



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

PRYS (AVB ingesluit) 30c PRICE (GST included)

BUITELANDS 40c ABROAD

POSVRY · POST FREE

Vol. 205]

KAAPSTAD, 7 JULIE 1982

CAPE TOWN, 7 JULY 1982

[No. 8294

KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1284.

7 Julie 1982.

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

No. 103 van 1982: Wysigingswet op Verdediging, 1982.

No. 1284.

7 July 1982.

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

No. 103 of 1982: Defence Amendment Act, 1982.

Wet No. 103, 1982

WYSIGINGSWET OP VERDEDIGING, 1982

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 Verdedigingswet, 1957, ten einde ander voorsiening te maak betreffende die verpligting om in die Staandemagreserwe en die Aktiewe Burgermagreserwe te dien; ander voorsiening te maak betreffende diensplig in die Burgermag, kommando's en Staandemagreserwe; die Reserwe van Offisiere en die Kommandoreserwe af te skaf; ander voorsiening te maak betreffende die samestelling en organisasie van die Reserwe; die bepalings betreffende die verpligting van lede van die Nasionale Reserwe om hulle in sekere omstandighede aan te meld en sekere inligting te verstrek, te herroep; die maksimum ouderdomsperk wat van toepassing is op sekere persone met betrekking tot die plig om te registreer, te verhoog; die bepalings betreffende die insluiting van name in keurlyste uit te brei; keurrade af te skaf; ander voorsiening te maak betreffende die toewysing vir diens van persone aan die Burgermag, kommando's en Suid-Afrikaanse Polisie; ander voorsiening te maak betreffende die samestelling van en die verrigting van werksaamhede en die uitoefening van bevoegdhede deur vrystellingsrade; sekere persone wat in die Burgermag diens doen, te magtig om aansoek te doen om toewysing aan die kommando's; die Staatspresident te magtig om regulasies te maak betreffende verkeer in militêre gebiede; die Minister te magtig om sekere van sy magte oor te dra; te bepaal dat 'n kennisgewing aan die Hoof van die Suid-Afrikaanse Weermag gegee, in sekere gevalle geag word 'n kennisgewing aan die Staat gegee te wees; die bevoegdhede van die Staatspresident om orders, dekorasies en medaljes in te stel en toe te ken, uit te brei; die Minister te magtig om te gelas dat opleiding en diens in sekere gebiede ondergaan of verrig moet word; die Hoof van die Suid-Afrikaanse Weermag te magtig om die onmiddellike indiensstelling van sekere lede van die Mag of Reserwe te gelas; die bepalings wat die betaling van die besoldiging van 'n vermiste lid van die Mag magtig, uit te brei; voorsiening te maak vir die betaling van die besoldiging van 'n lid van die Mag wat krygsgevangene geneem is; en die bepalings wat die aanspreeklikheid van die Regering vir sekere verliese of skade beperk, te wysig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 23 Junie 1982.)

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

DEFENCE AMENDMENT ACT, 1982

Act No. 103, 1982

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.

ACT

To amend the Defence Act, 1957, so as to make different provision relating to the liability to serve in the Permanent Force Reserve and the Active Citizen Force Reserve; to make different provision relating to service in the Citizen Force, commandos and Permanent Force Reserve; to abolish the Reserve of Officers and the Commando Reserve; to make different provision relating to the composition and organization of the Reserve; to repeal the provisions relating to the duty of members of the National Reserve in certain circumstances to report and to furnish certain information; to increase the maximum age limit applying to certain persons with reference to the duty to register; to extend the provisions relating to the inclusion of names in selection lists; to abolish selection boards; to make different provision in respect of the allotment for service of persons to the Citizen Force, the commandos and the South African Police; to make different provision in respect of the composition of and the performance of functions and exercise of powers by exemption boards; to authorize certain persons rendering service in the Citizen Force to apply for allotment to the commandos; to authorize the State President to make regulations relating to traffic in military areas; to authorize the Minister to delegate certain of his powers; to provide that a notice given to the Chief of the South African Defence Force shall in certain cases be deemed to be a notice given to the State; to extend the powers of the State President to institute and award orders, decorations and medals; to authorize the Minister to direct that training and service shall be undergone or performed in certain areas; to authorize the Chief of the South African Defence Force to authorize immediate engagement of certain members of the Force or Reserve; to extend the provisions authorizing the payment of the remuneration of a missing member of the Force; to provide for the payment of the remuneration of a member of the Force taken prisoner of war; and to amend the provisions which limit the liability of the Government for certain losses or damage; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 23 June 1982.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

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Wysiging van artikel 1 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 12 van 1961, artikel 1 van Wet 42 van 1961, artikel 1 van Wet 77 van 1963, artikel 20 van Wet 39 van 1966, artikel 1 van Wet 85 van 1967, artikel 1 van Wet 26 van 1973, artikel 1 van Wet 8 van 1974, artikel 1 van Wet 1 van 1976 en artikel 1 van Wet 35 van 1977.

1. Artikel 1 van die Verdedigingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die omskrywing „diens in die handelsvloot” te skrap.

Vervanging van artikel 6 van Wet 44 van 1957, soos vervang deur artikel 5 van Wet 85 van 1967.

2. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang: 5

- „Samestelling van Reserwe. 6. Die Reserwe bestaan uit—
- (a) die **[Reserwe van Offisiere]** Staandemagreserwe;
 - (b) die **[Staandemagreserwe]** Aktiewe Burgermagreserwe; en
 - (c) die **[Burgermagreserwe]** Nasionale Reserwe. 10
 - [(cA) die Kommandoreserwe; en**
 - (d) die Nasionale Reserwe.]”.**

Vervanging van artikel 15 van Wet 44 van 1957.

3. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

- „Verpligting om in Staandemagreserwe te dien. 15. 'n Burger wat **[minstens een jaar]** in die Staande Mag gedien het, kan by die beëindiging van sy diens daarin **[, en behoudens die bepalings van Hoofstuk VI,]** verplig word om in die Staandemagreserwe te dien vir die tydperk en onderworpe aan die voorwaardes in Hoofstuk VI bepaal.”. 20

Wysiging van artikel 21 van Wet 44 van 1957, soos vervang deur artikel 11 van Wet 85 van 1967 en gewysig deur artikel 2 van Wet 8 van 1974 en artikel 2 van Wet 83 van 1974.

4. Artikel 21 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Elke persoon wat ingevolge Hoofstuk VIII aan die Burgermag toegewys is en wat **[op of]** na 31 Desember **[1973]** 1982 lid van daardie Mag was of is, is, behoudens die bepalings van hierdie Wet, verplig om in daardie mag te dien oor 'n tydperk van **[tien]** 14 jaar bereken vanaf **[1 Januarie van die jaar waarin]** die datum waarop hy vir die eerste keer diens of opleiding 30 in daardie Mag begin het of begin: Met dien verstande dat so 'n persoon wat **[om watter rede ook al]** weens enige handeling of versuim hoegenaamd van sy kant nie diens gedoen het waartoe hy ingevolge artikel 22 verplig is nie, verplig bly om in die Burgermag te dien 35 totdat hy bedoelde diens gedoen het, tensy die Minister of 'n persoon wat op sy gesag handel, anders gelas.”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By die bepaling van die datum van verstryking 40 van die tydperk in subartikel (1) bedoel, word diens deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die **[Spoorweg- en Hawepolisie]** Suid-Afrikaanse Spoorwegpolisiemag of die Gevangenisdiens **[of die handelsvloot]** as diens deur die bedoelde persoon in die Burgermag beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel,

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1. Section 1 of the Defence Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the deletion in subsection (1) of the definition "service in the merchant fleet".

Amendment of section 1 of Act 44 of 1957, as amended by section 1 of Act 12 of 1961, section 1 of Act 42 of 1961, section 1 of Act 77 of 1963, section 20 of Act 39 of 1966, section 1 of Act 85 of 1967, section 1 of Act 26 of 1973, section 1 of Act 8 of 1974, section 1 of Act 1 of 1976 and section 1 of Act 35 of 1977.

2. The following section is hereby substituted for section 6 of the principal Act:

Substitution of section 6 of Act 44 of 1957, as substituted by section 5 of Act 85 of 1967.

"Composition of Reserve.

6. The Reserve shall consist of—

- (a) the **[Reserve of Officers] Permanent Force Reserve;**
- (b) the **[Permanent Force] Active Citizen Force Reserve; and**
- (c) the **[Citizen Force] National Reserve.**
- [(cA) the Commando Reserve; and**
- (d) the National Reserve.]"**

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3. The following section is hereby substituted for section 15 of the principal Act:

Substitution of section 15 of Act 44 of 1957.

"Liability to serve in Permanent Force Reserve.

15. Any citizen who has served in the Permanent Force **[for not less than one year,]** shall on termination of his service therein **[, and subject to the provisions of Chapter VI,]** be liable to serve in the Permanent Force Reserve for the period and subject to the conditions provided in Chapter VI."

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4. Section 21 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

Amendment of section 21 of Act 44 of 1957, as substituted by section 11 of Act 85 of 1967 and amended by section 2 of Act 8 of 1974 and section 2 of Act 83 of 1974.

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"(1) Every person allotted to the Citizen Force in terms of Chapter VIII who was or is a member of that force **[on or]** after 31 December **[1973]** 1982, shall, subject to the provisions of this Act, be liable to serve in that force over a period of **[ten]** 14 years reckoned from **[1 January of the year in]** the date upon which he commenced or commences service or training in that force for the first time: Provided that any such person who **[for any reason whatever]** due to any act or omission whatever on his part has not rendered any service to which he is liable in terms of section 22, shall remain liable to serve in the Citizen Force until he has rendered such service, unless the Minister or any person acting under his authority otherwise directs."

- (b) by the substitution for subsection (2) of the following subsection:

"(2) For the purposes of determining the date of expiration of the period referred to in subsection (1), any service in the Permanent Force, the commandos, the South African Police, the **[Railways and Harbours Police]** South African Railways Police Force or the Prisons Service **[or the merchant fleet]** by any person shall be regarded as service in the Citizen Force by such person to such extent as the Minister or any per-

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bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of klas van persone waartoe bedoelde persoon behoort.”.

Wysiging van artikel 22 van Wet 44 van 1957, soos vervang deur artikel 12 van Wet 85 van 1967 en gewysig deur artikel 2 van Wet 66 van 1972, artikel 3 van Wet 8 van 1974, artikel 3 van Wet 83 van 1974, artikel 2 van Wet 35 van 1977 en artikel 1 van Wet 68 van 1977.

