

BUITENGEWONE

OFFISIËLE KOERANT

VAN SUIDWES-AFRIKA

OFFICIAL GAZETTE

EXTRAORDINARY

OF SOUTH WEST AFRICA

UITGAWE OP GESAG

PUBLISHED BY AUTHORITY

30c Vrydag 1 Augustus 1980 WINDHOEK Friday 1 August 1980 No. 4236

INHOUD:

Bladsy

PROKLAMASIE:

No. R. 131 (Republiek) Proklamasie op Verdedigingsaan-
geleenthede in Suidwes-Afrika, 1980

1

CONTENTS:

Page

PROCLAMATION:

No. R. 131 (Republic) Defence Matters in South West
Africa Proclamation, 1980

1

Proklamasie 131 van 1980 van die Staatspresident van die Republiek van Suid-Afrika in *Staatskoerant* 7166 van 1 Augustus 1980 gepubliseer, word hierby ter inligting gepubliseer.

Proclamation 131 of 1980 by the State President of the Republic of South Africa published in *Gazette* 7166 of 1 August 1980, is hereby published for information.

PROKLAMASIE

van die

STAATSPRESIDENT VAN DIE REPUBLIEK VAN
SUID-AFRIKA

No. 131, 1980

OORDRAG VAN GESAG AAN DIE
ADMINISTRATEUR-GENERAAL MET BETREK-
KING TOT DIE ADMINISTRASIE VAN SEKERE
BEPALINGS VAN DIE VERDEDIGINGSWET,
1957, IN SUIDWES-AFRIKA

Kragtens die bevoegdheid my verleen by artikel 38 van die Wet op die Konstitusie van Suidwes-Afrika, 1968 (Wet 39 van 1968), maak ek hierby die wette in die Bylae vervat.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die een-en-dertigste dag van Julie eenduisend negehonderd-en-tagtig.

M. VILJOEN
Staatspresident

Op las van die Staatspresident-in-rade:

S. P. BOTHA

PROCLAMATION

by the

STATE PRESIDENT OF THE REPUBLIC OF
SOUTH AFRICA

No. 131, 1980

TRANSFER OF AUTHORITY TO THE
ADMINISTRATOR-GENERAL IN RELATION TO
THE ADMINISTRATION OF CERTAIN
PROVISIONS OF THE DEFENCE ACT, 1957, IN
SOUTH WEST AFRICA

Under the powers vested in me by section 38 of the South West Africa Constitution Act, 1968 (Act 39 of 1968), I hereby make the laws set out in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this thirty-first day of July one thousand nine hundred and eighty.

M. VILJOEN
State President

By order of the State President-in-Council:

S. P. BOTHA

BYLAE

Woordomskrywings

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, het 'n uitdrukking waaraan 'n betekenis in die Verdedigingswet toegeskryf is, die betekenis aldus daaraan toegeskryf, en beteken —

- (i) “gebied” die gebied Suidwes-Afrika; (iv)
- (ii) “Regeringsdienswet” die Regeringsdienswet, 1980 (Wet 2 van 1980), van die Nasionale Vergadering van Suidwes-Afrika; (ii)
- (iii) “Suidwes-Afrikaanse Gebiedsmag” die eenhede van die Suid-Afrikaanse Weermag kragtens die bepalings van die Verdedigingswet ingedeel in en as die Suidwes-Afrikaanse Gebiedsmag en genoem in Goewermentskennisgewing AG. 105 van 1980 in die *Offisiële Koerant* van die gebied op 1 Augustus 1980 gepubliseer, soos van tyd tot tyd by soortgelyke kennisgewing gewysig; (iii).
- (iv) “Verdedigingswet” die Verdedigingswet, 1957 (Wet 44 van 1957). (i)

Oordrag van gesag aan Administrateur-generaal

2. (1) Behoudens die bepalings van hierdie Proklamasie word die administrasie van die bepalings van die Verdedigingswet wat in Hoofstukke IV, V, VII, VIII en IX daarvan vervat is, in en ten opsigte van die gebied deur die Administrateur-generaal behartig vir sover daardie bepalings van toepassing is of betrekking het op of ten opsigte van —

- (a) 'n eenheid of lid van die Suidwes-Afrikaanse Gebiedsmag uit hoofde van die feit dat sodanige eenheid of lid 'n eenheid of lid van die Suid-Afrikaanse Weermag, met inbegrip van die Burgermag of kommando's van die Suid-Afrikaanse Weermag is;
- (b) die opleiding as kadette van persone wat skoliere of studente by 'n skool of ander opvoedkundige inrigting in die gebied is;
- (c) die registrasie en inskrywing soos in genoemde Hoofstuk VIII beoog, van persone wat ingevolge die bepalings in daardie Hoofstuk vervat, aansoek om sodanige registrasie of inskrywing moet doen of kan doen en in die gebied woonagtig is, en die toewysing soos aldus beoog van sodanige persone aan 'n eenheid van die Burgermag of die kommando's wat deel van die Suidwes-Afrikaanse Gebiedsmag uitmaak.

