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SOUTH AFRICAN NATIONAL DEFENCE FORCE SUID-AFRIKAANSE NASIONALE WEERMAG

No. R. 1142

11 September 1998

AMENDMENTS TO THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN NATIONAL DEFENCE FORCE AND THE RESERVE

The Minister of Defence has, in terms of Section 9(2)(a) and 87(1) of the Defence Act, 1957 (Act No. 44 of 1957), promulgated the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means Chapter XV of the General Regulations for the South African National Defence Force and the Reserve, promulgated under Government Notice No.R.203 of 13 February 1970, as amended by Government Notices Nos. R.169 of 12 February 1971, R.1394 of 10 August 1973, R.439 of 7 March 1975, R.905 of 27 April 1990, R.1060 of 17 May 1991 and R.1723 of 26 July 1991.

2. The Regulations are hereby amended by the substitution of Chapter XV with the following new Chapter XV

CHAPTER XV

MEDICAL MATTERS

Definitions

1. In this Chapter, unless the context otherwise indicates -

"Accountant" means a person who is responsible for the entire financial control of the Fund;

"allotted category" means a category of fitness allotted to a person in terms of regulation 3;

"beneficiary" means any beneficiary contemplated in regulation 21(3), or 31(1);

"Board" means the Board of Control contemplated in regulation 19(1) or 29(1);

"category of fitness" means a standard of physical and mental fitness determined and described in terms of regulation 2;

"child" means any-

- (a) legitimate natural child of a member or beneficiary (including the natural child of an unmarried member or beneficiary born outside of marriage who resides permanently with the member or the beneficiary);
- (b) initially illegitimate natural child of a member or beneficiary, later legitimised by the subsequent marriage of the member or beneficiary with the other natural parent under section 4 of the Children's Status Act, 1987 (Act No. 82 of 1987);
- (c) child adopted by a member or beneficiary under the provisions referred to in the definition of "adopted child" of the Child Care Act, 1983 (Act 74 of 1983);
- (d) child for whose health care a member or beneficiary is responsible or liable for under a court order; and
- (e) minor stepchild residing permanently with the member or beneficiary and who is not a beneficiary of a registered medical scheme to which the natural or the legal father or mother, is a contributor, but excluding any child who is in foster care of the member or beneficiary or his or her spouse.

"dependant" means -

- (a) the spouse of a member of the Permanent Force or of any auxiliary service under the Act (not being the Service Corps) or beneficiary of the Fund who resides permanently with the member or beneficiary but excluding the spouse of a member serving in the STS or of any member of the said Service Corps: Provided that-
 - (i) where such member or beneficiary has more than one spouse, the member or beneficiary concerned shall, in writing identify one of the spouses who shall for the purpose of these regulations, be regarded as his or her only dependant spouse; or
 - (ii) such spouse is not a beneficiary of a registered medical scheme; and
 - (iii) where such spouse is an employee and his or her service conditions and benefits provide that he or she as employee is

compelled to belong to a registered medical scheme designated by his or her employer, such spouse shall not be entitled to any medical benefits provided for in this Chapter;

- (b) of necessity non-self-supporting child of such member or beneficiary or of his or her spouse who is permanently part of such member's or beneficiaries household: Provided that such child-
 - (i) has not attained the age of 18 years and is still attending school;
 - (ii) is 18 years or older but has not yet attained the age of 21 years and is a full-time student at a secondary training institution;
 - (iii) is 18 years or older and is on account of a mental or a physical defect that occurred during his or her period of dependance as described in subparagraphs (i) and (ii) or in paragraph (c), of this definition, permanently unfit to obtain or perform remunerative employment and the total of any income, earnings, maintenance or compensation for damages of such child from any source does not exceed the sum of-
 - (aa) the appropriate maximum basic social pension as is regulated by/or in terms of a law which is in force in the Republic; plus
 - (bb) the maximum allowance for a war veteran to whom a war veteran's pension has been awarded by or in terms of a law which is in force the Republic; plus
 - (cc) the maximum allowance paid to a person as a result of a late application for social pension and if such child is a social pensioner; or
- (c) a child of a member or beneficiary or of his or her spouse which child is permanently part of such member's or beneficiaries household and is of necessity non-self-supporting on account of such child being a student at an accredited institution for post-school education, whether intramurally or extramurally, in order to obtain the minimum qualification in preparation for a career, but only-
 - (i) if such child is unemployed after leaving school or does not take up any permanent full-time employment (including any type of vocational training to which remuneration is attached, military service and/or sabbatical either within or external to the borders of the Republic of South Africa), but excluding military service owing to any ballot system in

terms of the Act, or work during vacations or temporary full-time employment-

- (aa) between leaving school and the commencement of the academic year;
- (bb) leaving school and the commencement of such military service;
- (cc) the completion of such military service and the commencement of the academic year; and

(ii) until-

- (aa) such child attains the minimum post school qualification or minimum combination of qualifications which will enable such child to take up employment in his or her field of study;
- (bb) the minimum recommended duration of the course of study as prescribed by the institution concerned for such course plus a maximum of one academic year, has expired, if it takes such child longer than such prescribed period to obtain the relevant qualification as a result of poor academic performance;
- (cc) such child discontinues the relevant initial course of study;
- (dd) such child changes the direction of study and the total period of study exceeds the minimum normal period of study contemplated in subparagraph (bb) plus one academic year;

whichever of the four events referred to in subparagraph 1(c)(ii)(aa) to (dd) occurs first: Provided that should such child temporarily interrupt such studies due to medical reasons through no fault of the child concerned with the view to recommence such studies, the Chief of the SANDF may recognise such child as a dependant during such interruption and for the remainder of the period of study.

"family" means a "dependant" as defined.

"fund" means the Permanent Force Medical Continuation Fund as described in regulation 17 as well as the Permanent Force Medical Fund B as described in regulation 27;

"hospital" also means a medical or nursing institution, a sickbay, a military medical clinic or a private medical nursing institution;

"Manager" means a person who is designated as such in terms of regulation 19(4)(a) or 29(4)(a)(i);

"medical aid" means an appliance or apparatus that assists a patient to be self-supporting and increases the functional abilities of the patient;

"medical officer" means a registered medical or dental practitioner or a specialist who -

- (a) is serving as a medical officer or dental officer or specialist in the Permanent Force;
- (b) is undergoing training or is performing service as a medical officer, dental officer or specialist in the Citizen Force or the Commandos;
- (c) is employed on a whole or part-time basis by the State in a civilian capacity in the SANDF and holds the post and carries the responsibility of a medical officer or dental officer or specialist; and
- (d) has, in terms of regulation 11(2)(g), been designated as a medical officer either generally or in relation to a specific patient;

"medical prosthesis" means the replacement of part of the body with a artificial apparatus for example (artificial limb, artificial eye, electronic pacemaker, implant, denture, etc);

"Member" means a person-

- (a) serving in terms of section 9 of the Act in the Permanent Force;
- (b) serving in terms of section 16 of the Act in the Citizen Force;
- (c) serving in terms of section 32 of the Act in the Commandos;
- (d) serving in an auxiliary service or an auxiliary service known as the Service Corps in terms of section 80 of the Act;
- (e) serving in the Reserve and who is rendering service in terms of section 52 or section 52A of the Act, and;
- (f) undergoing training as a Cadet in terms of section 57 of the Act.