5. Artikel 22 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang: 5

„(1) 'n Ander lid van die Burgermag as 'n lid wat ingevolge artikel 20 of 24 vir diens daarin ingeskryf is, is, behoudens die bepalings van hierdie Wet, verplig om die **[ononderbroke en onderbroke]** diens te doen wat 10 die Minister of 'n persoon wat op sy gesag handel, binne die perke in hierdie artikel neergelê, bepaal.”;

- (b) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) **[Die ononderbroke diens waartoe 'n lid verplig is wat ingevolge artikel 21]** 'n Lid wat verplig is om in die Burgermag te dien, **[word, behoudens die bepalings van subartikel (4) van hierdie artikel,]** doen diens wat voltooi word in—

- (a) 'n eerste dienstydpark van hoogstens 24 maande; 20 **[en]**

- (b) latere dienstydpark gedurende ses siklusse van twee jaar elk waarvan geeneen langer as **[dertig]** 90 dae duur nie en wat per siklus altesaam nie **[tweehonderd-en-veertig]** 120 dae oorskry nie.”; 25

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Diens gedoen ingevolge artikel 92ter (2) word ondanks die bepalings van subartikel (3) by die toepassing van hierdie artikel as diens beskou.”; 30

- (d) deur subartikel (5) te skrap;

- (e) deur in subartikel (6) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„By die berekening van **[dae van onderbroke]** diens ingevolge hierdie artikel word—”; 35

- (f) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Opleiding ondergaan of diens gedoen deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die **[Spoorweg- en Hawepolisie]** 40 Suid-Afrikaanse Spoorwegpolisie, die Gevangenisdiens **[die handelsvloot te eniger tyd]** of die Burgermag voor 31 Desember **[1976]** 1982 of enige ander opleiding of diens wat die Minister geskik ag, word by die toepassing van hierdie artikel as diens beskou in die mate wat 45 die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of klas persone waartoe bedoelde persoon behoort.”; en

- (g) deur subartikel (10) te skrap. 50

6. Artikel 24 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (2) te skrap; en
(b) deur subartikel (3) te skrap.

Wysiging van artikel 24 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 28 van 1970.

Wysiging van artikel 29 van Wet 44 van 1957.

7. Artikel 29 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang: 55

„(2) By 'n vervolging van so 'n lid weens oortreding van 'n bepaling van subartikel (1), word die betrokke lid geag nie die voorgeskrewe offisier van sy adres of van 'n verandering daarin in kennis te gestel het nie, tensy hy—

- (a) 'n erkenning deur die voorgeskrewe offisier van sy kennisgewing van sy adres of van 'n verandering daarin, na gelang van die geval, toon; of 60

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son acting under his authority may determine in respect of such person or in respect of any category or class of persons to which such person belongs.”

5. Section 22 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) A member of the Citizen Force, other than a member enrolled for service therein in terms of section 20 or 24, shall, subject to the provisions of this Act, be liable to render such **[continuous and non-continuous]** service as the Minister or any person acting under his authority may, within the limits laid down in this section, determine.”;

- (b) by the substitution for subsection (3) of the following subsection:

“(3) **[The continuous service to which a member liable to serve in the Citizen Force in terms of section 21 shall be liable]** A member liable to serve in the Citizen Force shall **[subject to the provisions of subsection (4) of this section,]** render service which shall be completed in—

- (a) a first period of service not exceeding 24 months; **[and]**
 (b) subsequent periods of service during six cycles of two years each of which none shall exceed **[thirty]** 90 days and which shall per cycle not exceed **[two hundred and forty]** 120 days in the aggregate.”;

- (c) by the substitution for subsection (4) of the following subsection:

“(4) Service performed in terms of section 92ter (2) shall, notwithstanding the provisions of subsection (3), for the purpose of this section be regarded as service.”;

- (d) by the deletion of subsection (5);
 (e) by the substitution in subsection (6) for the words preceding paragraph (a) of the following words:

“For the purpose of reckoning **[days of non-continuous]** service in terms of this section—”;

- (f) by the substitution for subsection (9) of the following subsection:

“(9) Any training undergone or service rendered by any person in the Permanent Force, the commandos, the South African Police, the South African Railways **[and Harbours]** Police Force, the Prisons Service **[the merchant fleet at any time]** or **[in]** the Citizen Force before 31 December **[1976]** 1982 or any other training or service which the Minister may deem suitable, shall be regarded as service for the purpose of this section to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or class of persons to which such person belongs.”; and

- (g) by the deletion of subsection (10).

6. Section 24 of the principal Act is hereby amended—

- (a) by the deletion of paragraph (b) of subsection (2); and
 (b) by the deletion of subsection (3).

Amendment of section 22 of Act 44 of 1957, as substituted by section 12 of Act 85 of 1967 and amended by section 2 of Act 66 of 1972, section 3 of Act 8 of 1974, section 3 of Act 83 of 1974, section 2 of Act 35 of 1977 and section 1 of Act 68 of 1977.

Amendment of section 24 of Act 44 of 1957, as amended by section 1 of Act 28 of 1970.

7. Section 29 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) In any proceedings against any such member for a contravention of any provision of subsection (1), the member concerned shall be presumed not to have notified the prescribed officer of his address or of any change therein unless he produces—

- (a) an acknowledgment by the prescribed officer of his notification of his address or of a change therein, as the case may be; or

Amendment of section 29 of Act 44 of 1957.

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(b) bewys lewer dat hy 'n kennisgewing van sy adresverandering per aangetekende pos aan die voorgeskrewe offisier gepos het; of

[(b)] (c) ander bewys tot bevrediging van die hof lewer dat hy inderdaad die voorgeskrewe offisier van sy adres of van 'n verandering daarin, in kennis gestel het.”.

Vervanging van artikel 31 van Wet 44 van 1957.

8. Artikel 31 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verpligting om in die Aktiewe Burgermagreserwe te dien. 31. 'n Burger wat in die Burgermag gedien het, kan by die beëindiging van sy diens daarin verplig word om in die Aktiewe Burgermagreserwe te dien vir die tydperk en onderworpe aan die voorwaardes in Hoofstuk VI bepaal.”.

Vervanging van artikel 34 van Wet 44 van 1957.

9. Artikel 34 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verandering van adres. 34. (1) Iedere lid van 'n kommando moet [enige verandering in sy adres binne veertien dae na so 'n verandering aan die voorgeskrewe offisier meedeel] op die wyse en op die tye of binne die tydperke wat voorgeskryf word, die voorgeskrewe offisier van sy adres of van enige verandering daarvan in kennis stel.

(2) By 'n vervolging van so 'n lid weens 'n oortreding van subartikel (1), word daardie lid geag nie die voorgeskrewe offisier van sy adres of van 'n verandering daarvan in kennis te gestel het nie, tensy hy—

- (a) 'n erkenning deur die voorgeskrewe offisier van die ontvangs van sy kennisgewing van sy adres of van 'n verandering daarvan, na gelang van die geval, toon; of
- (b) bewys lewer dat hy 'n kennisgewing van sy adresverandering per aangetekende pos aan die voorgeskrewe offisier gepos het; of
- (c) ander bewys tot bevrediging van die hof lewer dat hy inderdaad die voorgeskrewe offisier van sy adres of van 'n verandering daarvan in kennis gestel het.”.

Vervanging van artikel 35 van Wet 44 van 1957, soos vervang deur artikel 18 van Wet 85 van 1967 en gewysig deur artikel 3 van Wet 66 van 1972, artikel 4 van Wet 8 van 1974, artikel 4 van Wet 83 van 1974 en artikel 2 van Wet 68 van 1977.

10. Artikel 35 van die Hoofwet word hierby deur die volgende artikel vervang:

„Diensplig in kommando's. 35. Elke persoon aan die kommando's toegewys ingevolge Hoofstuk VIII en elke persoon wat na 31 Desember 1982 'n lid van 'n kommando was en nie aan die Burgermag hertoegewys is nie (behalwe 'n in artikel 36 of 37 bedoelde lid), is, behoudens die bepalinge van hierdie Wet, verplig om in 'n kommando te dien totdat hy die ouderdom van 55 jaar bereik: Met dien verstande dat so 'n persoon wat weens enige handeling of versuim hoegenaamd van sy kant nie diens gedoen het waartoe hy ingevolge artikel 44 verplig is nie, verplig bly om in 'n kommando te dien totdat hy bedoelde diens gedoen het, tensy die Minister of 'n persoon wat op sy gesag handel, anders gelas.”.

Wysiging van artikel 44 van Wet 44 van 1957, soos vervang deur artikel 21 van Wet 85 van 1967 en gewysig deur artikel 2 van Wet 28 van 1970, artikel 4 van Wet 66 van 1972,

11. Artikel 44 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die diens wat deur lede van kommando's gedoen moet word, word, met behoorlike inagneming van die behoeftes van die Suid-Afrikaanse Weermag, gedoen in een van die gebiede in artikel 66 (1) vermeld en is soos voorgeskryf.”;

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(b) proof that he has posted by registered post a notification of his change of address to the prescribed officer;

or

5 **[(b)] (c)** other proof to the satisfaction of the court that he has in fact notified the prescribed officer of his address or of a change therein.”.

8. The following section is hereby substituted for section 31 of the principal Act: Substitution of section 31 of Act 44 of 1957.

10 “Liability to serve in Active Citizen Force Reserve. 31. A citizen who has served in the Citizen Force shall on the termination of his service therein be liable to serve in the Active Citizen Force Reserve for the period and subject to the conditions provided in Chapter VI.”.

15 9. The following section is hereby substituted for section 34 of the principal Act: Substitution of section 34 of Act 44 of 1957.

“Change of address. 34. (1) Every member of a commando shall, **advise the prescribed officer of any change in his address within fourteen days of such change** in such manner and at such times or within such periods as may be prescribed, notify the prescribed officer of his address and of any change therein.

20 (2) In any proceedings against any such member for a contravention of subsection (1), the member concerned shall be presumed not to have notified the prescribed officer of his address or of any change therein unless he produces—

25 (a) an acknowledgement by the prescribed officer of the receipt of his notification of his address or of a change therein, as the case may be; or

30 (b) proof that he has posted by registered post a notification of his change of address to the prescribed officer; or

35 (c) other proof to the satisfaction of the court that he has in fact notified the prescribed officer of his address or of a change therein.”.

10 The following section is hereby substituted for section 35 of the principal Act: Substitution of section 35 of Act 44 of 1957, as substituted by section 18 of Act 85 of 1967 and amended by section 3 of Act 66 of 1972, section 4 of Act 8 of 1974, section 4 of Act 83 of 1974 and section 2 of Act 68 of 1977.

40 “Liability to serve in commandos. 35. Every person allotted to the commandos in terms of Chapter VIII and every person who, after 31 December 1982, was a member of a commando (other than a member referred to in section 36 or 37) and was not re-allotted to the Citizen Force, shall, subject to the provisions of this Act, be liable to serve in a commando until he attains the age of 55 years: Provided that any such person who due to any act or omission whatever on his part has not rendered any service to which he is liable in terms of section 44, shall remain liable to serve in a commando until he has rendered such service, unless the Minister or any person acting under his authority otherwise directs.”.

