

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. R. 2120

31 May 2022

SOCIAL ASSISTANCE ACT, 2004: REGULATIONS RELATING TO THE LODGING OF APPLICATIONS FOR SOCIAL ASSISTANCE APPEALS AND THE CONSIDERATION AND ADJUDICATION OF APPEALS BY THE INDEPENDENT TRIBUNAL ISSUED IN TERMS OF SECTION 32, READ WITH SECTION 18 OF THE SOCIAL ASSISTANCE ACT, 2004 (ACT NO. 13 OF 2004) MADE THE REGULATIONS IN THE SCHEDULE

I, Ms Lindiwe Zulu, MP, the Minister of Social Development, in terms of section 32, read with section 18 of the Social Assistance Act, 2004 (Act No. 13 of 2004), as amended, made the following regulations set out in the Schedule hereto in English and Isizulu.



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MS LINDIWE ZULU, MP
MINISTER OF SOCIAL DEVELOPMENT
DATE: 27/05/2022

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CHAPTER 1

DEFINITIONS

Definitions

1. In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned, unless the context indicates otherwise or defined in these Regulations, and —

'Covid-19 SRD Regulations' means the Regulations made in terms of section 32 of the Social Assistance Act, 2004, relating to Covid-19 Social Relief of Distress published in Gazette No. 11428 dated 22 April 2022, Government Notice R. 2042.

'critical documentation' means the documentation or written information which is legible and complete required by the Independent Tribunal to consider and adjudicate an appeal;

'electronic communication' means electronic communication as defined in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

'health practitioner' means a health practitioner as defined in section 1 of the Health Professions Act, 1974 (Act No. 56 of 1974);

'legal practitioner' means a legal practitioner as defined in section 1 of the Legal Practice Act, 2014 (Act No. 28 of 2014) or a person as contemplated in regulation 6(2) of these Regulations;

'medical practitioner' means a medical practitioner as defined in section 1 of the Health Professions Act, 1974 (Act No. 56 of 1974);

'the Act' means the Social Assistance Act, 2004 (Act No.13 of 2004).

CHAPTER 2

Lodging of Appeal with Independent Tribunal

2. If an applicant or beneficiary does not qualify for social assistance in terms of the Act, the Agency must, in accordance with section 14(3)(b) of the Act—

- (a) inform the applicant or beneficiary, in writing, by electronic communication or any other means of communication, that he or she may lodge an appeal with the Independent Tribunal within a period of 90 days after the decision by the Agency and the processes to be followed in lodging the appeal;
- (b) where the applicant or beneficiary indicates that he or she wants to lodge an appeal, assist the applicant or beneficiary to complete Form 1;
- (c) where an applicant or beneficiary has failed to lodge an appeal within the 90 days period after the decision by the Agency, assist the applicant or beneficiary to complete Form 2, if the applicant or beneficiary wishes to proceed with the appeal;
- (d) where an applicant or beneficiary indicates that he or she wishes to lodge an appeal directly with the Independent Tribunal and not through the Agency, provide the applicant or beneficiary with the necessary forms and contact details of the Independent Tribunal to enable the applicant or beneficiary to lodge an appeal; and
- (e) ensure that Form 1, and Form 2 if applicable, together with all the critical documentation required in Form 1 and Form 2, are submitted to the Independent Tribunal within a period of 15 days from the date of lodging of the appeal.

Receipt of Request for critical documentation by Independent Tribunal

3. Where the Agency receives a request for critical documentation from the Independent Tribunal, the Agency must:

- (a) retrieve the critical documentation and ensure that all critical documentation is scanned or copied and forwarded or made available