"Member of the Fund" includes a widow or widower who has, in terms of regulation 21 or regulation 31, become a member of the Fund;

"Patient" means a "member" or a "dependant" or a "beneficiary" as deprived in terms of this regulation or an approved patient as may be approved by the Department of State Expenditure.

"Sabbatical" means any period between leaving school and the date where the person involved was not in gainful employment, undergoing military training, or full-time study, and includes travel internal or external to the borders of the Republic of South Africa for whatever reason as the case may be for any period exceeding the period between-

- (a) leaving school and the commencement of the academic year in the year immediately succeeding the final school year;
- (b) leaving school and the commencement of such compulsory military service; and
- (c) the completion of such military service and the commencement of the academic year immediately succeeding the period of compulsory military service;

"SANDF" means the South African National Defence Force;

"spouse" means a person who is married to a member or beneficiary in terms of custom, or a system of religious, personal or civil law and who resides with such member or beneficiary;

"STS" means a person serving in a temporary capacity in terms of the Short Term Service system in the Permanent Force;

"Surgeon-General" includes a medical officer to whom the Surgeon-General has delegated specified functions;

"temporary category" means a category of fitness lower than the allotted category, which is temporarily allotted to a member (excluding members of the Permanent Force) in terms of regulation 4(5);

"the Act" means the Defence Act, 1957, (Act No. 44 of 1957);

"treasury" means the Minister of Finance or a duly authorised officer in the Department of State Expenditure;

"widow" means the surviving spouse of a deceased male member of the Permanent Force or a beneficiary; and

"widower" means the surviving spouse of a deceased female member of the Permanent Force or a beneficiary contemplated in definition of "dependant".

PART I

MEDICAL FITNESS

Establishment of Category of Fitness

2. The Surgeon-General or a medical officer designated by him or her for that purpose, shall from time to time, in consultation with the Chief of the Arm of the Service, Staff Division or Supporting Service concerned, determine the standard of physical and mental fitness required in peace or war time for the efficient work performance of a member in every arm of the service, Staff Division, Supporting Service, in each branch, corps or unit thereof and in each mustering, appointment, post or job classification in the SANDF, taking into account requirements laid down by the relevant Personnel Administration Standard and the Chief of the SANDF and in so doing -

- (a) fully describe the standards and categories of fitness and classify them in order of stringency;
- (b) designate a suitable category of fitness for each branch, corps, unit, mustering, appointment, post or job classification; and
- (c) promulgate the classification and application of the said categories of fitness in the Orders of the SANDF.

Determination of and Employment According to Medical Fitness

3. (1) The Surgeon-General, is responsible for the determination of the standard of physical and mental fitness of any person who -

- (a) has applied for appointment or enrolment in any part of the SANDF;
- (b) is, in terms of the Act, obliged to report for training or to render service in any part of the SANDF; and
- (c) is serving in any part of the SANDF.

(2) The Surgeon-General shall allocate the category of fitness referred to in regulation 2 to a person contemplated in regulation 4(1) and shall advise the Chief of the Arm of the Service, Staff Division or Supporting Service concerned of such fitness category and may-

- (a) restrict the nature, extent and place of such person's employment permanently or temporarily;

- (b) allocate a temporary fitness category to such person; and
- (c) at any time alter the allotted category of such person.

(3) No member shall be appointed, enrolled, mustered or employed in any post or mustering of the SANDF or be required to serve or to undergo training in such post or mustering unless the allotted fitness category of such member equals or exceeds the category designated to such post or mustering in terms on paragraph (b) of regulation 2.

(4) The Surgeon-General, may-

(a) with regard to medical facts of a member contemplated in subregulation (3), which are brought to his or her attention by whatever means, and if the Surgeon-General has any doubt with regard to such member's medical fitness, appoint a Board of Medical Officers, which shall -

- (i) consist of at least three medical officers; and
- (ii) report about -
 - (aa) the medical condition of such member;
 - (bb) the nature, origin, extent or possible future development of the disability or disease;
 - (cc) the future utilisation or management of the member; and
 - (dd) the nature and extent to which service in the SANDF has caused or aggravated the disability or disease.

(b) with regard to medical facts of a dependant of a member of the Permanent Force or of an auxiliary service employed in the SANDF which are brought to the attention of the Surgeon-General by whatever means, and such dependant enjoys the medical benefits provided by the SANDF, and if the Surgeon-General has any doubt with regard to such dependant's medical fitness, appoint a Board of Medical Officers, which shall-

- (i) consist of at least one medical officer; and
- (ii) report about -
 - (aa) the medical condition of such dependant;

- (bb) the nature, origin, extent or possible future development of the disability or disease;
- (cc) the future utilisation or management of such dependant; and
- (dd) the nature and extent to which service in the employ of his or her employer has caused or aggravated the disability or disease.

(5) The Surgeon-General, determines in which format the report referred to in subregulation (4) should be submitted, and when and where the medical examination shall take place.

(6) The expenses of a medical examination in terms of subregulation (5) which may include a special medical test which the Surgeon-General has ordered, as well as the expenses of the hospitalisation of the member concerned in a military hospital or other applicable institution for a period not exceeding 21 days, shall be paid from State funds.

(7) The accommodation and travel expenses of a member, but excluding dependants, to whom subregulations (4), (5) and (6) are applicable, may be reimbursed in terms of the prescribed tariffs, which are from time to time approved by the Treasury on the recommendation of the Chief of the SANDF.

Allotment, Restriction and Alteration to Categories of Fitness

4 (1) The category of fitness, allocated in terms of regulation 3(2) to a member who serves in any post of the Permanent Force or who has in terms of section 65(2) or 67 of the Act been found medically fit and has been allocated to the Citizen Force or the Commandos but has on the said date not commenced service or training therein, shall, subject to proof to the contrary, be deemed to have the category of fitness applicable to the post or mustering in which such member was serving or to which such member was allotted on that date.