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11. Section 44 of principal Act is hereby amended—

55 (a) by the substitution for subsection (1) of the following subsection:

“(1) The service to be rendered by members of commandos shall with due regard to the requirements of the South African Defence Force be rendered in one of the areas referred to in section 66 (1) and shall be as may be prescribed.”;

Amendment of section 44 of Act 44 of 1957, as substituted by section 21 of Act 85 of 1967 and amended by section 2 of Act 28 of 1970, section 4 of Act 66 of 1972,

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artikel 5 van
Wet 8 van 1974,
artikel 5 van
Wet 83 van 1974,
artikel 3 van
Wet 35 van 1977
en artikel 3 van
Wet 68 van 1977.

- (b) deur subartikel (2) te skrap;
- (c) deur subartikel (3) deur die volgende subartikel te vervang:
- „(3) (a) 'n Lid van 'n kommando, behalwe 'n lid in paragraaf (b) of (c) bedoel, doen diens wat voltooi word in 'n enkele dienstydsperk van hoogstens 12 dae in 'n kalenderjaar of tydperke wat altesaam in enige kalenderjaar nie 12 dae oorskry nie. 5
- (b) 'n Lid wat verplig is om in 'n kommando te dien nadat hy ingevolge artikel 67 (1) (b) (iv) aan 'n kommando toegewys is, doen diens— 10
- (i) wat gedurende die tydperk van 20 jaar wat volg op die datum waarop hy aldus toegewys is, voltooi word in dienstydsperke wat geeneen langer as 50 dae in 'n kalenderjaar duur nie en wat altesaam nie 1 000 dae oorskry nie; 15
- (ii) wat na verstryking van gemelde tydperk van 20 jaar voltooi word in 'n enkele dienstydsperk van hoogstens 12 dae in enige kalenderjaar of in dienstydsperke wat altesaam in enige kalenderjaar nie 12 dae oorskry nie. 20
- (c) 'n Lid wat verplig is om in 'n kommando te dien nadat hy ingevolge artikel 67 (1) (b) (i) aan 'n kommando toegewys is, doen diens wat—
- (i) in die eerste jaar van diens voltooi word in 'n enkele dienstydsperk van hoogstens 30 dae of dienstydsperke wat altesaam nie 30 dae oorskry nie; 25
- (ii) daarna voltooi word in 'n enkele dienstydsperk van hoogstens 12 dae in 'n kalenderjaar of dienstydsperke wat altesaam in enige kalenderjaar nie 12 dae oorskry nie.”; 30
- (d) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) **[Die wyse en basis van berekening van 'n aantal dae by die toepassing van subartikel (3) is soos voorgeskryf]** Vir die doeleindes van berekening van diens ingevolge hierdie artikel word— 35
- (a) 'n tydperk van diens wat agt uur duur;
- (b) twee tydperke van diens wat elk vier uur duur; 40
- (c) drie tydperke van diens wat elk drie uur duur; of
- (d) ses tydperke van diens wat elk een en 'n half uur duur,
- as gelykstaande met een dag se diens geag.”;
- (e) deur subartikels (5), (7) en (8) te skrap; en 45
- (f) deur subartikel (9) deur die volgende subartikel te vervang:
- „(9) Lede van kommando's kan, behoudens die regulasies, toegelaat word om diens in die Burgermag te doen of om op die voorwaardes wat voorgeskryf mag word, opleiding of 'n instruksiekursus **[behoudens die voorgeskrewe voorwaardes]** by te woon of om vrywilliglik diens te doen benewens diens waartoe hulle verplig is.”. 50

Herroeping van
artikel 46 van
Wet 44 van 1957.

12. Artikel 46 van die Hoofwet word hierby herroep.

55

Vervanging van
artikel 47 van
Wet 44 van 1957,
soos vervang deur
artikel 22 van
Wet 85 van 1967.

13. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang:

- „Samestelling van Staandemagreserwe. 47. Die Staandemagreserwe bestaan uit burgers wat, nadat hulle vir 'n tydperk van **[minstens een]** 10 jaar of sodanige korter tydperk as wat die Minister of iemand wat op sy gesag handel, bepaal in die 60

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(b) by the deletion of subsection (2);

(c) by the substitution for subsection (3) of the following subsection:

section 5 of
Act 8 of 1974,
section 5 of
Act 83 of 1974,
section 3 of
Act 35 of 1977
and section 3 of
Act 68 of 1977.

5 “(3) (a) A member of a commando except a member referred to in paragraph (b) or (c) shall be liable to render service which shall be completed in a single period of service not exceeding 12 days in any calendar year or periods which shall not exceed 12 days in any calendar year in the aggregate.

10 (b) A member liable to serve in a commando after having been allotted to a commando in terms of section 67 (1) (b) (iv), shall render service—

15 (i) which during the period of 20 years following upon the date upon which he was so allotted, shall be completed in periods of service of which none shall exceed 50 days in any calendar year and which shall not exceed 1 000 days in the aggregate;

20 (ii) which after expiry of the said period of 20 years shall be completed in a single period of service not exceeding 12 days in any calendar year or in periods of service which shall not exceed 12 days in any calendar year in the aggregate.

25 (c) A member liable to serve in a commando after having been allotted to a commando in terms of section 67 (1) (b) (i), shall render service which—

30 (i) in the first year of service shall be completed in a single period of service not exceeding 30 days or in periods which shall not exceed 30 days in the aggregate;

35 (ii) shall thereafter be completed in a single period of service not exceeding 12 days in any calendar year or in periods of service which shall not exceed 12 days in any calendar year in the aggregate.”;

(d) by the substitution for subsection (4) of the following subsection:

40 “(4) **[The manner and basis of calculation of any number of days for the purposes of subsection (3) shall be as prescribed.]** For the purpose of calculating service in terms of this section—

45 (a) a period of service lasting eight hours;
(b) two periods of service each lasting four hours;
(c) three periods of service each lasting three hours;
or
(d) six periods of service each lasting one hour and a half,

50 shall be deemed to be equivalent to one day's service.”;

(e) by the deletion of subsections (5), (7) and (8);

(f) by the substitution for subsection (9) of the following subsection:

55 “(9) Members of commandos may, subject to the regulations, be permitted to render service in the Citizen Force or, subject to such conditions as may be prescribed, to attend any training or course of instruction, or voluntarily to render service in addition to service to which they are liable **[subject to such conditions as may be prescribed]**.”

60

12. Section 46 of the principal Act is hereby repealed.

Repeal of
section 46 of
Act 44 of 1957;

13. The following section is hereby substituted for section 47 of the principal Act:

Substitution of
section 47 of
Act 44 of 1957,
as substituted by
section 22 of
Act 85 of 1967.

65 “Composition of Permanent Force Reserve. 47. The Permanent Force Reserve shall consist of citizens who, having served in the Permanent Force for a period of **[not less than one year]** 10 years or such lesser period as the Minister or a person acting

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Staande Mag gedien het, by die beëindiging van hul diens daarin met goedkeuring van die Minister of **[iemand wat op sy gesag handel]** sodanige persoon, en in ooreenstemming met die regulasies, verplig word om 'n tydperk van diens in die Staandemagreserwe te voltooi soos voorgeskryf mag word: Met dien verstande dat niemand, behalwe 'n offisier wat ingevolge artikel 86 die bedanking van sy kommissie ingedien het, verplig word om in 'n laer rang as wat hy by beëindiging van sy diens in die Staande Mag daarin bekleed het, in bedoelde Reserwe te dien nie, en dat niemand na sy vyf-en-sestigste jaar in bedoelde Reserwe dien nie."

Vervanging van artikel 48 van Wet 44 van 1957, soos vervang deur artikel 23 van Wet 85 van 1967.

14. Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang: 15

„Samestelling van Aktiewe Burgermagreserwe.

48. Die Aktiewe Burgermagreserwe bestaan uit burgers wat, nadat hulle hul diens in die Burgermag **[gedien]** voltooi het, met goedkeuring van die Minister of iemand wat op sy gesag handel, en in ooreenstemming met regulasies verplig word om 'n tydperk van diens van hoogstens vyf jaar in die Aktiewe Burgermagreserwe te voltooi soos voorgeskryf mag word: Met dien verstande dat so 'n burger nie verplig word om na sy **[vyf-en-sestigste]** vyf-en-vyftigste jaar in bedoelde Reserwe te dien nie."

Herroeping van artikel 48A van Wet 44 van 1957, soos ingevoeg deur artikel 24 van Wet 85 van 1967.

15. Artikel 48A van die Hoofwet word hierby herroep.

Vervanging van artikel 49 van Wet 44 van 1957.

16. Artikel 49 van die Hoofwet word hierby deur die volgende artikel vervang:

„Samestelling van Nasionale Reserwe.

49. Die Nasionale Reserwe bestaan uit alle in **[paragraaf (b) van artikel drie]** artikel 3 (1) (b) bedoelde burgers wat nie lede van enige van die magte wat die Suid-Afrikaanse Weermag uitmaak of van enige ander kragtens hierdie Wet ingestelde reserwe is nie, en ook alle in die Republiek gedomisileerde persone wat burgers is van 'n land deur die Staatspresident by proklamasie in die Staatskoerant aangewys: Met dien verstande dat geen persoon verplig word om na sy vyf-en-sestigste jaar in bedoelde Reserwe te dien nie."

Vervanging van artikel 50 van Wet 44 van 1957, soos vervang deur artikel 25 van Wet 85 van 1967.

17. Artikel 50 van die Hoofwet word hierby deur die volgende artikel vervang: 40

„Organisasie van Reserwes.

50. Die **[Reserwe van Offisiere, die]** Staandemagreserwe, die Aktiewe Burgermagreserwe en die **[Kommandoreserwe]** Nasionale Reserwe word onderskeidelik georganiseer op die wyse wat in die geval van elk van daardie Reserwes deur die Minister of iemand wat op sy gesag handel, bepaal of voorgeskryf mag word."

Vervanging van artikel 51 van Wet 44 van 1957, soos gewysig deur artikel 5 van Wet 81 van 1964, artikel 26 van Wet 85 van 1967,

18. Artikel 51 van die Hoofwet word hierby deur die volgende artikel vervang: 50

„Opleiding van Reserwes.

