



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Verkoopprijs • Selling price
(AVB uitgesluit/GST excluded)

Plaaslik **45c** Local
Buitelands 60c Other countries
Posvry • Post free

Vol. 249

KAAPSTAD, 26 MAART 1986

No. 10163

CAPE TOWN, 26 MARCH 1986

KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 584.

26 Maart 1986

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

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

No. 584.

26 March 1986

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

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

Wet No. 27, 1986

WYSIGINGSWET OP WERKLOOSHEIDVERSEKERING, 1986

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Werkloosheidversekeringswet, 1966, ten einde "arbeidsmakelaar" en "arbeidsmakelaarskantoor" te omskryf en "werkgewer" nader te omskryf; ander voorsiening te maak betreffende die bepaling van die waarde van die dienste wat deur die Departement van Mannekrag aan die werkloosheidversekeringsfonds gelewer is en die terugbetaling van die uitgawes deur die fonds; die samestelling van die werkloosheidversekeringsraad verder te reël; die tydperk waarbinne appél teen 'n beslissing van 'n eisebeamppte aange-teken moet word, te verleng; die raad te magtig om sekere van sy bevoegdhede oor te dra; die aanstelling van inspekteurs verder te reël; sekere boetes te verhoog; voorsiening te maak vir die betaling van sekere voordele aan sekere persone nadat KwaNdebele onafhanklik word; en voorsiening te maak vir die betaling van 'n sekere bedrag aan die Regering van KwaNdebele ten einde bedoelde Regering in staat te stel om 'n werkloosheidversekeringsfonds in te stel; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 19 Maart 1986.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 1 van
Wet 30 van 1966,
soos gewysig deur
artikel 1 van
Wet 29 van 1977,
artikel 1 van
Wet 9 van 1979,
artikel 1 van
Wet 1 van 1981
en artikel 1 van
Wet 1 van 1982.

1. Artikel 1 van die Werkloosheidversekeringswet, 1966 (hieronder die Hoofwet genoem), word hierby gewysig deur die volgende omskrywings na die omskrywing van "arbeidsgeskil" in te 5
voeg:

"'arbeidsmakelaar' iemand wat 'n arbeidsmakelaarskantoor drywe of voortsit;
'arbeidsmakelaarskantoor' 'n besigheid waardeur 'n arbeidsmakelaar teen vergoeding persone vir die lewe- 10
ring van diens aan of die verrigting van werk vir 'n kliënt aan die kliënt voorsien of vir hom verkry, vir welke diens of werk sodanige persone deur die arbeidsmakelaar beloon word;"

Wysiging van
artikel 4 van
Wet 30 van 1966.

2. Artikel 4 van die Hoofwet word hierby gewysig deur subar- 15
tikel (1) deur die volgende subartikel te vervang:

"(1) Behoudens die bepalings van hierdie artikel en tensy uit die samehang anders blyk, beteken 'werkgewer' in hierdie Wet 'n persoon wat 'n bydraer in diens het en ook die Staat, 'n arbeidsmakelaar en iemand wat die besigheid 20
van 'n werkgewer beheer."

Wysiging van
artikel 7 van
Wet 30 van 1966,
soos gewysig deur
artikel 1 van
Wet 118 van 1977,

3. Artikel 7 van die Hoofwet word hierby gewysig—

- (a) deur in paragraaf (d) die woorde "in oorleg met die Tesourie" te skrap; en
(b) deur paragraaf (g) deur die volgende paragraaf te ver- 25
vang:

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.

u

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,

Wet No. 27, 1986

WYSIGINGSWET OP WERKLOOSHEIDVERSEKERING, 1986

artikel 4 van
Wet 9 van 1979,
artikel 3 van
Wet 1 van 1982
en artikel 2 van
Wet 89 van 1982.

“(g) die betaling van alle ander uitgawes wat die Direkteur-generaal in verband met die uitvoering van hierdie Wet aangaan, met inbegrip van die in artikel 49, 64C, **[of] 64F of 64H** bedoelde koste.”.