(2) An alteration to the medical category with regard to -

- (a) a member, occurs in terms of regulations 3(3) and (4);
- (b) the post or mustering occurs through negotiations between the Chief of the Arms of the Service, Staff Division or Supporting Service concerned and the Surgeon-General, and a joint decision is promulgated by the Surgeon-General;
- (c) a member of the Permanent Force, is effected by a Board of Medical Officers; and

- (d) any other case is effected by a medical officer or a Board of Medical Officers, whichever the Surgeon-General may deem appropriate: Provided that the fitness category of a member or dependant is not altered unless the recommendation is approved by the Surgeon-General.
- (3) Where in any case, in the opinion of the Surgeon-General, it is necessary on-
- (a) account of a member's state of health to restrict, temporarily or permanently, the nature or extent of the service or duties in respect of which, or the area or place in which the allocated category of any member shall apply even though such state of health does not justify the alteration of the member's allocated category or the allocation to such member of a temporary category, the Surgeon-General may define the extent of such restriction and apply it in accordance with subregulation (4) to the member concerned and such restriction shall only be altered or revoked on the authority of the Surgeon-General; and
 - (b) account of a dependant's state of health to restrict, temporarily or permanently, the nature or extent of the service or duties in respect of which, or the area or place in which such category shall apply, the Surgeon-General may define the extent of such restriction and apply it in accordance with subregulation (4) to the dependant concerned and such restriction shall only be altered or revoked on the authority of the Surgeon-General or such officer.
- (4) If a member or a dependant's state of health is of such a nature that-
- (a) the member must be dealt with in terms of regulation 3(4) or subregulation (2). In the event of a lower fitness category temporarily allocated to such member, the Surgeon-General, shall inform the Chief of the Arm of the Service, or Staff Division, or Supporting Service and the officer commanding concerned, in writing and in layman's terms, of the restriction with regard to the utilisation of the member as well as the nature, extent and duration of the restriction or temporary fitness category. The Officer Commanding must inform the member accordingly and in the event of the member's transfer during such restriction or temporary category, the new officer commanding must thus be informed; and
 - (b) the dependant, must be dealt with in terms of regulation 3(4)(b) or subregulation (2). In the event of a lower fitness category temporarily allocated to such dependant, the Surgeon-General, shall inform both the dependant and the employer concerned, in writing and in layman's terms, of the restriction with regards to the

utilisation of the dependant as well as the nature, extent and duration of the restriction or temporary fitness category.

(5) If a member or a citizen, who has in terms of the Act been allotted to the Citizen Force or the Commandos, but has not commenced serving therein, fails at any time to comply with the requirements of the allocated category because of a disability or disease and the Surgeon-General is of the opinion that the condition of the person or citizen concerned will after medical treatment improve to such an extent that it will, in time, warrant the reinstatement of such person or citizen's allocated category, the Surgeon-General may suspend such member's allocated category and allocate a temporary category to the person or citizen concerned for a period-

- (a) not exceeding 3 months in the case of a member serving in terms of Section 20 or Chapter X of the Act;
- (b) not exceeding 12 months in the case of any other member or such citizen;

and the Surgeon-General, in consultation with the Chief of the arm of the service, Staff Division or Supporting Service concerned, may, subject to regulation 5(b), extend such period from time to time.

(6) If a commanding officer is in doubt whether a member serving or undergoing training is physically fit to perform any duty which may in the course of the member's service or training be performed, such officer commanding may prohibit the performance of the duty concerned by such member and shall immediately report the reasons for the prohibition to the medical officer concerned for action in terms of regulation 5(2).

Subjection to Medical Examination

5. (1) A member shall, in terms of regulation 3 be subjected to a medical examination for the purpose of determining such member's medical fitness for any service, course or category of fitness referred to in this Regulation, prior to -

- (a) appointment from the ranks to commissioned rank;
- (b) re-appointment or re-enrollment of a member for service or training on the expiration of a specified period of service, the duration of which has been determined by or in terms of the Act or these Regulations; except when such member has served without a break in service in the Permanent Force in a permanent or temporary capacity or served in terms of Section 20 of the Act;
- (c) termination of service in any part of the SANDF or in the Reserve the member is appointed or enrolled in or any other part of the SANDF;

- (d) transfer to or remustering in any post, branch, classification or mustering in respect of which a higher category of fitness than the member's allotted category has been designated in terms of regulation 2;
- (e) the member being permitted to leave the Republic on duty of any kind or for the purpose of attending a course overseas;
- (f) the member being permitted to attend a course in the Republic designated for the purpose by the Chief of the Arm of the Service, Staff Division or Supporting Service concerned, in consultation with the Surgeon-General, and promulgated in SANDF Orders;
- (g) his or her allotted category, suspended in terms of regulation 4(5), is being reinstated or altered; and
- (h) him or her being employed if called up from the Reserve for service in terms of Chapter X of the Act.

(2) Notwithstanding the provisions of regulations 3(3), 3(4), 4(2) and 5(1), the Surgeon-General may with regard to a member -

- (a) who performs duties which, in the opinion of the Surgeon-General, require that in the member's own interest and that of the SANDF, the member be medically examined periodically to confirm the member's medical fitness to continue performing such duties, direct that such examination be conducted in terms of regulation 3(1);
- (b) whose medical fitness is in doubt, order that such member's medical category be re-evaluated; and
- (c) who has become seriously ill and hospitalised, order that such member's medical category be re-evaluated.

(3) No member, referred to in subregulation (1), may refuse to undergo a medical examination as required in terms of subregulation (2).

(4) The Surgeon-General may, upon receipt of payment as determined by the Department of State Expenditure, perform medical examinations on members and dependants as requested by a member of the Permanent Force or the Auxiliary Service or a dependant of such member.

Medical Unfitness for Retention in Service

6. (1) The Surgeon-General shall submit a report to the Chief of the Arm of the Service or Staff Division or Supporting Service concerned with regard to a member of

the Permanent Force, the Citizen Force, the Commandos (who has been allotted to the Citizen Force or a Commando but has not commenced serving therein) or the Reserve, to whom a category of fitness has been allotted permanently, which, in terms of regulation 3(3), is incompatible with the employment or continued employment of such member or person in the allotted classification or mustering.

(2) After the submission of such report -

- (a) the Minister may order the discharge or termination of service of the member concerned in terms of Chapter III or Chapter IV of these Regulations as the case may be; and
- (b) the Chief of the SANDF may, if the member concerned can, in the new allocated category, be used efficiently and in the interest of the SANDF in any classification or mustering in the part of the SANDF or Reserve in which such member serves, order that the member concerned be reclassified or remustered in terms of Chapter III or Chapter IV, of these Regulations as the case may be: Provided that a member of the Permanent Force, a member serving voluntarily in the Citizen Force or the Commandos and a member of the Reserve shall not be reclassified or remustered in terms of this regulation without such member's written consent, except when such member renders service in pursuance of Chapter X of the Act.