51. (1) Lede van die Staandemagreserwe kan verplig word om **[die diens]** opleiding wat voorgeskryf mag word, te **[doen]** ondergaan, terwyl lede van bedoelde Reserwe wat opleiding van 'n spesiale aard ondergaan het, op las van die Minister of iemand wat

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under his authority may determine, are on the termination of their service therein required with the approval of the Minister or **[a person acting under his authority]** such person, and in accordance with regulations, to complete a period of service in the Permanent Force Reserve as may be prescribed: Provided that no person, other than an officer who has in terms of section 86 tendered the resignation of his commission, shall be required to serve in the said Reserve in a rank lower than that which he held in the Permanent Force at the termination of his service therein, and that no person shall serve in the said Reserve beyond his sixty-fifth year."

14. The following section is hereby substituted for section 48 of the principal Act:

Substitution of section 48 of Act 44 of 1957, as substituted by section 23 of Act 85 of 1967.

"Composition of Active Citizen Force Reserve. 48. The Active Citizen Force Reserve shall consist of citizens who, having **[served]** completed their service in the Citizen Force, are, with the approval of the Minister or a person acting under this authority, and in accordance with regulations, required to complete a period of service not exceeding five years in the Active Citizen Force Reserve as may be prescribed: Provided that no such citizen shall be required to serve in the said Reserve beyond his **[sixty-fifth]** fifty-fifth year."

15. Section 48A of the principal Act is hereby repealed.

Repeal of section 48A of Act 44 of 1957, as inserted by section 24 of Act 85 of 1967.

16. The following section is hereby substituted for section 49 of the principal Act:

Substitution of section 49 of Act 44 of 1957.

"Composition of National Reserve. 49. The National Reserve shall consist of all citizens mentioned in **[paragraph (b) of section three]** section 3 (1) (b) who are not members of any of the forces constituting the South African Defence Force or of any reserve established under this Act, and shall include all persons domiciled in the Republic who are citizens of any country specified by the State President by proclamation in the *Gazette*: Provided that no person shall be required to serve in the said Reserve beyond his sixty-fifth year."

17. The following section is hereby substituted for section 50 of the principal Act:

Substitution of section 50 of Act 44 of 1957, as substituted by section 25 of Act 85 of 1967.

"Organization of Reserves. 50. The **[Reserve of Officers, the]** Permanent Force Reserve, the Active Citizen Force Reserve and the **[Commando]** National Reserve shall respectively be organized in such manner as may in the case of each of those Reserves be determined by the Minister or a person acting under his authority or be prescribed."

18. The following section is hereby substituted for section 51 of the principal Act:

Substitution of section 51 of Act 44 of 1957, as amended by section 5 of Act 81 of 1964, section 26 of Act 85 of 1967,

"Training of 50. Reserves. 51. (1) Members of the Permanent Force Reserve shall be liable to **[render]** undergo such **[service]** training as may be prescribed whilst members of the said Reserve who have undergone training of a special nature may, on the directions of the Minister

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artikel 3 van
Wet 3 van 1969
en artikel 4 van
Wet 68 van 1977.

op sy gesag handel, verplig kan word om 'n herhalingskursus te ondergaan: Met dien verstande dat—

(a) die tydperk van sodanige **[diens]** opleiding

[(a) in die geval van lede wat by beëindiging van diens in die Staande Mag minder as tien jaar daarin gedien het en nie ingevolge artikel 67 aan die Burgermag, die kommando's of die Suid-Afrikaanse Polisie toegewys is nie, aanvanklik altesaam nie dertig dae oorskry nie ten opsigte van elke jaar minder as tien jaar diens in die Staande Mag, en daarna nie die tydperk in paragraaf (b) vermeld, oorskry nie; en

(b) in die geval van lede wat by beëindiging van diens in die Staande Mag meer as tien jaar daarin gedien het, altesaam nie honderd-en-vyftig dae gedurende enige tydperk van vyf jaar oorskry nie.] altesame nie 30 dae oorskry nie; en

(b) so 'n herhalingskursus nie langer as 30 dae duur nie;

in enige jaar wat strek van die eerste dag van Januarie tot die laaste dag van Desember.

[(2)'n Lid van die Staandemagreserwe wat opleiding van 'n spesiale aard ontvang het, kan op las van die Minister of iemand wat op sy gesag handel, verplig word om so 'n herhalingskursus te volg as wat voorgeskryf word, maar so 'n herhalingskursus duur nie langer as dertig dae in enige jaar wat strek van die eerste dag van Januarie tot die laaste dag van Desember nie.

(3) (2) 'n Lid van die Reserwe [van die Offisiere of van die Staandemagreserwe of die Burgermagreserwe of die kommandoreserwe] kan toegelaat word om vrywilliglik enige instruksiekursus by te woon wat kragtens hierdie Wet voorsien word.”

Wysiging van
artikel 54 van
Wet 44 van 1957,
soos gewysig deur
artikel 2 van
Wet 83 van 1962
en artikel 29 van
Wet 85 van 1967.

19. (1) Artikel 54 van die Hoofwet word hierby gewysig— 35

(a) deur subartikel (1) te skrap;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Iedere lid van die **[Staandemagreserwe of die Burgermagreserwe of die Kommandoreserwe]** Reserwe moet hom op die wyse en op die tye of binne die tydperke wat voorgeskryf mag word, skriftelik of persoonlik by 'n voorgeskrewe offisier aanmeld, en daardie offisier ook van enige verandering in sy adres in kennis stel binne 14 dae nadat so 'n verandering plaasgevind het.”;

(c) deur subartikel (2A) te skrap; en

(d) deur subartikel (2B) te skrap.

(2) Paragrafe (c) en (d) van subartikel (1) tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 50

Wysiging van
artikel 55 van
Wet 44 van 1957,
soos vervang deur
artikel 30 van
Wet 85 van 1967.

20. Artikel 55 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Lid van die **[Staandemagreserwe of die Burgermagreserwe of die Kommandoreserwe]** Reserwe moet onder sulke voorwaardes as wat voorgeskryf mag word, enige aan hom uitgereikte artikels wat deel van sy uniform of uitrusting uitmaak, in sy besit en in goeie orde hou.”

Wysiging van
artikel 63 van
Wet 44 van 1957,
soos gewysig deur
artikel 6 van
Wet 81 van 1964
en artikel 36 van
Wet 85 van 1967.

21. Artikel 63 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

„(b) in die geval van 'n burger wat gedurende daardie hele tydperk buite die Republiek is of wat om enige ander rede versuim het om gedurende daardie tydperk aansoek om registrasie te doen, binne 65

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or any person acting under his authority, be required to undergo a refresher course: Provided that—

section 3 of
Act 3 of 1969
and section 4 of
Act 68 of 1977.

(a) the period of such [service] training shall

5 **[(a) in the case of members who, on termination of service in the Permanent Force have served therein for less than ten years, and who have not been allotted to the Citizen Force, the commandos or the South African Police in terms of section 67, initially not exceed thirty days in the aggregate in respect of every year less than ten years' service in the Permanent Force, and thereafter the period mentioned in paragraph (b); and**
10 **(b) in the case of members who, on termination of service in the Permanent Force have served therein for more than ten years, not exceed one hundred and fifty days in the aggregate during any period of five years.]**
15 **in the aggregate not exceed 30 days; and**

20 **(b) such refresher course shall not exceed 30 days, in any year which extends from the first day of January to the last day of December.**

25 **[(2) Any member of the Permanent Force Reserve who has received training of a special nature may, on the directions of the Minister or any person acting under his authority, be required to undergo such refresher course as may be prescribed, but any such refresher course shall not exceed thirty days in any one year which extends from the first day of January to the last day of December.**

30 **(3) (2) Any member of the Reserve [of Officers or of the Permanent Force Reserve or the Citizen Force Reserve or the Commando Reserve] may be permitted to attend voluntarily any course of training provided under this Act."**

35 **19. (1) Section 54 of the principal Act is hereby amended—**

(a) by the deletion of subsection (1);

(b) by the substitution for subsection (2) of the following subsection:

40 **"(2) Every member of the [Permanent Force Reserve or the Citizen Force Reserve or the Commando] Reserve shall in such manner and at such times or within such periods as may be prescribed, report in writing or in person to a prescribed officer and shall also advise that officer of any change in his address within 14 days after such change has occurred."**

45 (c) by the deletion of subsection (2A); and

(d) by the deletion of subsection (2B).

(2) Paragraphs (c) and (d) of subsection (1) shall come into operation on a date fixed by the State President by proclamation
50 in the *Gazette*.

Amendment of
section 54 of
Act 44 of 1957,
as amended by
section 2 of
Act 83 of 1962
and section 29 of
Act 85 of 1967.

20. Section 55 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

55 **"(1) A member of the [Permanent Force Reserve or the Citizen Force Reserve or the Commando] Reserve shall maintain in his possession and in good order any articles of uniform and equipment which may have been issued to him, under such conditions as may be prescribed."**

Amendment of
section 55 of
Act 44 of 1957,
as substituted by
section 30 of
Act 85 of 1967.

21. Section 63 of the principal Act is hereby amended—

60 (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

"(b) in the case of a citizen who is outside the Republic during the whole of that period or who has for any other reason failed to apply for registration during that period, within thirty days after his return to

Amendment of
section 63 of
Act 44 of 1957,
as amended by
section 6 of
Act 81 of 1964
and section 36 of
Act 85 of 1967.

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30 dae na sy terugkeer in die Republiek of die verval van daardie ander rede, tensy hy dan ouer as **[vyf-en-twintig] 55** jaar is.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang: 5
 „(2) Iemand wat 'n burger word tussen die laaste dag van Februarie in sy sestiende jaar en die datum waarop hy **[vyf-en-twintig] 55** jaar oud word, moet soos voormeld om registrasie aansoek doen binne 30 dae na die datum waarop hy 'n burger word.”; en 10
- (c) deur subartikel (4) deur die volgende subartikel te vervang: 10
 „(4) Iemand tussen die ouderdom van sestion en **[vyf-en-twintig] 55** jaar wat sonder wettige rede, waarvan die bewyslas op hom rus, weier of versuim om op 15
 aanvraag van 'n offisier of onderoffisier van die Staande Mag of 'n polisiebeampte die kragtens subartikel (3) aan hom uitgereikte sertifikaat te toon, is aan 'n misdryf skuldig.”.

Wysiging van artikel 66 van Wet 44 van 1957, soos ingevoeg deur artikel 38 van Wet 85 van 1967 en gewysig deur artikel 6 van Wet 3 van 1969.

