to maintain, without recourse to the Public funds, his or her financial and social standing and standard of living.

*[definition of “life partner” inserted by section 3 of [Government Notice R948 of 2009](#)]*

“**official**” means a claims officer or an agent or official appointed in terms of section 58(9) of the Act to assist in administering the Act;

“**small enterprise**” means a small enterprise contemplated in section [1](#) of the National Small Enterprise Act, 1996 ([Act No. 102 of 1996](#)).

*[definition of “small enterprise” added by section 2 of [Government Notice R1434 of 2018](#)]*

## 2. Proof of identity

- (1) An official must require an applicant for benefits or for the payment of any amount in terms of the Act to produce an identity document, but may not retain the document.
- (2) No claim for benefits may be processed and no benefits may be paid, unless the applicant has produced an identity document in terms of sub-regulation (1).

## 3. Reduced working time benefits in terms of section 12(1B) of the Act

- (1) The income derived from continued employment contemplated in section 12(1B) of the Act plus the amount of benefits calculated, may not exceed the benefits that would have been paid if the contributor had become wholly unemployed.
- (2) Reduced working time benefits must be calculated based on the remuneration of the contributor.

*[regulation 3 repealed by section 4 of [Government Notice R948 of 2009](#) and inserted by section 3 of [Government Notice R1434 of 2018](#)]*

## 4. Illness benefits in terms of section 22 of the Act

- (1) An application for illness benefits in terms of section 22 of the Act must be made at an employment office by submitting a completed UI 2.2.
- (2) A contributor must, when applying for benefits or as soon thereafter as possible, submit—
  - (a) an identity document;
  - (b) if the applicant's employment has been terminated, a certificate of service;
  - (c) details of a valid bank account.
- (3) An official may authorise any person to submit a claim on behalf of an applicant for illness benefits who is unable to apply personally. The official must require that person to submit satisfactory proof of their identity and that they have been authorised to apply on behalf of the applicant.
- (4) A contributor who has applied for illness benefits in terms of section 22 must complete a declaration in the form of UI 3 covering each period for which benefits are claimed.
- (5) An application for illness benefits in terms of section 22 of the Act must be accompanied by medical certificates on UI 2.2, completed and signed by a medical practitioner, chiropractor or homeopath who has treated the applicant.
- (6)
  - (a) An official may require an applicant to be examined by a medical practitioner, chiropractor or homeopath nominated by the official.
  - (b) The Unemployment Insurance Fund must pay the costs of a medical examination in terms of paragraph (a).
- (7) Illness benefits may be paid for any medically recognisable disease, symptom or condition which prevents the applicant from working.
- (8) In terms of section 20(1)(b) of the Act, illness benefits may only be paid in cases of alcoholism or drug dependence for the period during which a person is admitted to and undergoes treatment at a registered rehabilitation centre or psychiatric hospital.
- (9) A contributor whose application for illness benefits has been approved, may be paid benefits in respect of any period approved by an official in terms of the Act.

## 5. Maternity benefits in terms of section 25 of the Act

- (1) An application for maternity benefits in terms of section 25 of the Act must be made at an employment office and must be in the form of a complete UI 2.3.
- (2) An applicant for maternity benefits, when making the application or as soon thereafter as possible, must submit—
  - (a) an identity document;
  - (b) if the employee's services have been terminated, a certificate of service;
  - (c) details of a valid bank account.
- (3) A contributor who has applied for benefits in terms of section 25 must submit a declaration in the form of UI 4 covering each period for which maternity benefits are claimed.
- (4) An application for maternity benefits must be accompanied by a medical certificate on UI 2.3 completed and signed by a medical practitioner or registered midwife who has examined the applicant.
- (5)
  - (a) An official may require an applicant to be examined by a medical practitioner nominated by the official.
  - (b) The Unemployment Insurance Fund must pay the costs of a medical examination required in terms of sub-section (a).
- (6) A contributor who applies for maternity benefits before the birth of her child, if required by the claims officer, must submit a notification and declaration of birth on form UI 4 completed by herself and a medical practitioner or registered midwife.
- (7) A contributor whose application for maternity benefits has been approved may be paid benefits in respect of any period approved by an official in terms of the Act.