Wysiging van
artikel 10 van
Wet 30 van 1966,
soos gewysig deur
artikel 5 van
Wet 1 van 1982.

4. Artikel 10 van die Hoofwet word hierby gewysig deur sub- 5
artikel (1) deur die volgende subartikel te vervang:

“(1) Die Direkteur-generaal moet so spoedig doenlik na die einde van elke **[boekjaar] maand, [in oorleg met die Tesourie]** die waarde van die dienste wat deur die Departement van Mannekrag gedurende **[daardie boekjaar]** die be- 10
trokke maand aan die fonds gelewer is, bepaal en die bedrag daarvan **[aan die Staatsinkomstefonds terugbetaal]** moet so gou doenlik na die einde van elke maand uit die Staatsinkomstefonds betaal word en deur die werkloosheidversekeringsfonds aan die Staatsinkomstefonds 15
terugbetaal word.”.

Wysiging van
artikel 12 van
Wet 30 van 1966.

5. Artikel 12 van die Hoofwet word hierby gewysig deur in subartikel (1) die woord “sestien” deur die woord “dertig” te vervang.

Wysiging van
artikel 27 van
Wet 30 van 1966,
soos gewysig deur
artikel 11 van
Wet 9 van 1979.

6. Artikel 27 van die Hoofwet word hierby gewysig deur in 20
subartikel (1) die woord “dertig” deur die woord “negentig” te vervang.

Wysiging van
artikel 38 van
Wet 30 van 1966,
soos vervang deur
artikel 18 van
Wet 9 van 1979
en gewysig deur
artikel 5 van
Wet 1 van 1981
en artikel 12 van
Wet 1 van 1982.

7. Artikel 38 van die Hoofwet word hierby gewysig deur by subartikel (4) die volgende paragraaf te voeg:

“(e) Die raad kan, behoudens die voorwaardes en vir die 25
tydperk wat hy bepaal, ’n bevoegdheid deur paragrawe (c) en (d) van subartikel (4) aan hom verleen, aan ’n eisebeampte of ’n beampte of werknemer wat ingevolge artikel 26 (3) aangewys is om ’n eisebeampte behulpsaam te wees, delegeer.”. 30

Wysiging van
artikel 54 van
Wet 30 van 1966,
soos gewysig deur
artikel 26 van
Wet 9 van 1979.

8. Artikel 54 van die Hoofwet word hierby gewysig deur sub-
artikel (1) deur die volgende subartikel te vervang:

“(1) Die Minister of ’n beampte deur hom vir dié doel aangewys, kan, met inagneming van die wette betreffende die Staatsdiens, enige persoon as ’n inspekteur ingevolge 35
hierdie Wet aanstel.”.

Wysiging van
artikel 61 van
Wet 30 van 1966,
soos gewysig deur
artikel 29 van
Wet 9 van 1979.

9. Artikel 61 van die Hoofwet word hierby gewysig deur in subartikel (1) in die woorde wat op paragraaf (j) volg die woord “tweehonderd” deur die woord “vyfhonderd” te vervang.

Invoeging van
artikels 64G en
64H in
Wet 30 van 1966.

10. Die volgende artikels word hierby in die Hoofwet na arti- 40
kel 64F ingevoeg:

“Beskerming
van sekere
regte nadat
KwaNdebele
onafhanklik
word.

64G. (1) Die betaling van ’n voordeel wat inge-
volg Hoofstuk VI onmiddellik voor die datum van
onafhanklikwording van KwaNdebele aan iemand
betaalbaar was en van ’n voordeel waarop iemand 45
voor daardie datum ingevolge bedoelde Hoofstuk ge-
regtig geword het, word nie op of na daardie datum
gestaak nie slegs uit hoofde daarvan dat die betrokke
persoon opgehou het om ’n bydraer te wees vanweë
die onafhanklikwording van KwaNdebele of dat 50
KwaNdebele nie langer deel van die Republiek is
nie.