22. Artikel 66 van die Hoofwet word hierby gewysig— 20

- (a) deur paragraaf (b) van subartikel (2) deur die volgende paragraaf te vervang: 20
 „(b) wat **[in sy sewentiende jaar of ouer maar nie ouer as vyf-en-twintig jaar is nie en]**, na die wete van die registrasiebeampte, versuim het om soos by artikel 63 vereis word, om registrasie aansoek te doen; of”;
- (b) deur aan die einde van paragraaf (c) van subartikel (2) die woord „of” in te voeg; en
- (c) deur die volgende paragrafe by subartikel (2) te voeg: 30
 „(d) wat voor die inwerkingtreding van paragrafe (c) en (d) van artikel 17 (1) van die Wysigingswet op Verdediging, 1982, ingevolge subartikel (2A) of (2B) van artikel 54 gelas is om inligting in gemelde subartikel (2A) of (2B) beoog, te verstrek; of 35
- (e) wat wanneer 'n keurlys opgestel word 'n lid van die Aktiewe Burgermagreserwe was vir 'n tydperk van minstens vyf jaar of wat aan die einde van die jaar waarin sodanige lys opgestel word so 'n lid vir sodanige tydperk sal wees en wat nog nie die ouderdom van 60 jaar bereik het nie.”. 40

Herroeping van artikel 66A van Wet 44 van 1957, soos ingevoeg deur artikel 39 van Wet 85 van 1967.

23. Artikel 66A van die Hoofwet word hierby herroep.

Vervanging van artikel 67 van Wet 44 van 1957, soos vervang deur artikel 24 van Wet 57 van 1957, en gewysig deur artikel 4 van Wet 35 van 1977 en artikel 5 van Wet 68 van 1977.

24. Artikel 67 van die Hoofwet word hierby deur die volgende artikel vervang:

„Toewysing aan Burgermag, kommando's of Suid-Afrikaanse Polisie. 67. (1) **[Daardie getal van die persone in subartikel (2) bedoel wat die Minister bepaal, moet in 'n bepaalde jaar aan die Burgermag en die Suid-Afrikaanse Polisie toegewys word en alle ander sodanige persone moet in daardie jaar aan die kommando's toegewys word.]** 45 50

(2) **[Behoudens die bepalings van subartikel (1) en die voorskrifte van die Minister, moet] Die registrasiebeampte moet, met behoorlike inagneming van die behoeftes van die Suid-Afrikaanse Weermag en [die aanbevelings van keurraad aan die Burgermag, die kommando's of die Suid-Afrikaanse Polisie persone toewys] behoudens enige beslissings van vrystellingsrade—** 55

(a) **[aan die Burgermag persone toewys—**

[(a)] (i) wie se name in 'n keurlys vir die betrokke jaar opgeneem is, uitgesonderd persone wie 60

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the Republic or the disappearance of such other reason, unless he is then over the age of **[twenty-five] 55** years.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) Any person who becomes a citizen between the last day of February in his sixteenth year and the date upon which he attains the age of **[twenty-four] 55** years, shall apply for registration as aforesaid within 30 days after the date upon which he becomes a citizen.”; and

- (c) by the substitution for subsection (4) of the following subsection:

“(4) Any person between the ages of sixteen and **[twenty-five] 55** years who without lawful excuse, the onus of proof whereof shall lie upon him, refuses or fails on demand by an officer or a non-commissioned officer of the Permanent Force or a policeman, to produce the certificate issued to him under subsection (3), shall be guilty of an offence.”.

22. Section 66 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

“(b) **[being in his seventeenth year or older but not older than twenty-five years,]** has to the knowledge of the registering officer, failed to apply for registration as required by section 63; or”;

- (b) by the insertion at the end of paragraph (c) of subsection (2) of the word “or”; and

- (c) by the addition to subsection (2) of the following paragraphs:

“(d) who has, before the commencement of paragraphs (c) and (d) of section 17 (1) of the Defence Amendment Act, 1982, been required in terms of subsection (2A) or (2B) of section 54 to furnish the information contemplated in the said subsection (2A) or (2B); or

(e) who, when a selection list is prepared, has been a member of the Active Citizen Force Reserve for not less than five years or who at the end of the year in which such list is prepared will have been such a member for such period and who has not attained the age of 60 years.”.

Amendment of section 66 of Act 44 of 1957, as inserted by section 38 of Act 85 of 1967 and amended by section 6 of Act 3 of 1969.

23. Section 66A of the principal Act is hereby repealed.

Repeal of section 66A of Act 44 of 1957, as inserted by section 39 of Act 85 of 1967.

24. The following section is hereby substituted for section 67 of the principal Act:

“Allotment to Citizen Force, commandos or South African Police. 67. (1) **[Such number of the persons referred to in subsection (2) as the Minister may determine shall be allotted in any year to the Citizen Force and the South African Police and all other such persons shall be allotted in that year to the commandos.**

(2) **Subject to the provisions of subsection (1) and the directions of the Minister]** The registering officer shall, with due regard to the requirements of the South African Defence Force and **[the recommendations of selection boards allot to the Citizen Force, the commandos or the South African Police, persons]** subject to any decisions of exemption boards, allot—

(a) to the Citizen Force persons—

[a)] (i) whose names have been included in a selection list for the year concerned, excluding

Substitution of section 67 of Act 44 of 1957, as substituted by section 24 of Act 57 of 1957 and amended by section 4 of Act 35 of 1977 and section 5 of Act 68 of 1977.

- se name ingevolge artikel 66 (2) (d) in so 'n keurlys opgeneem is;
- (ii) wat na 31 Desember 1982 lede van die Burgermag of die kommando's was en nog nie hul diensplig daarin voltooi het nie, tensy 'n vrystellingsraad gelas het dat hulle aan die kommando's toegewys moet word vir diens in enige gebied in artikel 66 (1) bedoel wat die raad bepaal;
- [(b)]** (iii) wat ingevolge artikel 65 vir inskrywing in die Burgermag aangeneem is;
- [(c)]** (iv) wat onder die ouderdom van **[vyf-en-twintig]** 55 jaar is en by beëindiging van diens in die Staande Mag minder as **[vier]** 10 jaar daarin gedien het; of
- [(d)]** (v) wat onder die ouderdom van **[vyf-en-twintig]** 55 jaar is, 'n permanente aanstelling in die Suid-Afrikaanse Polisie, die Suid-Afrikaanse [Spoorweg- en Hawepolisie] Spoorwegpolisie, of die Gevangenisdiens bekleed het en **[nie lede van die Suid-Afrikaanse Weermag is nie]** by beëindiging van daardie aanstelling minder as 10 jaar daarin gedien het, tensy hulle lede van 'n Reserwe is wat ingevolge 'n Wet van die Parlement ingestel is;
- (b) aan die kommando's persone toewys—
- (i) wie se name ingevolge artikel 66 (2) (d) in 'n keurlys vir die betrokke jaar opgeneem is;
- (ii) wat op of voor 31 Desember 1982 hul diensplig in die Burgermag of die kommando's voltooi het, onder die ouderdom van 55 jaar is en nie tot diens in die Aktiewe Burgermagreserwe verplig is nie;
- (iii) wat ingevolge artikel 65 vir inskrywing in die kommando's aangeneem is;
- (iv) wat die in artikel 22 (3) (a) bedoelde tydperk van diens voltooi het en ten opsigte van wie 'n vrystellingsraad gelas het dat hulle aan die kommando's toegewys word vir diens in enige van die in artikel 66 (1) vermelde gebiede deur daardie raad bepaal; of
- (v) wie se name ingevolge artikel 66 (2) (e) in 'n keurlys vir die betrokke jaar opgeneem is.
- (2) Ondanks die bepalings van subartikel (1) moet die registrasiebeampte jaarliks uit die persone in daardie subartikel vermeld, die getal of kategorie persone wat die Minister bepaal, met hul instemming aan die Suid-Afrikaanse Polisie toewys.

[(2A) Indien 'n persoon wat spesiale opleiding van 'n voorgeskrewe aard op koste van die regering ondergaan het en wat onderneem het om na afloop van daardie opleiding die Regering vir 'n bepaalde tyd in die Staande Mag te dien, van bedoelde onderneming bevry is deur die betaling aan die Regering van die in die onderneming bepaalde bedrag, moet die registrasiebeampte daardie persoon aan die Burgermag toewys vir diens in die mate wat die Minister, of iemand wat op sy gesag handel, bepaal.]

(3) Die registrasiebeampte moet vir sover doenlik 'n persoon wat na sy wete *bona fide* aan 'n erkende kerkgenootskap volgens die leerstellings waarvan sy

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persons whose names have been included in such selection list in terms of section 66 (2)

(d);

(ii) who were after 31 December 1982 members

of the Citizen Force or the commandos and have not yet completed their service therein, unless an exemption board has directed that they be allotted to the commandos for service in any area referred to in section 66 (1) which may be determined by such board;

[(b)] (iii) who have been accepted for enrolment in the Citizen Force under section 65;

[(c)] (iv) who are under the age of [twenty-five] 55 years, and have on termination of service in the Permanent Force served therein for less than [four] 10 years; or

[(d)] (v) who are under the age of [twenty-five] 55 years, held a permanent appointment in the South African Police, the South African Railways [and Harbours] Police Force or the Prisons Service and [are not members of the South African Defence Force] have on termination of such appointment served therein for less than 10 years unless they are members of any Reserve established in terms of any Act of Parliament;

(b) to the commandos persons—

(i) whose names have in terms of section 66 (2) (d) been included in a selection list for the year in question;

(ii) who on or before 31 December 1982 have completed their service in the Citizen Force or the commandos, are under the age of 55 years and are not liable to render service in the Active Citizen Force Reserve;

(iii) who have been accepted for enrolment in the commandos under section 65;

(iv) who have completed the period of service referred to in section 22 (3) (a) and in respect of whom an exemption board has directed that they be allotted to the commandos for service in any of the areas referred to in section 66 (1) determined by that board; or

(v) whose names have in terms of section 66 (2) (e) been included in a selection list for the year concerned.

(2) Notwithstanding the provisions of subsection (1), the registering officer shall annually from the persons referred to in that subsection, with their consent allot to the South African Police such number or category of persons as may be determined by the Minister.

[(2A) If any person who has undergone special training of a prescribed nature at the expense of the Government and who has undertaken to serve the Government in the Permanent Force for a specified period after the completion of such training, has been released from such undertaking by the payment of the Government of the amount specified in the undertaking, the registering officer shall allot such person to the Citizen Force for service to the extent determined by the Minister or any person acting under his authority.]

(3) The registering officer shall as far as may be practicable allot any person who to his knowledge *bona fide* belongs and adheres to a recognized relig-

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lede nie aan oorlog mag deelneem nie, behoort en dit aanhang, aan 'n eenheid toegewys waar bedoelde persoon in staat sal wees om in 'n nie-vegtende hoedanigheid diens **[ter verdediging van die Republiek]** te doen. 5

[(3A)] (4) Wanneer die regsitasiebeampte 'n persoon kragtens hierdie artikel toegewys het, kan hy die toewysing kanselleer, en dan word daardie persoon geag nie aldus toegewys te gewees het nie.

