

South Africa

Social Assistance Act, 2004

Regulations Relating to COVID-19 Social Relief of Distress

Government Notice R2042 of 2022

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Regulations Relating to COVID-19 Social Relief of Distress (Government Notice R2042 of 2022)

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Government Notice R2042 of 2022

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[Amended by Social Assistance Act, 2004: Amendment of Regulations Relating to COVID-19 Social Relief of Distress (Government Notice R2381 of 2022) on 1 August 2022]

I, Ms Lindiwe Zulu, MP, the Minister of Social Development, in terms of section 32, read with section 13, of the Social Assistance Act, 2004 (Act No. 13 of 2004), as amended, hereby issue Regulations, as set out in the Schedule.

Ms Lindiwe Zulu, MP

Minister of Social Development

1. Definitions

In these Regulations any word or expression to which a meaning has been assigned in the Act or the 2008 Regulations, bears the same meaning, unless the context indicate otherwise or defined in these Regulations, and—

"**asylum seeker**" means a person referred to in section 1 of the Refugees Act, 1998 (Act No. 130 of 1998);

"**electronic platform**" means an electronic platform as designed and determined by the Agency and the Department for the application for the Covid-19 Social Relief of Distress and any appeal related thereto;

"**insufficient means**" means that a person is not in receipt of income or financial support;

"**Covid-19 Social Relief of Distress**" means the social relief of distress contemplated in regulation 2;

"**the Act**" means the Social Assistance Act, 2004 (Act No. 13 of 2004), as amended;

"**the 2008 Regulations**" means the Regulations relating to the application for and payment of social assistance and the requirements or conditions in respect of eligibility for social assistance, published by Government Notice No. R. 898 of 2008, as amended.

2. Persons eligible for Covid-19 Social Relief of Distress

- (1) Subject to section 5, read with section 13 of the Act, a person in need of temporary assistance, may qualify for the social relief of distress called the Covid-19 Social Relief of Distress if he or she is a person with insufficient means.
- (2) For the purpose of subregulation (1), the person with insufficient means must in addition be—
 - (a) a person who is—
 - (i) a South African citizen; or
 - (ii) a permanent resident; or

- (iii) a refugee; or
 - (iv) a holder of a special permit under the Special Angolan Dispensation, the Lesotho Exemption Permit Dispensation or the Zimbabwe Exemption Permit Dispensation; or
 - (v) an asylum seeker, whose section 22 permit or visa is valid; and
 - (b) registered on the Department of Home Affairs database or registered on the Agency's social grant database with a unique system generated identifying number for people without identity documents; and
 - (c) between the ages of 18 and 60; and
 - (d) currently residing within the borders of South Africa;
 - (e) not a resident in a government funded or subsidised institution; and
 - (f) not unreasonably refuse to accept employment or educational opportunities.
- (3) For the purpose of validating insufficient means, the Agency may use—
- (a) a declaration from the applicant attesting to such; and
 - (b) a screening questionnaire; and
 - (c) a proxy means test consisting of—
 - (i) checks against databases that may indicate income or alternative financial assistance; and
 - (ii) verification of insufficient means with banks.
- (4) *[subregulation (4) deleted by section 1(a) of Government Notice R2381 of 2022]*
- (5) The income threshold for insufficient means, contemplated in this regulation, is [R350] R624 per person per month.
- [subregulation (5) substituted by section 1(b) of Government Notice R2381 of 2022]*
- (6) If a person has more than one bank account, the criteria for insufficient means is deemed to have been met if all the bank accounts, assessed individually, are below the income threshold referred to in subregulation (3).
- (7) A person is not entitled to a social grant for himself or herself and Covid-19 Social Relief of Distress simultaneously.
- (8) If a person has received both the Covid-19 Social Relief of Distress and a social grant for himself or herself for the same period, the value paid for the Covid-19 Social Relief of Distress must be recovered from any payment from a social grant t, including an arrear payment.
- (9) The amount of social relief of distress paid to a person or a representative of a household affected by a disaster in terms of regulation 9(5) of the 2008 Regulations, may not be recovered from the Covid-19 Social Relief of Distress.
- (10) The Agency may determine the most suitable method for disbursing the Covid-19 Social Relief of Distress and may amend such method from time to time, as required.
- (11) All payments in terms of this regulation are subject to available funds for the Covid-19 Social Relief of Distress and the Agency may limit disbursements when funds are depleted.