(2) By die toepassing van subartikel (1) —

SCHEDULE

Definitions

1. In this Proclamation, unless the context otherwise indicates, any expression to which a meaning is assigned in the Defence Act, shall have the meaning so assigned to it, and —

- (i) “Defence Act” means the Defence Act, 1957 (Act 54 of 1957); (iv)
- (ii) “Government Service Act” means the Government Service Act, 1980 (Act 2 of 1980), of the National Assembly of South West Africa; (ii)
- (iii) “South West African Territory Force” means the units of the South African Defence Force organized in and as the South West African Territory Force under the provisions of the Defence Act and specified in Government Notice AG. 105 of 1980 published in the *Official Gazette* of the territory on 1 August 1980, as amended from time to time by similar notice; (iii)
- (iv) “territory” means the territory of South West Africa. (i)

Transfer of authority to Administrator-General

2. (1) Subject to the provisions of this Proclamation, the administration of the provisions of the Defence Act contained in Chapters IV, V, VII, VIII and IX thereof shall be carried on by the Administrator-General in and in respect of the territory in so far as those provisions apply or relate to or in respect of —

- (a) any unit or member of the South West African Territory Force by virtue of the fact that such unit or member is a unit or a member of the South African Defence Force, including the Citizen Force or commandos of Defence Force;
- (b) the training as cadets of persons who are scholars or students at a school or other educational institution in the territory;
- (c) the registration and enrolment as contemplated in the said Chapter VIII, of persons who are required to or may apply for such registration or enrolment in terms of the provisions contained in that Chapter and are resident in the territory, and the allotment as so contemplated of such persons to any unit of the Citizen Force or the commandos forming part of the South West African Territory Force.

(2) For the purposes of subsection (1) —

- (a) word 'n verwysing na die Minister van Verdediging —
- (i) in artikels 21, 22, 35, 37, 44, 56, 62, 66A, 67, 68 en 70*bis* van die Verdedigingswet, uitgelê as 'n verwysing na die Administrateur-generaal;
- (ii) in artikels 76, 79, 80, 81 en 89 van die Verdedigingswet, uitgelê as 'n verwysing ook na die Administrateur-generaal;
- (b) word 'n verwysing na die Minister van Arbeid in artikels 68, 69 en 70*bis* van die Verdedigingswet, uitgelê as 'n verwysing na die Administrateur-generaal;
- (c) word 'n verwysing na die Minister van Finansies in artikels 66A en 76 van die Verdedigingswet, uitgelê as 'n verwysing na die Administrateur-generaal;
- (d) word 'n verwysing na die Tesourie in artikels 42*bis*, 43 en 68 van die Verdedigingswet, uitgelê as 'n verwysing na die Tesourie soos omskryf in die Skatkis- en Ouditwet, 1975 (Wet 66 van 1975), soos gewysig deur artikel 6 van Proklamasie 85 van 1979 van die Staatspresident;
- (e) word, met betrekking tot registrasie en toewysing ingevolge Hoofstuk VIII van die Verdedigingswet, van persone wat in die gebied woonagtig is, 'n verwysing na 'n registrasiebeampte in daardie Hoofstuk, uitgelê as 'n verwysing ook na 'n registrasiebeampte deur of op gesag van die Administrateur-generaal aangestel kragtens artikel 62 van daardie Wet soos ingevolge paragraaf (a) van hierdie subartikel uitgelê, en word die gebied geag 'n gebied te wees waarvoor 'n keurlys ingevolge artikel 66 van daardie Wet opgestel moet word;
- (f) word 'n verwysing na die Departement van Finansies en die Departement van Verdediging in artikel 76 van die Verdedigingswet en die Sekretaris van Verdediging in artikels 42*bis*, 43 en 79 daarvan uitgelê as 'n verwysing na, onderskeidelik, die Departement van Finansies kragtens artikel 3 van die Regeringsdienswet ingestel, die Departement van Verdediging aldus ingestel, en die in die Regeringsdienswet bedoelde hoof van laasgenoemde Departement;
- (g) word 'n verwysing na die *Staatskoerant* in artikels 76 en 89 van die Verdedigingswet, uitgelê as 'n verwysing na die *Offisiële Koerant* van die gebied;
- (a) any reference to the Minister of Defence —
- (i) in sections 21, 22, 35, 37, 44, 56, 62, 66A, 67, 68 and 70*bis* of the Defence Act, shall be construed as a reference to the Administrator-General;
- (ii) in sections 76, 79, 80, 81 and 89 of the Defence Act, shall be construed as including a reference to the Administrator-General;
- (b) any reference to the Minister of Labour in sections 68, 69 and 70*bis* of the Defence Act, shall be construed as a reference to the Administrator-General;
- (c) any reference to the Minister of Finance in sections 66A and 76 of the Defence Act, shall be construed as a reference to the Administrator-General;
- (d) any reference to the Treasury in sections 42*bis*, 43 and 68 of the Defence Act, shall be construed as a reference to the Treasury as defined in the Exchequer and Audit Act, 1975 (Act 66 of 1975), as amended by section 6 of Proclamation 85 of 1979 of the State President;
- (e) any reference to a registering officer in Chapter VIII of the Defence Act shall, in relation to the registration and allotment in terms of that Chapter of persons who are resident in the territory, be construed as including a reference to a registering officer appointed by or under the authority of the Administrator-General under section 62 of that Act as construed in terms of paragraph (a) of this subsection, and the territory shall be deemed to be and area for which a selection list is required to be prepared in terms of section 66 of that Act;
- (f) any reference to the Department of Finance and the Department of Defence in section 76 of the Defence Act and the Secretary for Defence in sections 42*bis*, 43 and 79 thereof, shall be construed as a reference to the Department of Finance established under section 3 of the Government Service Act, the Department of Defence so established, and the head of the last-mentioned Department referred to in the Government Service Act, respectively;
- (g) any reference to the *Gazette* in sections 76 and 89 of the Defence Act, shall be construed as a reference to the *Official Gazette* of the territory;