(3) If a restriction is applied to a member in terms of regulation 4(3), the Chief of the Arm of the Service, Staff Division or Supporting Service concerned may materially interfere with the effective employment of the member concerned in his or her classification or mustering, or he or she may, in consultation with the Surgeon-General, order that such member be dealt with as though subregulation (1) were applicable to the member.

PART II

NATURE, EXTENT AND ADMINISTRATION OF MEDICAL TREATMENT

Extent and Authorisation of Medical Treatment

7. (1) The Chief of the SANDF may issue orders relating to-
- (a) the provision, management and control of medical, dental, hospital, psychiatric and rehabilitative services, assistance and support to serving members of the Permanent Force;
 - (b) the class of members of the said Force including the dependants of the members of the said Permanent Force, the Auxiliary Service, the class of members of the said Auxiliary Service including the dependants of the members of the said Auxiliary Service, the Citizen Force, the Commandos, the Reserve and the Cadet Corps or other persons, who shall be or may gain access to such services, assistance and support;
 - (c) the scale or aggregate amount of contributions (if any) to be made by any member or class of member or any dependant for the provision of such services, assistance and support provided for by the SANDF; and
 - (d) the rights, privileges and obligations of serving members and their dependants where applicable, and generally all matters reasonably necessary for the administration, regulation, operation, maintenance and extension of such services, assistance and support.
- (2) The Surgeon-General shall, subject to the provisions of the Act and this Chapter, arrange for the offering to an authorised patient of -
- (a) medical, dental and hospital treatment which is required in respect of an injury, disease, latent disease, physical defect or other disability from which the patient concerned is suffering, in order to-
 - (i) effect the recovery of such patient or to promote his or her state of health; and
 - (ii) promote or improve the functioning or use of any limb, organ, bodily function or faculty of such patient or to reinforce, supplement or replace such limb, organ, bodily function or faculty;

- (b) medical and hospital treatment in addition to the treatment referred to in subregulation (2) (a) required during her pregnancy and confinement, including pre-natal and post-natal care of the mother and child concerned; and
- (c) preventative, prophylactic or immunizing treatment which shall or may be administered in terms of any Act or which the Surgeon-General deems necessary in the interest of the SANDF or any patient.

(3) The Surgeon-General, shall from time to time determine the nature and extent of the treatment required in accordance with subregulation (2) by a patient and may, subject to the other provisions of this Chapter, authorise the offering or administration of such treatment to the patient concerned in terms of regulation 11 (1).

(4) For the purposes of subregulation (2) and (3) the Surgeon-General is the medical authority referred to in Section 144 *bis* of the Act.

Dental Treatment

8. The Surgeon-General shall, subject to the provisions of the Act and this Chapter, arrange for the offering of full dental treatment to-

- (a) a member of the Permanent Force and the Auxiliary Service and his or her dependant; and
- (b) approved patients.

Plastic, Reconstructive Surgery and Orthodontic and Specialised Dental Treatment

9. The Surgeon-General may in terms of regulations 7 and 8 of this Chapter, authorise-

- (a) plastic and reconstructive surgery; and
- (b) orthodontic and other specialised dental treatment, to the extent to which, in the Surgeon-General's opinion, such treatment is necessary for the normal functioning of the patient in the community or job environment.

Additional Requirements and Services

10. The treatment which may be authorised in terms of regulation 7 shall include the provision of the requisite medicaments, bandages, wrappings, catgut, gloves, medical, dental or surgical instruments, apparatus, Röntgen films, chemicals or organic materials or derivatives thereof (including blood or plasma), consumer goods for

occupational therapy or such other medical aids or apparatus and medical prostheses as may be necessary for the promotion of the recovery of a patient, and also the required hospital facilities and maintenance, paramedical services and nursing, which is obtained in a manner determined by the Surgeon-General.

Provision of Treatment

11. (1) The Surgeon-General shall make arrangements for, and exercise professional, executive and administrative control over the provision and administration of any treatment which shall or may be provided to a patient in terms of this Chapter: Provided that such patient is in possession of a suitable identification document as required by the Surgeon-General.

(2) For the purposes of subregulation (1) the Surgeon-General shall, as far as it is professionally and administratively practicable, make use of the facilities of the military medical service and such other medical facilities as may be at the Surgeon-General's disposal and may -

- (a) delegate any power vested in the Surgeon-General by this Regulation to any other medical officer designated by the Surgeon-General for that purpose, whether generally or in respect of a specific case;
- (b) administer treatment in terms of this Chapter at a patient's place of residence, a hospital, clinic, out-patients' department of a hospital or at the consulting rooms of a medical officer or at any other place designated by the Surgeon-General for that purpose;
- (c) where a patient is at a place where there is no military hospital or where a military hospital is unable to accommodate or to treat the patient concerned effectively because of lack of space or the absence of facilities which, in the opinion of the Surgeon-General, are required for the treatment of such patient, authorise the admission to or the treatment of such patient at any other hospital or institution which may be designated by the Surgeon-General for that purpose;
- (d) authorise the conveyance of a patient to and from any place, designated in terms of paragraph (b) or (c) for any treatment in terms of this Chapter or in such manner whether in general or with regard to the circumstances of a particular case as he or she deemes suitable;
- (e) authorise the escort or nursing of a patient by any person who, in the opinion of the Surgeon-General, is deemed fit to act as escort while such member or dependant is being conveyed in terms of paragraph (d);

- (f) where a suckling or the mother of such suckling is admitted to a hospital, also authorise the admission to the hospital as a hospital patient of the mother or child concerned, as the case may be;
- (g) where for any medical reason which he deems sufficient the examination or treatment of a patient cannot be undertaken by a medical officer of the SA Medical Service or where the Surgeon-General considers a second opinion necessary in the interest of a patient, designate a registered medical or dental practitioner or specialist who is not employed on a full-time basis by the State as a medical or dental practitioner, whether in general or for the examination or treatment of a specific patient in a temporary or part-time capacity; and
- (h) on behalf of the State accept liability for the cost of medical, dental or hospital treatment provided in a case of emergency to any patient by any medical or dental practitioner or hospital, if in the opinion of the Surgeon-General, it was in the interest of such patient to be provided such treatment in an emergency.

