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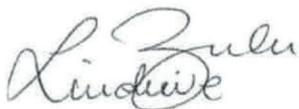
DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 853

06 AUGUST 2020

AMENDMENT OF THE DIRECTIONS ISSUED IN TERMS OF REGULATION 4(5) OF THE REGULATIONS MADE UNDER SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002): MEASURES TO PREVENT AND COMBAT THE SPREAD OF COVID-19

I, **Ms Lindiwe Zulu**, the Minister of Social Development, hereby, in terms of regulation 4(10) of the Regulations made under section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), and published in *Government Gazette* No. 43258, Government Notice No. R. 480 of 29 April 2020, issue the Directions set out in the Schedule hereto regarding the temporary disability grant, the review procedure regarding the rejected applications for the Covid-19 social relief of distress grant and related matters.



MS LINDIWE ZULU, MP
MINISTER OF SOCIAL DEVELOPMENT

DATE: 05/08/2020

Schedule

Definitions

1. In this Schedule a word or expression defined in the regulations published in Government Notice No. R. 480 of 29 April 2020 as amended by Government Notices No. R. 608 of 28 May 2020, 714 of 25 June 2020 and 763 of 12 July 2020, bears the meaning so assigned and unless the context indicates otherwise—

“**Directions**” means the Directions published in Government Notice No.430 published in Government Gazette No. 43182 of 30 March 2020, as amended by Government Notice No. R. 455 in Government Gazette 43213 of 07 April 2020, Government Notice No. R. 517 in Government Gazette 43300 of 09 May 2020, Government Notice No.727 in Government Gazette 43494 of 02 July 2020 and Government Notice No.762 in Government Gazette 43520 of 10 July 2020.

Amendment of paragraph 6 of the Directions

2. Paragraph 6 of the Directions is hereby amended by-

(a) the addition after subparagraph (l)(vii)(hh) of the following:

- “(ii) Temporary disability grants which lapsed in July 2020 or are due to lapse during the months of August to October, will not lapse until the end of 31 December 2020 and must continue to be paid until 31 December 2020;
- (jj) Temporary disability grants, which were extended to October 2020 under the Directions published in Government Notice No. R. 517 of 9 May 2020 will not lapse in October 2020, but will continue to be paid until 31 December 2020;
- (kk) Care dependency grants, which were extended to October 2020 under the Directions published in Government Notice No. R. 517 of 9 May 2020 will not lapse in October 2020, but will continue to be paid until 31 December 2020;

(ll) Permanent disability grants which lapsed in January 2020, will be reinstated from the date of last payment and will continue to be paid until 31 December 2020; and

(mm) The validity of medical reports or assessments contemplated in regulation 3(1)(b) of the regulations made in terms of section 32 of the Social Assistance Act, 2004(Act No. 13 of 2004), and published in Government Notice No. R.162 of 22 February 2005, conducted for the purposes of an application for a disability grant in the period prior to the lockdown (that is from 15 February 2020 to 26 March 2020), is extended from 3 months to 6 months from the date of assessment.

(b) the substitution in subparagraph (l)(viii)(cc) for the words preceding subitem (cc) i. of the following:

“(cc) A special COVID-19 Social Relief of Distress of R350 per month may be provided for the period indicated herein to distressed individuals, hereinafter referred to as “applicants” or “applicant”, who are—“

(c) the addition after subparagraph (l)(viii)(gg) of the following:

“(hh) (a) Following the consideration of an application for the benefit provided for in subitem (cc), the Agency must inform the applicant-

- i. whether the applicant qualifies for the benefit; or
- ii. that the applicant does not qualify for the benefit in terms of these Directions, stating the reasons why the applicant does not qualify and of the applicant’s right to request the Agency to reassess its decision;
- iii. that the applicant must, if the applicant so decides, submit an application for reassessment to the Agency electronically, within 15 days from the date of publication of these Directions or in the event that the application is rejected following the publication of these Directions, within 15 days of the date of notification of the rejection of the application;
- iv. that for the purposes of an application for reassessment, the applicant must only set out the reasons why the applicant disputes the decision of the Agency and that the applicant may not submit any new or additional evidence;

- v. that the Agency must reassess its decision taking into consideration the reasons provided for in the application for reassessment, against the latest available information within a period of 30 days from the date on which the application for reassessment was received by the Agency and inform the applicant of the outcome of the reassessment and provide reasons for such a decision;
- vi. that no application for reassessment will be considered by the Agency, if not lodged within the prescribed period of 15 days from the date of publication of these Directions or 15 days from the date of rejection of an application, whichever is applicable;
- vii. that the outcome of the reassessment by the Agency will be the final decision by the Agency and no further recourse will be entertained; and
- viii. that if the applicant is not satisfied with the outcome of the reassessment by the Agency, the applicant may approach a relevant court for judicial review within a period of not more than 180 days of the date of the outcome of the reassessment by the Agency, in terms of section 6(1) read with section 7 of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000).

(b) The Agency may review the benefit referred to in subitem (cc) granted to an applicant on monthly basis and, where there is a change in the circumstances of the applicant, the Agency may—

- i. discontinue the benefit should the applicant no longer qualify for the benefit; or
- ii. implement the benefit, should the applicant qualify for the benefit: Provided that the benefit will only be implemented from the month in which the applicant qualified.

Commencement

3. These Directions come into effect on the date of publication in the *Government Gazette*.

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