(h) word 'n verwysing na die Staat of die Regering in artikels 43, 66A, 76 en 89 van die Verdedigingswet, uitgelê as 'n verwysing ook na die Administrateur-generaal;

(i) word die verwysing in artikel 82*bis* van die Verdedigingswet na die Staatsdienskommissie, behalwe vir sover daardie artikel ten opsigte van lede van die Staande Mag van toepassing is, uitgelê as 'n verwysing na die Regeringsdienskommissie by artikel 4 van die Regeringsdienswet ingestel.

(3) Vir sover 'n regulasie waarby enigiets voorgeskryf word wat ingevolge of in verband met 'n bepaling van die Verdedigingswet in subartikel (2) genoem, voorgeskryf moet word, onbestaanbaar is met die betrokke bepaling soos ingevolge daardie subartikel uitgelê, word die regulasie uitgelê asof die verwysing na daardie bepaling in subartikel (2) 'n verwysing ook na die regulasie was.

(4) Die bepalings van hierdie artikel wat op Hoofstuk VIII van die Verdedigingswet of 'n bepaling van daardie Hoofstuk betrekking het, tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* van die gebied bepaal.

Oorgangsbepalings

3. Enigiets wat kragtens 'n bepaling van die Verdedigingswet in subartikel (2) van artikel 2 van hierdie Proklamasie genoem of kragtens 'n bepaling van 'n regulasie in subartikel (3) van daardie artikel genoem, gedoen is voor die datum waarop daardie artikel met betrekking tot die betrokke bepaling of regulasie in werking tree, word geag gedoen te wees kragtens daardie bepaling of regulasie soos vanaf die betrokke datum ooreenkomstig daardie artikel uitgelê.

Uitwerking van Proklamasie buite gebied

4. By die toepassing van die Verdedigingswet op of ten opsigte van 'n lid van die Suid-Afrikaanse Weermag of 'n ander persoon terwyl bedoelde lid of ander persoon buite die gebied is, word enigiets wat kragtens 'n bepaling van daardie Wet of 'n regulasie soos ingevolge subartikel (2) of (3) van artikel 2 van hierdie Proklamasie uitgelê, gedoen is of vereis word en in die gebied vir daardie lid in sy hoedanigheid van lid van die Suidwes-Afrikaanse Gebiedsmag of vir daardie ander persoon bindend is, geag kragtens die betrokke bepaling of regulasie soos dit buite die gebied van toepassing is, gedoen te wees of vereis te word.

Finansiële reëlings

5. (1) Ten opsigte van die boekjaar wat op 31 Maart 1981 eindig, word daar uit die Staatsinkomstefonds, in die paaieimente wat die Tesourie van die Republiek

(h) any reference to the State or the Government in sections 43, 66A, 76 and 89 of the Defence Act, shall be construed as including a reference to the Administrator-General;

(i) the reference in section 82*bis* of the Defence Act to the Public Service Commission, except in so far as that section applies in respect of members of the Permanent Force, shall be construed as a reference to the Government Service Commission established by section 4 of the Government Service Act.