[(4)] (5) Elke persoon wat ingevolge hierdie artikel 10 aan die Burgermag of die kommando's toegewys is, word deur 'n voorgeskrewe offisier in kennis gestel van die naam van die eenheid waaraan hy toegewys is en van die datum waarop en plek waar hy diens moet begin." 15

Vervanging van artikel 68 van Wet 44 van 1957, soos gewysig deur artikel 8 van Wet 42 van 1961, artikel 10 van Wet 81 van 1964 en artikel 41 van Wet 85 van 1967.

25. Artikel 68 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vrystellingsrade.

- 68. (1)** Die Minister van **[Arbeid]** Mannekrag kan van tyd tot tyd, in oorleg met die Minister—
- (a) een of meer vrystellingsrade benoem— 20
 - (i) om aansoeke ingevolge artikel 69 **[om uitsstel of vrystelling van diens]** te oorweeg;
 - (ii) om aansoeke met betrekking tot die doen van diens in gebiede in artikel 66. (1) bedoel, te oorweeg en beslissings daaroor te gee; en 25
 - (iii) om die ander bevoegdhede uit te oefen en die ander pligte te verrig wat by of kragtens hierdie Wet aan hulle verleen of opgedra word; 30
 - (b) so 'n raad afskaf; en
 - (c) die aanstelling van 'n lid van so 'n raad intrek en, indien nodig geag, 'n ander persoon in sy plek benoem as 'n lid van die raad.
- (2) (a) So 'n raad bestaan uit 'n voorsitter, 'n ondervoorsitter en soveel ander lede **[, maar hoogstens vier]** as wat die Minister van **[Arbeid]** Mannekrag, in oorleg met die Minister, bepaal. 35
- (b) Minstens een van die lede van so 'n raad moet 'n lid van die Suid-Afrikaanse Weermag wees.
 - (c) Die Minister van Mannekrag moet ten opsigte van elke lid van so 'n raad, uitgesonderd die voorsitter en ondervoorsitter, 'n plaasvervangende lid aanstel, wat by afwesigheid van die betrokke lid van 'n vergadering van die raad, by daardie vergadering alle pligte en bevoegdhede van daardie lid het. 45
- [(c)] (d)** Die kworum op 'n vergadering van die raad bestaan uit die voorsitter en twee lede van wie een 'n in paragraaf (b) bedoelde lid moet wees. 50
- (e) Die ondervoorsitter tree as voorsitter op by enige vergadering van die raad waarvan die voorsitter afwesig is, en indien die voorsitter sowel as die ondervoorsitter van 'n vergadering afwesig is, kies die aanwesige lede iemand uit hulle midde om as voorsitter by daardie vergadering op te tree. 55
- (3) Daar word aan 'n lid van so 'n raad wat nie voltyds in Regeringsdiens is nie, die besoldiging en toelaes betaal wat die Minister van **[Arbeid]** Mannekrag in oorlegpleging met die Tesourie bepaal. 60

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ious denomination by the tenets whereof its members may not participate in war, to a unit where such person will be able to render service **[in the defence of the Republic]** in a non-combatant capacity.

5 **[(3A)] (4)** Whenever the registering officer has allotted any person under this section he may cancel the allotment, whereupon such person shall be deemed not to have been so allotted.

10 **[(4)] (5)** Every person allotted under this section to the Citizen Force or the commandos shall be notified by a prescribed officer of the name of the unit to which he has been allotted and of the date upon which and place where he is required to commence service.”

15 **25.** The following section is hereby substituted for section 68 of the principal Act:

“Exemption boards.

68. (1) The Minister of **[Labour] Manpower** may from time to time, in consultation with the Minister—

20 (a) appoint one or more exemption boards—

(i) to consider applications in terms of section 69 **[for deferment of or exemption from service];**

25 (ii) to consider applications with regard to the rendering of service in areas referred to in section 66 (1) and to give decisions thereon; and

(iii) to exercise such other powers and to perform such other duties as may be conferred or imposed upon them by or under this Act;

30 (b) abolish any such board; and

(c) withdraw the appointment of any member of such a board and, if deemed necessary, appoint some other person as a member of such board in his stead.

35 (2) (a) Any such board shall consist of a chairman, a deputy-chairman and so many other members **[, not exceeding four]** as the Minister of **[Labour] Manpower** may, in consultation with the Minister, determine.

40 (b) At least one of the members of any such board shall be a member of the South African Defence Force.

45 (c) The Minister of Manpower shall in respect of every member of such board, except the chairman and deputy-chairman, appoint an alternate, who shall, in the absence of the member concerned from any meeting of the board, have at that meeting all the duties and powers of such member.

50 **[(c)] (d)** The quorum at a meeting of the board shall consist of the chairman and two members of whom one shall be a member referred to in paragraph (b).

55 (e) In the absence of the chairman the deputy-chairman shall preside at meetings of the board, and in the event of the absence of both the chairman and the deputy-chairman, the members present at a meeting shall elect one of their number to act as chairman at that meeting.

60 (3) A member of any such board who is not in the whole-time employment of the Government shall be paid such remuneration and allowances in respect of his services as the Minister of **[Labour] Manpower** may, in consultation with the Treasury, determine.

Substitution of section 68 of Act 44 of 1957, as amended by section 8 of Act 42 of 1961, section 10 of Act 81 of 1964 and section 41 of Act 85 of 1967.

(4) Die beslissing van so 'n raad [oor 'n in paragraaf (a) van subartikel (1) bedoelde aansoek en 'n beslissing deur so 'n raad] uit hoofde van 'n bevoegdheid of plig kragtens hierdie Wet aan hom verleen of opgedra, is afdoende.

(5) Die Minister van Mannekrag kan van tyd tot tyd skriftelik sy bevoegdhede ingevolge subartikel (1) (c) aan enige beampte in die Staatsdiens oordra om deur daardie beampte in oorleg met 'n ander beampte in die Staatsdiens, deur die Minister aangewys, uitgeoefen te word, en die Minister van Mannekrag kan te eniger tyd sodanige oordrag intrek."

Vervanging van artikel 69 van Wet 44 van 1957, soos vervang deur artikel 11 van Wet 81 van 1964, en gewysig deur artikel 42 van Wet 85 van 1967 en artikel 6 van Wet 66 van 1972.

26. Artikel 69 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aansoek om uitstel of vrystelling van diens of toewysing aan kommando's, en procedure van vrystellingsrade.

69. (1) (a) 'n Persoon wat verplig is om ingevolge artikel 21 (1) of 35 te dien, of 'n belanghebbende wat namens hom optree, hetsy met of sonder sy toestemming, maar met sy wete en behoudens sy reg om verdoë te rig, kan by 'n raad in artikel 68 bedoel, aansoek doen—

(i) voordat die persoon wat aldus verplig is, diens ingevolge artikel 22 of 44 begin, om uitstel of vrystelling van diens;

(ii) nadat die persoon wat aldus verplig is, diens ingevolge artikel 22 of 44 begin het, om uitstel of vrystelling van bedoelde diens; en

(iii) nadat die persoon wat ingevolge artikel 21

(1) verplig is om te dien, diens ingevolge artikel 22 begin het, om toewysing, na voltooiing van die in artikel 22 (3) (a) bedoelde dienstrydperk, aan die kommando's om diens te doen in 'n in artikel 66 (1) bedoelde gebied.

(b) 'n Aansoek, met inbegrip van enige verdoë in verband met so 'n aansoek—

(i) indien ingevolge paragraaf (a) (i) gedoen, moet by die voorsitter van bedoelde raad ingedien word; en

(ii) indien [‘n aansoek] ingevolge paragraaf (a) (ii) [moet ingedien word] of (iii) gedoen, moet by die bevelvoerder van die eenheid waarin die betrokke persoon dien, ingedien word.

(2) Die betrokke raad stel in verband met 'n aansoek en verdoë kragtens subartikel (1) die ondersoek in wat hy nodig ag, en vir daardie doel geld die bepalinge van die Kommissiewet, 1947 (Wet No. 8 van 1947), behalwe [artikel] artikels 1 en 4 daarvan, met betrekking tot die raad, en by die toepassing van gemelde bepalinge word die verwysing in artikel 3 van daardie Wet na die sekretaris van die kommissie as 'n verwysing na die registrasiebeampte uitgelê.

(3) Iemand wat 'n aansoek ingevolge hierdie artikel gedoen het of namens wie so 'n aansoek gedoen is, moet op eie koste op die tyd en plek wat die raad bepaal, verskyn en hom aan enige ondersoek betreffende 'n aangeleentheid wat in verband staan met die aansoek onderwerp, en sodanige ondersoek vind op Staatskoste plaas.

[(3)] (4) Die Minister van [Arbeid] Mannekrag kan reëls uitvaardig wat nie met hierdie Wet onbestaanbaar is nie en wat hy nodig ag om die procedure van

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(4) The decision of any such board **[on any application referred to in paragraph (a) of subsection (1) and any decision given by any such board]** in pursuance of any power or duty conferred or imposed upon it by or under this Act shall be final.

(5) The Minister of Manpower may from time to time in writing delegate his powers under subsection (1) (c) to an officer in the public service to be exercised by such officer in consultation with another officer in the public service designated by the Minister of Manpower, and may at any time withdraw such delegation.”.

26. The following section is hereby substituted for section 69 of the principal Act:

Substitution of section 69 of Act 44 of 1957, as substituted by section 11 of Act 81 of 1964 and amended by section 42 of Act 85 of 1967 and section 6 of Act 66 of 1972.

15 “Application for deferment of or exemption from service or allotment to commandos, and procedure of exemption boards.

69. (1) (a) Any person liable to serve in terms of section 21 (1) or 35 or any interested person acting on behalf of such person, whether with or without his consent but with his knowledge and subject to his right to make representations, may apply to any board referred to in section 68—

(i) before the person so liable commences service in terms of section 22 or 44, for deferment of or exemption from service;

(ii) after the person so liable has commenced service in terms of section 22 or 44, for deferment of or exemption from such service; and

(iii) after the person liable to serve in terms of section 21 (1), has commenced service in terms of section 22, for allotment, after completion of the period of service referred to in section 22 (3) (a), to the commandos to render service in any area referred to in section 66 (1).

(b) Any application, including any representations in connection with such an application—

(i) if made under paragraph (a) (i), shall be lodged with the chairman of the said board; and **[any application]**

(ii) made under paragraph (a) (ii) or (iii), shall be lodged with the commanding officer of the unit in which the person concerned is serving.

(2) The board concerned shall make such investigations in connection with any application and representations under subsection (1) as it may consider necessary, and for that purpose the provisions of the Commissions Act, 1947 (Act No. 8 of 1947), except **[section]** sections 1 and 4 thereof, shall apply with reference to the board, and in the application of the said provisions the reference in section 3 of that Act to the secretary of a commission shall be construed as a reference to the registering officer.