(2) ’n Aansoek deur iemand in subartikel (1) be-
doel om betaling van ’n voordeel ingevolge Hoofstuk
VI word, behoudens die bepalinge van hierdie arti- 55

UNEMPLOYMENT INSURANCE AMENDMENT ACT, 1986

Act No. 27, 1986

- “(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.**”.
- section 4 of Act 9 of 1979, section 3 of Act 1 of 1982 and section 2 of Act 89 of 1982.
- 5 4. Section 10 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:
- Amendment of section 10 of Act 30 of 1966, as amended by section 5 of Act 1 of 1982.
- 10 “(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.”.
- 15 5. Section 12 of the principal Act is hereby amended by the substitution in subsection (1) for the word “sixteen” of the word “thirty”.
- Amendment of section 12 of Act 30 of 1966.
- 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”.
- Amendment of section 27 of Act 30 of 1966, as amended by section 11 of Act 9 of 1979.
7. Section 38 of the principal Act is hereby amended by the addition to subsection (4) of the following paragraph:
- 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.
- 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:
- Amendment of section 54 of Act 30 of 1966, as amended by section 26 of Act 9 of 1979.
- 35 “(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.”.
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”.
- Amendment of section 61 of Act 30 of 1966, as amended by section 29 of Act 9 of 1979.
- 40 10. The following sections are hereby inserted in the principal Act after section 64F:
- Insertion of sections 64G and 64H in Act 30 of 1966.
- “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

Wet No. 27, 1986

WYSIGINGSWET OP WERKLOOSHEIDVERSEKERING, 1986

kel, gedoen by en behandel deur 'n eisebeampte van die Departement van Mannekrag van die Republiek, maar sodanige aansoek word nie oorweeg nie indien dit nie deur so 'n eisebeampte of sy verteenwoordiger, wat 'n beampte of werknemer in die staatsdiens van KwaNdebele kan wees, ontvang word voor die datum waarop KwaNdebele onafhanklik word nie.

Betaling aan KwaNdebele om werkloosheidsversekeringsfonds in te stel.

64H. Die Direkteur-generaal moet so spoedig doenlik na die datum waarop KwaNdebele onafhanklik word uit die fonds aan die Regering van KwaNdebele 'n bedrag bepaal by ooreenkoms tussen die Regering van die Republiek en die Regering van KwaNdebele betaal om laasgenoemde Regering in staat te stel om 'n werkloosheidsversekeringsfonds in te stel vir die betaling van werkloosheidsvoordele in KwaNdebele."

Kort titel en inwerkingtreding.

11. Hierdie Wet heet die Wysigingswet op Werkloosheidsversekering, 1986, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

UNEMPLOYMENT INSURANCE AMENDMENT ACT, 1986

Act No. 27, 1986

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. **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.”

15 **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.

EMPLOYMENT INSURANCE ACT, 1986

12. (1) The Director-General shall, as soon as practicable after the date on which the Republic becomes independent, pay from the fund to the Government of Kwazulu-Natal an amount determined by agreement between the Government of the Republic and the Government of Kwazulu-Natal to enable the latter Government to establish an unemployment insurance fund for the payment of unemployment benefits in Kwazulu-Natal.

(2) The Director-General shall, as soon as practicable after the date on which the Republic becomes independent, pay from the fund to the Government of Kwazulu-Natal an amount determined by agreement between the Government of the Republic and the Government of Kwazulu-Natal to enable the latter Government to establish an unemployment insurance fund for the payment of unemployment benefits in Kwazulu-Natal.

(3) The Director-General shall, as soon as practicable after the date on which the Republic becomes independent, pay from the fund to the Government of Kwazulu-Natal an amount determined by agreement between the Government of the Republic and the Government of Kwazulu-Natal to enable the latter Government to establish an unemployment insurance fund for the payment of unemployment benefits in Kwazulu-Natal.

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