(3) The treatment provided for in this Chapter may be provided at any place in the Republic of South Africa and shall, in accordance with arrangements made by the Surgeon-General, be provided to any member performing whole time service outside the Republic, and, in the case of a member of the Permanent Force performing such service, also to a dependant of such member who, with the approval of the Chief of the SANDF is accompanying such member abroad.

(4) The Chief of the SANDF may reimburse a member or the escort, appointed in terms of paragraph (2)(e), who reports at a hospital for medical examination and/or treatment, and is not necessarily hospitalised, such accommodation expenses that were incurred to facilitate the medical examination or treatment: Provided that such escort is the dependant of a member as defined in Regulation 1.

Provision of Prosthesis and Medical Aids

12. (1) Where, for the purposes of regulation 7, the Surgeon-General, deems it necessary for maximum recovery and productive employment in the socio-economic environment of any patient, within the framework of such patient's disability, the Surgeon-General may, in addition to the treatment provided for in regulation 11 and subject to other provisions of these Regulations, authorise the provision, to the patient concerned, of a prosthesis and/or medical aids: Provided that -

- (a) the Surgeon-General shall determine the serviceable life of any article or category of articles provided in terms of this Regulation and any such article shall, subject to paragraph (b), in accordance with the directions of the Surgeon-General, be serviced, maintained, repaired, modified or replaced or supplied with a

source of power or other expendable part or material required for its operation; and

- (b) any article referred to in paragraph (a) may, in accordance with the directions of the Surgeon-General be modified or replaced at State expense on the expiration of its serviceable life so determined or where a medical officer designated by the Surgeon-General for the purpose has, before such expiration, certified that such modification or replacement is necessary because the article concerned has become unserviceable as a result of a physical or pathological change in the patient.

(2) To curtail costs, but without forfeiting functional efficiency, the Surgeon-General may stipulate standards for any prosthesis or medical aid.

(3) When a patient, for whatever reason, prefers another type of medical prosthesis or medical aid than the prescribed one, the patient may be supplied with the medical prosthesis or medical aid of such patient's choice: Provided that the medical prosthesis or medical aid so chosen meets the standards stipulated by the Surgeon-General and that all extra expense in acquiring or maintaining the said medical prosthesis or medical aid is borne by the patient.

Defrayment of Expenses

13. The cost of any treatment, service or medical prosthesis or medical aid authorised in terms of this Chapter and provided to a patient shall, apart from conditions to the contrary in this Chapter, be defrayed from State funds, obtained for this purpose through the normal budget programme: Provided that -

- (a) services rendered by private medical and dental practitioners and specialists shall be paid from State funds;
- (b) any patient to whom this regulation is applicable, shall be accommodated in a general ward of the hospital concerned, unless -
 - (i) the patient's medical condition requires treatment in a private ward, or intensive or high care unit, in which case the extra cost is paid from State funds; and
 - (ii) the patient, for whatever reason, prefers to be receiving nursing care in a private ward, in which case such patient accepts prior responsibility for the additional costs and settles the difference directly with the relevant hospital authorities.

PART III

MEDICAL BENEFITS

Benefits and Obligations: Members of Permanent Force and the Auxiliary Service and their Dependants

14. (1) The medical, dental and hospital treatment contemplated in regulations 7 to 13 shall, subject to the provisions of subregulation (6), be offered to a member of the Permanent Force and of an auxiliary service, and such member's dependant as contemplated in the definition of "dependant" in regulation 1, but excluding the dependants of members of the STS and the Service Corps: Provided that, before any medical, dental and hospital treatment may be offered to any person or category of person contemplated in the said definition, written approval must be obtained from the Chief of the SANDF to regard such person or category of person as a dependant of the member concerned: Provided further that such approval may only be granted in respect of-

- (a) the spouse of a member, if the provisions of regulation 1, with regard to the definition of "dependant" and 5 (4) have been complied with;
- (b) the child of a married member if the provisions of regulation 1 with regard to the definition of "child" have been complied with: Provided further that in the event the court orders that the member be given custody of the child or responsibility for the provision of medical, dental and hospital treatment for the child; and
- (c) the child of a single member born out of wedlock if the provisions of regulation 1 with regard to the definition of "child" have been complied with and the said child is of necessity non-self supporting as contemplated in the said regulation: Provided that-
 - (i) if the member is the natural mother or the father of the child, such member shall, on request of the Chief of the SANDF, submit conclusive medical evidence as may be required by the Surgeon-General, at his or her own cost of this fact: Provided further that if such medical evidence proves to be conclusive such member's costs in obtaining such medical evidence shall be reimbursed by the Chief of the SANDF;
 - (ii) the member is, in terms of an order by a competent court responsible for the payment of maintenance and the provision of medical, dental and hospital treatment for the

child; and

- (iii) the member is the mother and the child is in her care and the natural father of the child is not responsible for the payment of maintenance and the provision of medical, dental and hospital treatment for the child;

(2) A child contemplated in paragraphs (b) and (c) of the definition of "child", in respect of whom maintenance is paid or is payable by any person other than the member concerned or by or in respect of whom any income or earnings of whatsoever nature or compensation for damages is received, shall be deemed to be entirely dependent on the member concerned unless, in the opinion of the Chief of the SANDF such maintenance, earnings, income or compensation for damages is sufficient to provide such child with sufficient food, accommodation, education and medical treatment.

(3) The medical, dental and hospital treatment contemplated in regulation 7 shall be offered only to the spouse of a member or to a child, while such a spouse or child resides with the member concerned, unless the Chief of the SANDF, whether generally or in any specific case, authorises such offering, while-

- (a) the circumstances preventing the spouse or child from residing with the member are acceptable to the Chief of the SANDF;
- (b) the spouse or child concerned is temporarily not residing with the member during a holiday, journey or visit or for any similar reason;
- (c) the child concerned is attending school or other educational institution and is temporarily residing elsewhere;
- (d) the member concerned is a widower or is divorced from his wife or whereby such child has been placed in custody, and such child is, while the member concerned is not maintaining a *bona fide* household, being cared for by some person other than his estranged wife; and
- (e) the member concerned is a widow or is divorced from her husband or whereby such child has been placed in custody, and such child is, while the member concerned is not maintaining a *bona fide* household, being cared for by some person other than her estranged husband.

(4) Notwithstanding the determination contemplated in subregulation (1), (2) and (3) such authority shall not be granted where-

- (a) the member concerned is estranged from his or her spouse and such estrangement is, in the opinion of the Chief of the SANDF not

transitory or of a passing nature; and

- (b) the child concerned has been removed from the member's custody in terms of any act and has been admitted to a State or a State-aided institution for children in need of care or similar institution or has in accordance with an order of a competent court at state expense been placed in the custody of a foster-parent.