(3) Any person who has made an application in terms of this section or on whose behalf such application had been made, shall at his own expense attend at the time and place determined by the board and submit himself to any examination relating to any matter connected with the application, and such examination shall take place at public expense.

[(3)] (4) The Minister of **[Labour]** Manpower may make such rules not inconsistent with this Act as he may deem necessary for regulating the procedure

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rade kragtens artikel 68 benoem, en die wyse waarop hulle sake verrig, te reël.

(5) Niemand mag ingligting openbaar wat hy by die uitoefening van sy bevoegdheid, die verrigting van sy werksaamhede of die uitvoering van sy pligte ingevolge hierdie artikel verkry het nie, behalwe—

(a) in die mate waarin dit vir die behoorlike toepassing van die bepalings van hierdie artikel nodig is; en

(b) vir die doeleindes van 'n regsgeding.”

Wysiging van artikel 70bis van Wet 44 van 1957, soos ingevoeg deur artikel 13 van Wet 81 van 1964 en gewysig deur artikel 44 van Wet 85 van 1967 en artikel 5 van Wet 28 van 1970.

27. Artikel 70bis van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

„(1) 'n Raad benoem kragtens artikel 68 wat 'n aansoek ingevolge artikel 69 **[om uitstel of vrystelling van diens]** oorweeg het, kan, met behoorlike inagneming van enige algemene opdragte deur die Minister van **[Arbeid] Mannekrag** in oorleg met die Minister uitgereik, sodanige aansoek toestaan indien, volgens sy oordeel, **[sodanige uitstel of vrystelling]** dit geregverdig is—”

(b) deur by die voorbehoudsbepaling by subartikel (1) die volgende paragraaf te voeg:

„(iii) in plaas van uitstel of vrystelling van diens toe te staan die raad kan gelas dat die betrokke persoon aan 'n kommando toegewys word vir diens in 'n in artikel 66 (1) bedoelde gebied wat die raad bepaal.”

Invoeging van artikel 70ter in Wet 44 van 1957.

28. Die volgende artikel word hierby in die Hoofwet na artikel 70bis ingevoeg:

„Intrekking van beslissing van vrystellingsraad. **70ter.** (1) 'n Raad kragtens artikel 68 benoem wat 'n aansoek om uitstel of vrystelling van diens of toewysing aan die kommando's ingevolge artikel 70bis toegestaan het, kan, indien hy oortuig is dat die feite waarop daardie beslissing gebaseer is, verander het, nadat hy die persoon wat die aansoek gedoen het en die persoon op wie daardie beslissing betrekking het 'n geleentheid gegee het om sy saak te stel, daardie beslissing met ingang van 'n datum deur die raad bepaal, wysig of intrek.

(2) Indien 'n beslissing wat ingevolge subartikel (1) ingetrek is, betrekking het op die toewysing van 'n persoon aan die kommando's word daardie persoon, met ingang van die kragtens subartikel (1) bepaalde datum, geag aan die Burgermag toegewys te gewees het: Met dien verstande dat diens deur sodanige persoon in 'n kommando verrig, by die toepassing van die bepalings van hierdie Wet met betrekking tot diensplig in die Burgermag, ooreenkomstig die regulasies beskou word as diens wat in die Burgermag gedoen is.”

Wysiging van artikel 84 van Wet 44 van 1957, soos gewysig deur artikel 7 van Wet 12 van 1961, artikel 49 van Wet 85 van 1967 en artikel 8 van Wet 3 van 1969.

29. Artikel 84 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Offisiere van die Suid-Afrikaanse Weermag wat nie ingevolge artikel **[46,] 47, 48 of [48A] 49** in die Reserwe aangestel word of verplig word om 'n tydperk van diens daarin te voltooi nie, en offisiere van die Reserwe, word by die beëindiging van hul diens in bedoelde Mag of Reserwe, op 'n lys van afgetredenes geplaas, en 'n offisier op daardie lys behou sy kommissie en is geregtig om uniform te dra soos voorgeskryf: Met dien verstande dat die Staatspresident kan gelas dat 'n offisier nie aldus op 'n lys van afgetredenes geplaas word nie.”

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and the conduct of the business of boards appointed under section 68.

(5) No person shall disclose any information obtained by him in the exercise of his powers, the performance of his functions or the carrying out of his duties in terms of this section, except—

- (a) to the extent to which it may be necessary for the proper administration of this section; and
- (b) for the purposes of any legal proceedings.”.

27. Section 70*bis* of the principal Act is hereby amended—

(a) by the substitution in subsection (1) of the words preceding paragraph (a) of the following words:

“(1) Any board appointed under section 68 which has considered an application in terms of section 69 **[for deferment of or exemption from service]**, may, with due regard to any general instructions issued by the Minister of **[Labour]** Manpower in consultation with the Minister, grant such application where in its opinion **[such deferment or exemption]** it is justified—”;

(b) by the addition to the proviso to subsection (1) of the following paragraph:

“(iii) instead of granting deferment of or exemption from service, the board may direct that the person concerned be allotted to a commando for service in any area referred to in section 66 (1) determined by the board.”.

Amendment of section 70*bis* of Act 44 of 1957, as inserted by section 13 of Act 81 of 1964 and amended by section 44 of Act 85 of 1967 and section 5 of Act 28 of 1970.

28. The following section is hereby inserted in the principal Act after section 70*bis*:

Insertion of section 70*ter* in Act 44 of 1957.

“Withdrawal of decision of exemption board. 70*ter* (1) A board appointed under section 68 which has granted an application for deferment of or exemption from service or of allotment to the commandos in terms of section 70*bis* may, if it is satisfied that the facts upon which such decision is founded have changed, after having afforded the person who made the application and the person to whom that decision relates an opportunity of being heard, withdraw or amend that decision with effect from a date determined by the board.

(2) If a decision withdrawn in terms of subsection (1) relates to the allotment of a person to the commandos, such person shall, with effect from the date determined under subsection (1), be deemed to have been allotted to the Citizen Force: Provided that service rendered by such person in a commando shall for the purposes of the application of the provisions of this Act relating to liability to serve in the Citizen Force be regarded, in accordance with the regulations, as service rendered in the Citizen Force.”.

29. Section 84 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Officers of the South African Defence Force who are not in terms of section **[46,] 47, 48 or [48A] 49** appointed to the Reserve or required to complete a period of service therein, and officers of the Reserve, shall, at the termination of their service in the said Force or Reserve, be placed on a retired list, and any officer on that list shall retain his commission and shall be entitled to wear uniform as prescribed: Provided that the State President may direct that an officer shall not so be placed on a retired list.”.

Amendment of section 84 of Act 44 of 1957, as amended by section 7 of Act 12 of 1961, section 49 of Act 85 of 1967 and section 8 of Act 3 of 1969.

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Wysiging van artikel 87 van Wet 44 van 1957, soos gewysig deur artikel 9 van Wet 12 van 1961, artikel 15 van Wet 81 van 1964, artikel 20 van Wet 39 van 1966, artikel 51 van Wet 85 van 1967, artikel 9 van Wet 28 van 1970, artikel 7 van Wet 66 van 1972 en artikel 3 van Wet 42 van 1979.

Vervanging van artikel 103bis van Wet 44 van 1957, soos vervang deur artikel 9 van Wet 35 van 1977.

Wysiging van artikel 113 van Wet 44 van 1957.

Wysiging van artikel 136 van Wet 44 van 1957, soos gewysig deur artikel 20 van Wet 39 van 1966 en artikel 12 van Wet 83 van 1974.

Vervanging van artikel 138 van Wet 44 van 1957.

30. Artikel 87 van die Hoofwet word hierby gewysig deur in subartikel (1) na paragraaf (q) die volgende paragraaf in te voeg:

„(qA) die verbod op of reëling van motorvoertuig- of ander verkeer in enige militêre kamp, kaserne, skeepswerf of installasie of op ander persele of grond wat vir militêre of verdedigingsdoeleindes gebruik word of onder militêre beheer is;”.

31. Artikel 103bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Ontruiming of sametrekking van persone. **103bis.** Die Minister of enige offisier deur hom daartoe gemagtig, kan gedurende optrede ter verdediging van die Republiek of ter voorkoming of onderdrukking van terrorisme of ter voorkoming of onderdrukking van binnelandse onluste in die Republiek, vir die doeltreffende verdediging of beskerming van die Republiek of die voorkoming of onderdrukking van terrorisme of sodanige binnelandse onluste, by bevel bekend gemaak op die wyse wat [hy] die Minister of so 'n offisier in die omstandighede genoegsaam ag, gelas dat enige persoon of alle persone, of persone van een of ander kategorie, 'n bepaalde gebou, perseel of gebied binne 'n tydperk in die bevel vermeld, moet ontruim of aldaar moet saamtrek, en iemand wat versuim om aan so 'n bevel wat op hom betrekking het, te voldoen, is aan 'n misdryf skuldig: Met dien verstande dat geen bevel ingevolge hierdie artikel om in 'n gebou, perseel of gebied saam te trek, langer as vier dae van krag bly nie.”.

32. Artikel 113 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word:

„(2) Indien 'n kennisgewing in verband met 'n siviele geding in subartikel (1) beoog aan die Staat gegee moet word, word 'n kennisgewing wat aan die Hoof van die Suid-Afrikaanse Weermag gegee is, geag kennisgewing te wees wat aan die Staat gegee is.”.

33. Artikel 136 van die Hoofwet word hierby gewysig deur na subartikel (1) die volgende subartikel in te voeg:

„(1A) Die Staatspresident kan in vredes- of oorlogstyd ordes, dekorasies en medaljes instel wat hy, onderworpe aan die reëls wat hy in die geval van elke sodanige orde, dekorasie of medalje nodig ag, kan toeken aan burgerlike persone van 'n vreemde Staat en aan Suid-Afrikaanse burgers wat aan die Suid-Afrikaanse Weermag dienste van militêre belang bewys.”.

34. Artikel 138 van die Hoofwet word hierby deur die volgende artikel vervang:

„Waar diens gedoen moet word. **138. (1)** Enige opleiding wat ondergaan en [behoudens die bepalings van artikel vyf-en-negentig,] enige diens wat gedoen moet word kragtens hierdie Wet, moet in die gebiede of op die plekke, hetsy binne of buite die Republiek, wat die Minister mag beveel, ondergaan of gedoen word.

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30. Section 87 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (q) of the following paragraph:

Amendment of section 87 of Act 44 of 1957, as amended by section 9 of Act 12 of 1961, section 15 of Act 81 of 1964, section 20 of Act 39 of 1966, section 51 of Act 85 of 1967, section 9 of Act 28 of 1970, section 7 of Act 66 of 1972 and section 3 of Act 42 of 1979.