## 5A. Application for parental benefits in terms of section 26B of the Act

- (1) An application for parental benefits in terms of section 26B of the Act must be made at an employment office and must be in the form of a complete UI 2.9.
- (2) An applicant for parental benefits, when making the application, must submit—
  - (a) an identity document;
  - (b) a full birth certificate of the child with full details of parents;
  - (c) a surrogate motherhood agreement in terms of the Children's Act, 2005 (Act No. 38 of 2005); or
  - (d) an interim court order placing the child in the care of the prospective adoptive parent pending the finalisation of an adoption order in respect of that child;
  - (e) details of a valid bank account, in the form of UI 2.8; and
  - (f) remuneration received by the employee whilst still in employment, in the form of UI 2.7.

*[regulation 5A inserted by section 2 of [Government Notice R1421 of 2019](#)]*

## 6. Adoption benefits in terms of section 28 of the Act

- (1) An application for adoption benefits in terms of section 28 of the Act must be lodged at an employment office by submitting a completed UI 2.4.

- (2) A contributor who has applied for adoption benefits must when making the application, or as soon thereafter as possible, submit—
  - (a) an identity document;
  - (b) if the employee's services have been terminated, a certificate of service;
  - (c) details of a valid bank account;
  - (d) a certified copy of the birth certificate of the child; and
  - (e) a certified copy of the order of adoption.
- (3) A contributor who has applied for adoption benefits in terms of section 28 must submit to the official a declaration in the form of UI 5 covering each period for which adoption benefits are claimed.
- (4) A contributor whose application for adoption benefits has been approved may be paid benefits in respect of any period approved by the official in terms of the Act.

## **7. Dependant's benefits in terms of section 31 of the Act**

- (1) An application for dependant's benefits must be made at an employment office by submitting—
  - (a) in the case of a surviving spouse or life partner, a completed UI 2.5, or
  - (b) in the case of a child, a completed UI 2.6.
- (2) An application for dependant's benefits, when applying or as soon thereafter possible, must submit —
  - (a) the identity documents of both the deceased and the applicant;
  - (b) details of a valid bank account;
  - (c) a certified copy of a death certificate, post-mortem certificate or burial order of the deceased contributor;
  - (d) in the case of a surviving spouse, a certified copy of a marriage certificate or customary union certificate;
  - (e) in the case of a surviving life partner, proof that the applicant is the surviving life partner of the deceased contributor;
  - (f) in the case of a child under the age of 21 years at the time of death of the deceased contributor, a certified copy of the birth certificate of the child and documentary proof of the child's relationship to the deceased;
  - (g) in the case of a child who was 21 years or older at the time of death of the deceased, documentary proof that the child is a learner or was wholly or mainly dependant upon the deceased.
- (3)
  - (a) A contributor may nominate a beneficiary in terms of section [30\(2A\)](#) of the Act by submitting the nomination form UI 53 to the Fund immediately on commencement of employment.
  - (b) A contributor may change the nomination at any time by submitting a new nomination on form UI 53.
  - (c) If a contributor did not in terms of paragraph (a), complete a nomination form at the commencement of new employment, the Fund must accept as valid, a nomination form completed at the previous employer.

*[subregulation (3) added by section 4 of [Government Notice R1434 of 2018](#)]*

## 8. Appeals in terms of section 37(1) of the Act

- (1) An appeal against a decision of the Commissioner or a claims officer in terms of section 37(1) must be made by submitting a completed UI 12 by hand or registered post to the Regional Appeals Committee at the respective Labour Centres of the Department of Labour.  
*[subregulation (1) substituted by section 4 of [Government Notice 536 of 2004](#)]*
- (2) An appeal must be lodged within 90 days of the decision appealed against.
- (3) The Regional Appeals Committee may require the appellant to submit any further information that it considers necessary to deal with the appeal.  
*[subregulation (3) amended by section 5 of [Government Notice 536 of 2004](#)]*
- (4) The Appeals Committee must notify the appellant in writing within 30 days of its decision.