(5) No medical, dental or hospital treatment will be offered to-

- (a) a member of the Permanent Force or the Auxiliary Service who is absent from duty without leave; and
- (b) a member or a dependant of a member or any other person who may be entitled to the treatment contemplated in subregulation (1), whilst such member or such member's dependant or any other person who may be entitled to such treatment is on leave, tour or visit or for any other reason outside the borders of the Republic of South Africa.

(6) If a member of the Permanent Force or of an auxiliary service or the dependant of such member of the Permanent Force or of an auxiliary service is, on the day of the termination of such member's service in that Force or Service, being treated in terms of subregulation (1) as an inpatient in a hospital, such treatment may, with the approval of the Surgeon-General, be continued in terms of that regulation for ninety days.

(7) The treatment referred to in regulation 7(1)(b) shall be offered at places or locations designated by the Surgeon-General depending on the availability of the required medical and nursing facilities in connection with the military medical service, and if the said facilities are not available the necessary medical and hospital treatment may, with the prior approval of the Surgeon-General, be provided by a provincial hospital or other institution at State expense.

(8) A member of the Permanent Force or of an auxiliary service shall, within fourteen days of the event, report in writing to his or her officer commanding any change whatsoever in the circumstances affecting the provision of the treatment, services or articles referred to in subregulation (1) to such member's dependant. The costs of any such treatment, services or articles offered contrary to this regulation to or in respect of such dependant owing to such member's failure to report such change, shall be recovered from the member concerned.

(9) A member of the Permanent Force or of an auxiliary service and a dependant of such a member, shall, at all times, including any period of leave of absence-

- (a) carry on his or her person the necessary identification as

prescribed by the Surgeon-General and leave certificate, to ensure access to medical treatment whenever required; and

- (b) immediately inform, in writing, his or her officer commanding of any incident where medical treatment was obtained at any place other than a hospital: Provided that such treatment shall only be rendered within the borders of the Republic of South Africa: Provided further that a member who is absent without leave is not entitled to such medical treatment.

Benefits for Members of Citizen Force, Commandos, Reserve and Cadet Corps

15. (1) Subject to the provisions of subregulation (2) treatment, services and prosthesis provided for in regulation 7, 9, 10, 11 and 12(1) must be offered to a member of the Citizen Force, the Commandos the Reserve or the Cadet Corps, if required for an illness or injury which was contracted under circumstances described in Section 146 of the Act.

(2) The treatment referred to in subregulation (1) shall be provided to the member concerned for the duration of the period of military service or training in which such member was engaged when such member received the injury or contracted the disease in question or through which the disability was caused or aggravated and such treatment-

- (a) shall, in the case of a disability to which section 146 of the Act applies be continued after the expiration of the said period until the member has recovered therefrom or until an award in terms of the provisions of the War Pensions Act, 1967 (Act No. 82 of 1967), has been made in respect of such disability;
- (b) may in any other case be continued with the approval of the Surgeon-General, for a period not exceeding 90 days after the expiration of the said period of service or training or for such longer period as the Surgeon-General may approve in an exceptional case: Provided that the Surgeon-General may at any time after the expiration of such period of military service or training, authorise the treatment or the resumption of the treatment of a disability to which section 146 of the Act applies and in respect of which no award referred to in subregulation (2)(a) has been made; and
- (c) shall not be offered to a member of the Citizen Force, the Commando, the Reserve or the Cadet Corps who absented himself or herself from duty without leave.

(3) Regulations 8, 9 and 12 are applicable to a member of the Citizen Force, the Commandos or the Reserve and the Cadet Corps at all times for any period which

such member is serving in terms of Chapter X of the Act: Provided that-

- (a) the teeth of such member may in an emergency be extracted or temporarily filled; and
- (b) the Surgeon-General may, in an exceptional case for professional reasons, suspend any provision of this Regulation with regard to a specific member.

(4) A member of the Citizen Force, the Commandos or the Reserve and the Cadet Corps shall, for the purposes of this Regulation, be deemed to be performing military service or to be undergoing training during any period in which such member-

- (a) is serving in terms of Chapter X of the Act;
- (b) is undergoing any training in terms of the Act;
- (c) is performing special duty approved in terms of the Act or the Regulations;
- (d) has, owing to unavoidable circumstances, to remain longer than the stipulated duration of any military service or training, at the place designated therefor;
- (e) is in terms of these Regulations treated as an inpatient in a hospital;
- (f) in the course of a period of full-time or continuous service or training-
 - (i) is, in terms of these Regulations, temporarily absent on leave from such service or training;
 - (ii) is absent from such service or training owing to treatment in terms of these Regulations (including any period required for convalescence);
- (g) is required to travel with Government or other public transport to or from any military service or training or is compelled in the course of such journey to stop over at any place: Provided that this Regulation shall not be so construed as to mean that any member who is absent from any service or training without leave or has been temporarily exempted from service or training in terms of the Act, shall be deemed to be performing service or to be undergoing training while he or she is so absent or exempted.

(5) A member to whom treatment in terms of subregulation (1) has been

offered, shall receive pay of rank for each day on which-

- (a) such member has, owing to such treatment, not undergone or performed full-time or continuous service or training for which such member would otherwise have been paid; and
- (b) after the expiration of a period of service or training, such treatment has been offered to the member as an inpatient in a hospital: Provided that-
 - (i) any payment in terms of this Regulation shall be in accordance with the pay of rank approved by the Department of State Expenditure on the recommendation of the Department of Public Service and Administration; and
 - (ii) this Regulation shall not apply to a member to whom such treatment is provided in respect of a disability, injury or illness which is due to such member's own misconduct.

EXCEPTIONAL CIRCUMSTANCES

16. If circumstances arise which in the opinion of the Chief of the SANDF justify a departure from any provision of this Chapter, he or she may, on approval of the Department of State Expenditure where expense to the State is involved, authorise such departure.

PART IV

PERMANENT FORCE MEDICAL CONTINUATION FUND

Establishment of the Fund

17. The fund that is hereby established shall be known as the Permanent Force Medical Continuation Fund, is a corporate body and is deemed to be a fund in terms of section 87(1)(f) **bis** of the Defence Act, 1957, which provides medical, dental and hospital treatment to members of the Permanent Force who retired or retire on pension on or after 1 January 1964, and their families and of the families of members of the said Force who died or die on or after the said date.

Authority of the Fund

18. Without derogating from the provisions of regulation 19(4), 20 and 25, the Fund is authorised to-

- (a) receive and keep in trust any income that may become due to it in terms of these regulations from contributions or levies on members or from interest on investment that may accrue by way of a donation, a grant, a subsidy or in any other manner;
- (b) defray any expenses from revenue due to it and thus received -
 - (i) which have been incurred as a result of treatment referred to in regulation 17; and
 - (ii) which have been incurred for the management and functioning of the Fund;
- (c) invest any part of such income for the benefit of the Fund or recall such investments.