(3) In so far as a regulation by which anything is prescribed which is required to be prescribed in terms of or in connection with a provision of the Defence Act mentioned in subsection (2), is inconsistent with the relevant provision as construed in terms of that subsection, such regulation shall be construed as if the reference to that provision in subsection (2) included a reference to such regulation.

(4) The provisions of this section relating to Chapter VIII of the Defence Act or any provision of that Chapter, shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette* of the territory.

Transitional provisions

3. Anything done under a provision of the Defence Act mentioned in subsection (2) of section 2 of this Proclamation or under a provision of a regulation mentioned in subsection (3) of that section, before the date upon which that section comes into operation in relation to the relevant provision or regulation, shall be deemed to have been done under that provision or regulation as construed in accordance with that section from the date concerned.

Effect of Proclamation outside territory

4. In the application of the Defence Act to or in respect of any member of the South African Defence Force or any other person while such member or other person is outside the territory, anything done or which is required under a provision of that Act or a regulation as construed in terms of subsection (2) or (3) of section 2 of this Proclamation and is in the territory binding upon such member in his capacity as a member of the South West African Territory Force or upon such other person, shall be deemed to have been done or to be required under the relevant provision or regulation as it applies outside the territory.

Financial arrangements

5. (1) In respect of the financial year ending on 31 March 1981 there shall be paid from the State Revenue Fund, in such instalments as may be determined by the

bepaal, in die Sentrale Inkomstefonds van die gebied gestort die bedrag, soos deur die Hoof van die Suid-Afrikaanse Weermag met die instemming van genoemde Tesourie bepaal, waarvoor daar in die begrotingspos van uitgawes van die Departement van Verdediging van die Republiek uit die Staatsinkomstefonds vir daardie boekjaar voorsiening gemaak is met die oog op besteding daarvan ten opsigte van die administrasie in of ten opsigte van die gebied, van die bepalings van die Verdedigingswet in artikel 2(1) van hierdie Proklamasie genoem, en wat nie aldus bestee is of bestee sal word nie.

(2) Die bedrag ingevolge subartikel (1) in genoemde Sentrale Inkomstefonds gestort, word geag ingevolge die wette op die onttrekking van geld uit daardie Fonds, ten opsigte van die boekjaar wat op 31 Maart 1981 eindig, bewillig te wees vir die bestryding van die uitgawes in verband met die administrasie in of ten opsigte van die gebied, van die bepalings van die Verdedigingswet in artikel 2(1) van hierdie Proklamasie genoem, waarvoor voorsiening gemaak word in 'n begroting van uitgawes deur die hoof van die Departement van Verdediging kragtens artikel 3 van die Regeringsdienswet ingestel, aan die Administrateur-generaal voorgelê en deur die Administrateur-generaal goedgekeur.

(3) Enige uitgawes in verband met die administrasie in of ten opsigte van die gebied, van 'n bepaling van die Verdedigingswet in artikel 2(1) van hierdie Proklamasie genoem, wat nie ingevolge hierdie Proklamasie deur die Administrateur-generaal behartig word nie, word, onderworpe aan bewilliging by wet van sodanige uitgawes, uit genoemde Sentrale Inkomstefonds bestry asof die betrokke administrasie deur die Administrateur-generaal behartig word of onder sy gesag geskied.

Kort titel

6. Hierdie Proklamasie heet die Proklamasie op Verdedigingsaangeleenthede in Suidwes-Afrika, 1980.

Treasury of the Republic, into the Central Revenue Fund of the territory the amount, as determined by the Chief of the South African Defence Force with the concurrence of the said Treasury, which has been provided for in the vote of expenditure of the Department of Defence of the Republic from the State Revenue Fund for that financial year with the object of spending it in respect of the administration, in or in respect of the territory, of the provisions of the Defence Act mentioned in section 2(1) of this Proclamation, and has not been or will not be so spent.

(2) The amount paid into the said Central Revenue Fund in terms of subsection (1), shall be deemed to have been appropriated, in terms of the laws governing the withdrawal of money from that Fund, in respect of the financial year ending on 31 March 1981 for the defrayal of such expenditure in connection with the administration, in or in respect of the territory, of the provisions of the Defence Act mentioned in section 2(1) of this Proclamation, as may be provided for in an estimate of expenditure submitted by the head of the Department of Defence established under section 3 of the Government Service Act, to the Administrator-General and approved by the Administrator-General.

(3) Any expenditure in connection with the administration in or in respect of the territory, of a provision of the Defence Act mentioned in section 2(1) of this Proclamation, which is not administered by the Administrator-General in terms of this Proclamation, shall, subject to appropriation by law of such expenditure, be defrayed from the said Central Revenue Fund as if the relevant administration is carried on by the Administrator-General or takes place under his authority.

Short title

6. This Proclamation shall be called the Defence Matters in South West Africa Proclamation, 1980.