## 9. Referral to arbitration in terms of section 37(2) of the Act

- (1) A person who is dissatisfied with the decision of the Regional Appeals Committee may refer the matter to the National Appeals Committee for final decision in terms of section 37(2) by submitting a completed UI 13 to 94 Church Street, Pretoria, 0001, or registered post to Unemployment Insurance Fund, Pretoria, 0052 or by telefax to (012) 337-1893.  
*[subregulation (1) substituted by section 6 of [Government Notice 536 of 2004](#)]*
- (2) *[subregulation (2) deleted by section 7 of [Government Notice 536 of 2004](#)]*
- (3) The National Appeals Committee may at any time permit a person to refer a dispute after the time limit in sub-regulation (1), on good cause shown.  
*[subregulation (3) amended by section 8 of [Government Notice 536 of 2004](#)]*
- (4) *[subregulation (4) deleted by section 9 of [Government Notice 536 of 2004](#)]*
- (5) *[subregulation (5) deleted by section 10 of [Government Notice 536 of 2004](#)]*

## 10. \*\*\*

*[regulation 10 repealed by section 5 of [Government Notice R1434 of 2018](#)]*

## 11. \*\*\*

*[regulation 11 repealed by section 5 of [Government Notice R1434 of 2018](#)]*

## 12. \*\*\*

*[regulation 12 repealed by section 5 of [Government Notice R1434 of 2018](#)]*

## 13. Providing information in terms of Section 56

- (1) An employer must, within seven days of the end of the month in which it commences activities as an employer, submit a completed declaration, UI 19 to the Commissioner.
- (2) Every employer must provide the Commissioner with all information in terms of sections [56\(2\)](#) or [\(3\)](#) of the Act and must do so by submitting declarations of their employees electronically or by completing form UI 19.
- (3) Any information submitted to the Commissioner in terms of sub-regulations (1) and (2) must be submitted to the Unemployment Insurance Fund, 230 Lillian Ngoyi Street; ABSA Building, Pretoria, 0001 or to Private Bag x 0052, Pretoria, 0001

- (4) Domestic and small enterprise employers may declare employees and pay contributions annually provided that the contributor's services are not terminated, in which case, the declaration must be done upon termination.

*[regulation 13 substituted by section 6 of [Government Notice R1434 of 2018](#)]*

#### 14. Transitional provisions

- (1) Any claim for benefits made against the Fund on or after 1 April 2002 must be dealt with in terms of the Act.
- (2) For the purposes of sub-regulation (1)—
- (a) an application for unemployment benefits is made on the day that the contributor applies for benefits at an employment office in terms of section 17(1) of the Act;
  - (b) an application for illness, maternity, adoption or dependant's benefits is made on the date that application is made at an employment office or, if application is made by post, the date the application is received at an employment office.
- (3) An application for maternity benefits in respect of a childbirth that occurred on or before 31 March 2002 must be made within six months of the childbirth.
- (4) An application for dependant's benefits in respect of a contributor in terms of the Unemployment Insurance Act, 1966 who died prior to 1 April 2002 must be made within six months of the death of the contributor except that, on good cause shown, the Commissioner may accept an application after the six-month period.
- (5) Sub-regulation (4) does not apply to a claim for dependant's benefits made more than three years after the death of the contributor.
- (6) Subject to sub-regulation (7), any entitlement to benefits that accrued to a contributor in terms of the Unemployment Insurance Act, 1966 is deemed to have accrued in terms of the Act.
- (7) Any contributor who on 31 March 2002 had accrued an entitlement of more than 238 days benefits is deemed to have an entitlement of 238 days benefits with effect from 1 April 2002.
- (8) A contributor who was not a contributor in terms of the Unemployment Insurance Act, 1966 is deemed to have commenced employment as a contributor on 1 April 2001.
- (9) Sub-regulation (8) does not apply to a contributor who was not in employment as a contributor on 1 April 2002.

#### 15. Commencement

These Regulations come into operation on 1 April 2002.



## Schedule

### Forms

*[Editorial note: The forms have not been reproduced.]*

*[Form UI 2.1 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 2.2 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 2.3 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 2.4 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 2.5 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 2.6 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 2.7 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 3 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 4 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 5 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 6A substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 19 substituted by section 7(1) of [Government Notice R1434 of 2018](#)]*

*[Form UI 53 added by section 7(2) of [Government Notice R1434 of 2018](#)]*