Establishment of Board of Control

19. (1) A Board of Control, is established for the Fund. The Board consists of the following members:

- (a) Surgeon-General;
- (b) Chief of Personnel;
- (c) The Departmental Accountant (Chief of Finance) (irrespective of whether that person serves in a post on the establishment of the

Secretary for Defence or the SANDF;

- (d) Chiefs of Staff Personnel of the respective Arms of the Service of the SANDF;
- (e) The Sergeant-Major of the SANDF; and
- (f) Three retired members of the Permanent Force who are beneficiaries of the Fund which members are elected during an annual general meeting for a term of office not exceeding two years at any given time.

(2) Each member of the Board appoints a *secundus* who has to attend the meeting of the Board in the absence of such member and participate in the proceedings of the meeting.

(3) The Board may at any time co-opt a person or persons to assist the Board in an advisory capacity.

(4) (a) The Surgeon-General appoints-

- (i) a competent officer or a retired officer of the Permanent Force or a civilian person as the chief executive of the Fund and such official will act as secretary at meetings of the Board and will be known as the Manager of the Fund; and
 - (ii) a competent officer or a retired officer of the Permanent Force or a civilian person as Accountant of the Fund.
- (b) The Secretary for Defence or his or her delegate may approve the establishment of posts on the fixed establishment of the Permanent Force for appointing personnel to perform the co-ordinating and administrative functions required for the efficient management and control of the Fund.

Duties and Powers of Board of Control

20. (1) The Board exercises control over the assets of the Fund in such a manner that at all times sufficient liquid assets are available to cover expenditure and for this purpose the Board is authorised to -

- (a) open an account at a financial institution in the name of the Fund, to operate the account and to decide on the availability of cash from that account, before defraying any expenses or making any investment in terms of regulation 18(b) and (c);

- (b) exercise general control over the scope and manner in which treatment shall be provided in terms of these regulations and, with regard to such provision, to repeal a decision or instruction given in terms of these regulations by the Surgeon-General or an official of the Fund, or to amend or replace them with another decision or instruction; and
- (c) do anything deemed necessary to organize or operate the Fund or the provision of medical, dental or hospital treatment to a beneficiary of the Fund.

(2) The Surgeon-General is the chairperson of the Board and in his or her absence the most senior member of the members mentioned in regulation 19 (1)(b), (c) and (d) shall act as chairperson.

(3) The Board convenes as often as the chairperson deems necessary but at least once every three months in addition to the annual general meeting, which should be attended by the Board members or their *secundi* unless the serving chairperson, for sound reasons, exempt them from attending the meeting.

- (4) (a) A quorum for a meeting consists of a two-third majority of the total number of members serving on the Board;
- (b) a decision is reached by majority vote of Board members attending the meeting and, in the event of an equality of votes, the presiding chairperson of the meeting shall have the casting vote;
- (c) a two-third majority vote of the Board members attending the meeting is required to revoke, amend or replace any of the decisions regarding the rendering of service contemplated in subregulation (1)(b) and (c).

(5) The minutes of every meeting of the Board shall be recorded in a book kept for this purpose by the Manager, and the minutes of the previous meeting shall, after approval, and after the chairperson has signed them, serve as *prima facie* proof that the business, as recorded, is the business of that previous meeting.

(6) Any deed, contract, power of attorney, promissory note or other document shall be deemed to have been executed on behalf of the Fund or the Board, if it has been signed under the name of the Fund by one member of the Board designated by the Board for that purpose and by the Manager thereof and a promissory note or a cheque drawn against an account of the Fund, shall be signed by two persons designated by the chairperson for that purpose.

(7) The Manager of the Fund may, with the consent of the Board, or if the Board cannot be convened in time, the chairperson of the Board, according to the circumstances of the case, on behalf of the Fund sue, institute action, appear in any

action against the Fund, lodge an appeal or give notice of intention to defend: Provided that any such action which was taken with the consent of the chairperson shall be submitted by the Manager to the Board for confirmation at the next meeting.

(8) The Department of Defence, the members of the Board, any member of the SANDF and anyone who makes a contribution to or is benefiting from the Fund, is not, without an undertaking to the contrary, liable for any debt of the Fund.

Members of and Contributions to Fund

21. (1) Every-

- (a) member of the Permanent Force who contributes to the Government Employees Pension Fund in terms of the Government Employees Pension Law, 1996; and
- (b) person who, in terms of subregulation (3), becomes a beneficiary of the Fund,

is a member of the Fund, and any amount contemplated in subregulation (10), that is payable from time to time by any such member referred to in paragraph (a), is deducted monthly from that member's salary and in the case of a beneficiary referred to in paragraph (b) the amount is deducted monthly from that beneficiary and paid to the Fund: Provided that any male or female member of the SANDF whose spouse is a contributor to the Fund, is exempted from the monthly contributions: Provided further that any male or female member of the SANDF whose spouse is contributing to another similar Fund, may choose not to be a member of the Fund and is exempted from the monthly contributions.

(2) Any member of the Permanent Force who, in terms of a contract, will not be able to render ten years' continuous service or who will not be able to render such service prior to attaining the age of 60 years, may be allowed by the Board to become a member of the Fund in exceptional cases on such conditions the Board may determine.

(3) A contributor to the Fund

- (a) who retires and is in terms of the Government Employees Pension Law, 1996, entitled to an annuity;
- (b) who is discharged from the Permanent Force for medical reasons and in lieu of or in addition to the annuity referred to in paragraph (a), is entitled to an annuity in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993); and
- (c) who reaches a retirement age determined by or in terms of chapter

III or chapter IV of these Regulations, and is discharged, is entitled to an annuity in terms of the Government Employees Pension Law, 1996, becomes a beneficiary of the Fund:

Provided that such contributor has contributed for a continuous period of at least 10 years towards the Fund.

(4) The spouse of a contributing member who dies whilst serving, becomes a beneficiary of the Fund.