3. Procedure for application for Covid Social Relief of Distress

- (1) A person may apply for the Covid-19 Social Relief of Distress if the person complies with the criteria set out in regulation 2.

- (2) An application for the Covid-19 Social Relief of Distress must be lodged on the electronic platform.
- (3) The Agency must, before the end of the month, approve or reject all applications for the Covid-19 Social Relief of Distress received before the 15th of the month
- (4) The applicant for the Covid-19 Social Relief of Distress must be furnished with an electronic receipt or notification of outcome for the application.
- (5) If an application for the Covid-19 Social Relief of Distress is approved, the Agency must inform the applicant by electronic communication or any other means of communication of such approval.
- (6) If an application for the Covid-19 Social Relief of Distress is rejected, the Agency must inform the applicant by electronic communication of such rejection and of—
 - (a) the reasons for such rejection;
 - (b) the applicant's right, if he or she disagrees with the Agency's decision, to lodge an appeal with the Independent Tribunal as provided in regulation 6.
- (7) The Agency must keep a register of all applications for the Covid-19 Social Relief of Distress in which the following must, if applicable be recorded:
 - (a) Identifying particulars;
 - (b) the date of application;
 - (c) the date on which the application is approved or rejected; and
 - (d) payments made.
- (8) The Agency must ensure that all personal information received for the Covid-19 Social Relief of Distress are processed, stored and protected in terms of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) and the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002).

4. Date of application and consent by applicant to information sharing

- (1) The date on which a complete application for the Covid-19 Social Relief of Distress is submitted, is deemed to be the date on which the application is lodged.
- (2) By virtue of application for the Covid-19 Social Relief of Distress, an applicant consents to the Agency or the Independent Tribunal, when necessary, to process, including collecting, verifying, using and disclosing the information of the applicant, including his or her identity, residency, sources of income, social security benefits or any other information required to assess an application with—
 - (a) the Department of Home Affairs;
 - (b) social security institutions;
 - (c) financial institutions; and
 - (d) any other government or private institution considered necessary.
- (3) By virtue of application for the Covid-19 Social Relief of Distress, an applicant consents that any institution listed in subregulation (2)(a) to (d) discloses information requested in terms of subregulation (2) to the Agency or the Independent Tribunal.

5. Amount and period of payment

- (1) The monthly amount of the Covid-19 Social Relief of Distress is R350 per person and is payable for the months in the period 1 April 2022 to 31 March 2023.
- (2) *[subregulation (2) deleted by section 2 of Government Notice R2381 of 2022 with effect from 01 July 2022]*
- (3) The payments in terms of these regulations—
 - (a) are limited to the amount appropriated for the 2022/2023 financial year to the vote of Social Development for social relief of distress; and
 - (b) may only be made in respect of applications, made during the period 1 April 2022 to 31 March 2023, and approved by the Agency.
- (4) Notwithstanding subregulation (3), payments may be made in a subsequent period for an application or an appeal lodged within the timeframes provided for in these regulations, and subject to funds being available.

6. Appeal against decision of Agency

Notwithstanding the regulations governing appeals as contemplated in section 14(3)(b)(iii) and section 18 of the Act, the appeal process for the Covid-19 Social Relief of Distress is as follows:

- (a) If an applicant disagrees with the decision of the Agency in relation to an application for the Covid-19 Social Relief of Distress contemplated in regulation 3(1), the applicant or a person acting on his or her behalf may, within a period not exceeding 90 days of the date of the decision, lodge an appeal on the electronic platform;
- (b) the Minister must appoint such number of persons as members of the Independent Tribunal as may be necessary to consider and decide on the appeals regarding the Covid-19 Social Relief of Distress;
- (c) when lodging an appeal, the applicant or the person acting on his or her behalf may not submit any evidence or information which was not provided to the Agency at the time of the application;
- (d) the Independent Tribunal must consider the appeal by reassessing the decision of the Agency against the available information at its disposal and has the powers to either confirm or set aside the decision of the Agency;
- (e) the Independent Tribunal must finalise the appeal within 90 days from the date on which the appeal was received by the Independent Tribunal and must inform the applicant by electronic communication of the decision and reasons thereof;
- (f) no appeal will be considered by the Independent Tribunal, if not submitted within the period of 90 days contemplated in paragraph (a).

7. Commencement

These Regulations take effect on the date of publication of this notice in the *Gazette*.