5 “(qA) the prohibition or regulation of vehicular or other traffic in any military camp, barracks, dockyard or installation or on any other premises or any land used for military or defence purposes or which is under military control;”.

31. The following section is hereby substituted for section 10 103bis of the principal Act:

Substitution of section 103bis of Act 44 of 1957 as substituted by section 9 of Act 35 of 1977.

“Evacuation or concentration of persons.

15 **103bis.** During operations in defence of the Republic or for the prevention or suppression of terrorism or for the prevention or suppression of internal disorder in the Republic the Minister or any officer acting under his authority may, for the efficient defence or protection of the Republic or the prevention or suppression of terrorism or such internal disorder, by order made known in such manner as **[he]** the Minister or any such officer may deem sufficient in
20 the circumstances, require any person or all persons, or persons of any particular class, to evacuate within a time specified in the order or to assemble in any particular building, premises or area, and any such person who fails to comply with such an order which
25 is applicable to him, shall be guilty of an offence: Provided that no order under this section to assemble in any building, premises or area shall remain in force for longer than four days.”.

32. Section 113 of the principal Act is hereby amended by the 30 addition of the following subsection, the existing section becoming subsection (1):

Amendment of section 113 of Act 44 of 1957.

35 “(2) If notice is to be given to the State in connection with a civil action referred to in subsection (1), any notice given to the Chief of the South African Defence Force shall be deemed to be a notice given to the State.”.

33. Section 136 of the principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

Amendment of section 136 of Act 44 of 1957, as amended by section 20 of Act 39 of 1966 and section 12 of Act 83 of 1974.

40 “(1A) The State President may, in peace or war, institute orders, decorations and medals which he may award, subject to such rules as he may in the case of every such order, decoration or medal consider necessary, to civilian persons of a foreign State and to South African citizens who render services of military importance to the South African Defence Force.”.

45 34. The following section is hereby substituted for section 138 of the principal Act:

Substitution of section 138 of Act 44 of 1957.

“Where service is to be performed.

50 **138. (1)** Any training required to be undergone and **[, subject to the provisions of section ninety-five,]** any service to be performed under this Act, shall be undergone or performed in such areas or at such places, whether within or outside the Republic, as the Minister may direct.

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- (2) (a) Waar die omstandighede volgens die oordeel van die Hoof van die Suid-Afrikaanse Weermag sodanig is dat dit dringend nodig is om lede van daardie Mag of die Reserwe wat vir diens ter voorkoming en onderdrukking van terrorisme in diens gestel is, onmiddellik in 'n bepaalde gebied of op 'n bepaalde plek daarvoor aan te wend voordat die Minister ingevolge subartikel (1) kan optree, kan hy sodanige aanwending magtig. 5 10
- (b) 'n Magtiging ingevolge paragraaf (a) verval na verstryking van 24 uur, tensy die Minister daardie magtiging voor bedoelde verstryking bekragtigt."

Wysiging van artikel 145A van Wet 44 van 1957, soos ingevoeg deur artikel 26 van Wet 57 van 1975.

35. Artikel 145A van die Hoofwet word hierby gewysig deur 15 in subartikel (1) die woorde „wat 'n gade of ander afhanklike het,” te skrap.

Invoeging van artikel 145B in Wet 44 van 1957.

36. Die volgende artikel word hierby in die Hoofwet na artikel 145A ingevoeg:

„Betaling van besoldiging van lid van Suid-Afrikaanse Weermag wat krygsgevangene is.

145B. (1) Indien 'n lid van die Suid-Afrikaanse 20 Weermag gevange geneem word en die Hoof van die Suid-Afrikaanse Weermag oortuig is dat sy gevangenskap ontstaan het uit die verrigting van sy pligte of werksaamhede terwyl hy diens ingevolge hierdie Wet gedoen het, word daardie lid vir die doeleindes van salaris of loon en toelaes geag steeds in die Suid-Afrikaanse Weermag in diens te wees vanaf die eerste dag na die dag waarop sy gevangenskap bekend geword het tot op die dag waarop hy hom weer vir diens aanmeld of, volgens die oordeel van die Hoof van die Suid-Afrikaanse Weermag, moes aangemeld het, of waarop 'n bevoegde hof 'n bevel uitreik waarby die dood van daardie lid vermoed word: Met dien verstande dat 'n lid wat gevange geneem word terwyl hy ingevolge artikel 22 (3) (a) van hierdie Wet dien, 25 30 35 vir die duur van sy gevangenskap en vir die doeleindes van salaris of loon en toelaes, geag word steeds so te dien.

(2) Die salaris of loon en toelaes wat 'n lid toeval tydens sy gevangenskap beoog in subartikel (1) word, behoudens die bepalinge van subartikel (4), uitbetaal aan sy gade of, indien hy nie 'n gade het nie, aan sy ander afhanklikes, of aan iemand wat, volgens die oordeel van die Hoof van die Suid-Afrikaanse Weermag, bevoeg is om daardie salaris of loon en toelaes 40 45 ten behoeve van sy gade of daardie ander afhanklikes te ontvang en te administreer.

(3) Betaling van salaris of loon en toelaes ingevolge subartikel (2) word vir alle doeleindes geag betaling daarvan aan die betrokke lid te wees, en 'n bedrag aldus betaal, is nie deur die Staat op iemand verhaalbaar nie. 50

(4) Ondanks die bepalinge van subartikel (2) kan die Hoof van die Suid-Afrikaanse Weermag na goeddunke gelas dat slegs 'n gedeelte van 'n lid se salaris of loon en toelaes ingevolge genoemde subartikel uitbetaal word of dat geen gedeelte daarvan aldus uitbetaal word nie." 55

Wysiging van artikel 149bis van Wet 44 van 1957, soos ingevoeg deur artikel 25 van Wet 12 van 1961

37. Artikel 149bis van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang: 60

„(1) Die Regering of iemand in diens van die Staat is nie aanspreeklik nie (behalwe in die geval van 'n opsetlike handeling of versuim [aan] van die kant van so iemand) teen-

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- (2) (a) Where in the opinion of the Chief of the South African Defence Force the urgency of the circumstances requires that members of that Force or the Reserve who have been employed on service for the prevention or suppression of terrorism be immediately engaged on such service in a particular area or at a particular place before the Minister can act in terms of subsection (1), he may authorize such engagement.
- (b) An authorization in terms of paragraph (a) shall lapse upon expiry of 24 hours, unless the Minister confirms such authorization before such expiry."

35. Section 145A of the principal Act is hereby amended by the deletion of the words "who has a spouse or other dependant," in subsection (1).

Amendment of section 145A of Act 44 of 1957, as inserted by section 26 of Act 57 of 1975.

36. The following section is hereby inserted in the principal Act after section 145A:

Insertion of section 145B in Act 44 of 1957.

- 145B.** (1) If a member of the South African Defence Force is captured and the Chief of the South African Defence Force is satisfied that his capture arose from the performance of his duties or functions while he was rendering service in terms of this Act, such member shall for purposes of salary or wages and allowances be deemed to be still serving in the South African Defence Force from the first day on which such capture became known until the day on which he again reports for duty or, in the opinion of the Chief of the South African Defence Force, should again have reported for duty, or on which a competent court issues an order whereby the death of such member is presumed: Provided that a member who is captured while serving in terms of section 22 (3) (a) of this Act, shall, for the duration of his captivity and for the purpose of salary, wages or allowances, be deemed to be still so serving.
- (2) The salary or wages and allowances accruing to a member during his captivity contemplated in subsection (1) shall, subject to the provisions of subsection (4), be paid to his spouse or, if he has no spouse, to his other dependants, or to any person who, in the opinion of the Chief of the South African Defence Force, is competent to receive and administer such salary or wages and allowances on behalf of his spouse or such other dependants.
- (3) Payment of any salary or wages and allowances in terms of subsection (2) shall for all purposes be deemed to be payment thereof to the member concerned, and an amount so paid shall not be recoverable by the State from any person.
- (4) Notwithstanding the provisions of subsection (2) the Chief of the South African Defence Force may in his discretion direct that only a portion of the salary or wages and allowances of a member be paid in terms of the said subsection or that no portion thereof be so paid."

37. Section 149bis of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

- (1) The Government or any person in the service of the State shall not be liable (except in the case of any wilful act or omission on the part of any such person) to any other

Amendment of section 149bis of Act 44 of 1957, as inserted by section 25 of Act 12 of 1961

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en gewysig deur
artikel 30 van
Wet 77 van 1963.

oor **[iemand]** 'n ander persoon, ongeag of daardie ander
persoon iemand is wat in paragraaf (a), (b) of (c) van subar-
tikel (3) van artikel 76 bedoel word of nie (uitgesonderd ie-
mand wat 'n beampte of werknemer van die Staat is en wat
in die uitvoering van sy pligte as sodanig optree), wat ge- 5
bruik maak van 'n voertuig, vliegtuig of vaartuig wat die
eiendom van die Staat in sy Departement van Verdediging
is of wat private eiendom is wat deur die Staat in gebruik
geneem is vir gebruik deur sy beamptes of werknemers of
wat deur die Staat gehuur is en deur die verhuurder of die 10
dienare van die verhuurder ten behoeve van die Staat ge-
bruik word, of aan wie dienste deur genoemde Departement
gelewer word of wat van ander eiendom van die Staat
in sy Departement van Verdediging gebruik maak, of teen-
oor die eggenoot, of 'n ouer, kind of ander afhanklike van 15
so **[iemand]** 'n ander persoon, vir enige verlies of skade ten
gevolge van liggaamlike besering, lewensverlies of verlies
van of skade aan eiendom wat veroorsaak word deur of
voortspruit uit of op enige wyse in verband staan met die
gebruik van so 'n voertuig, vliegtuig of vaartuig, of be- 20
doelde dienste, of die gebruik van enige sodanige ander
eiendom.”.

Kort titel.

38. Hierdie Wet heet die Wysigingswet op Verdediging, 1982.

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person, irrespective of whether **[that]** such other person is a person referred to in paragraph (a), (b) or (c) of subsection (3) of section 76 or not (except any person who is an officer or employee of the State acting in the execution of his duty as such), who makes use of any vehicle, aircraft or vessel which is the property of the State in its Department of Defence or which is private property which has been appropriated by the State for use by its officers or employees, or which has been hired by the State and is used by the lessor or his employees for or on behalf of the State, or to whom services are rendered by the said Department or who makes use of any other property of the State in its Department of Defence, or to the spouse, or any parent, child or other dependant of **[any]** such other person, for any loss or damage resulting from any bodily injury, loss of life or loss of or damage to property caused by or arising out of or in any way connected with the use of any such other property.”

and amended by
section 30 of
Act 77 of 1963.

38. This Act shall be called the Defence Amendment Act, Short title.
1982.