(5) Notwithstanding any provision in these regulations-

- (a) a beneficiary who, prior to the commencing date of these regulations was a contributor to the Fund and who, between 1 January 1964 and 31 March 1990, (both dates inclusive), retired or was discharged and the spouse of such beneficiary in the case where the beneficiary dies or has died, are exempted from any obligations regarding the payment of any further monthly contributions to the Fund or any increases thereof;
- (b) a beneficiary who was a contributor and who, between 1 April 1990 and the commencing date of these regulations (both dates inclusive) retired or was discharged and the spouse of such beneficiary in the case where such beneficiary dies or has died, must pay in one sum, monthly contributions that were applicable on the date of retirement, discharge or death calculated until the contributor would have attained the age of 60 years to the Fund: Provided that-
 - (i) the beneficiary is responsible and compelled to pay any subsequent increase in the monthly contributions applicable to serving members of the Permanent force in one sum, calculated from the date on which such increase becomes effective and until the beneficiary attains or would have attained the age of 60 years, to the Fund;
 - (ii) should the beneficiary not be in a position to pay the increase in one sum to the Fund, the Board may allow the beneficiary to settle the outstanding amount in monthly instalments as arranged with the Manager from time to time;
- (c) any beneficiary who is a contributor to the Fund from a date prior to the commencing date contemplated in paragraph (b) and who retires or was discharged and the spouse of a beneficiary who dies after that date, continues with such monthly contributions as well as any future increase in the monthly contributions as if the

beneficiary is still a serving member of the Permanent Force, until the beneficiary attains or would have attained the age of 60 years;

- (d) any contributor who enrolled in the Permanent Force under contract and whose contract expires after completion of 10 years continuous service, but prior to attaining the age of 60 years, may at his or her own request, be allowed by the Board to continue the payment of monthly contributions to the Fund as may be determined from time to time until the contributor attains the age of 60 years; and
- (e) any beneficiary contemplated in paragraphs (b) to (d) may, notwithstanding the provisions of those paragraphs, be compelled by a decision of the Board to continue with monthly contributions to the Fund after attaining the age of 60 years at a rate determined from time to time in respect of the beneficiary and dependents, until the beneficiary attains the age of 75 years.

(6) The provisions of subregulation (5) are applicable, with the necessary changes to a widow or widower who becomes a beneficiary of the Fund owing to the death of a person referred to in subregulation (3), (a), (b) and (c).

(7) The Board may, without derogating from the provisions of regulation 23 authorise that a child contemplated in the definition of dependant of a deceased beneficiary referred to in subregulation (5) who is not survived by a spouse or whose widow or widower dies after the death of a beneficiary, be entitled to the benefits of the Fund, and the Board may, after a widow or widower who is a beneficiary of the Fund has remarried, if the Board is satisfied that the child who has thus forfeited his or her rights to the benefits of the Fund in terms of these regulations will otherwise not be adequately provided for in respect of medical, dental and hospital expenses, authorise that, on condition that regular monthly contributions applicable to serving members in respect of the child are paid and that any otherwise applicable stipulations of subregulation (4) as determined by the Board, are complied with, such child be entitled to the benefits of the Fund.

(8) Notwithstanding the other provisions of this regulation, the Board may, on such conditions as it may determine, admit as a beneficiary of the Fund someone who is not or who in terms of this regulation may not be such a beneficiary if, in the discretion of the Board such a person should on account of considerations of fairness, be such a beneficiary, and such conditions may provide for-

- (a) any amount or amounts which the beneficiary is liable to pay and any future contributions which he or she or, if he or she dies within a period determined by the Board, his widow or her widower or other dependant who is entitled to benefits under the Fund shall be liable to the Fund;

- (b) circumstances under which the benefits of the beneficiary or, in the event of his widow or her widower being compelled to pay future contributions to the Fund, his or her benefits, or the benefits of his or her dependants, as the case may be, may lapse;

and thereupon the provisions of regulations 24 and 25 shall apply to such beneficiary or to his widow or her widower if he or she becomes a beneficiary by virtue of the conditions laid down by the Board and to his or her dependants, as the case may be.

(9) The Board is authorised, in cases which the Board deems to be exceptional and deserving, to grant, without prejudicing a person's right to benefits from the Fund, exemption from payment of contributions referred to in subregulation (5) or from any portion thereof.

(10) Members of the Permanent Force are compelled to contribute towards the Fund according to the tariffs which the Minister may determine from time to time on recommendation of the Board.

Termination of Membership

22. The membership of a member who is a contributor to the Fund as well as his or her dependant's claim to the benefits emanating from the Fund, shall lapse with effect from the date on which such contributor's service in the Permanent Force is terminated, if-

- (a) that service is terminated for any reason other than the reasons mentioned in regulation 21 (3);
- (b) the contributor is serving in terms of a Service Term System in the Permanent Force and such term of service is terminated-
 - (i) prior to the completion of 10 years' continuous service, but after attaining the age of 60 years; and
 - (ii) on completion of 10 years' continuous service, but before attaining the age of 60 years and the contributor does not elect in terms of regulation 21 (5)(d) to continue contributing to the Fund, or the Board refuses his or her request to continue to contribute, or if such contributor neglects to continue with the payment of monthly contributions to the Fund as authorised by the Board.

Inclusion of Dependant to Participate in Benefits of Fund

23. The person or category of person contemplated in the definition of "dependant" in regulation 1 may only enjoy in the benefits offered by the Fund if prior written approval has been obtained from the Manager for such persons or category of person's inclusion as a "dependant" of a beneficiary : Provided that such dependant conforms

to the requirements contemplated in regulation 14.

Rights, Privileges and Duties in Respect of Fund

24. (1) Notwithstanding any provision in these regulations, a member who has contributed to the Fund for a period of not less than 10 years and whose payments are up to date, and his or her dependant are entitled to the benefits offered by the Fund with effect from the date on which the contributor's service in the Permanent Force is terminated for any one of the reasons referred to in regulation 21 (3).

(2) Any person including a beneficiary referred to in regulation 21(5) and a dependant of such a beneficiary who is entitled to benefits from the Fund in terms of these regulations, is only entitled to the treatment and service referred to in regulations 7, 8, 9, 10, 11 and 12, on condition that any contribution that is due or payable to the Fund, by him or her or is paid, and that any provision or requirements determined by these regulations are complied with.

(3) The Board may, with due regard to the circumstances, age and mental development of, and the custody and the guardianship of a child referred to in regulation 21(7), determine conditions deemed to be necessary for the control and administration of the treatment of such child in terms of regulations governing the Fund.

(4) Notwithstanding any other provisions of this Part-

- (a) every person who is entitled to benefits from the Fund, and to whom medical, dental or hospital treatment or any prescriptions or copies of such prescriptions, medicine, dressings, medical prosthesis, medical aids or any other service is supplied on conditions determined by the Surgeon-General, shall pay to the Fund a contribution in the form of a levy as referred to in subregulation (14): Provided that different levies in respect of different categories of beneficiaries or suppliers of such services may be determined;
- (b) every beneficiary and every other person who is entitled to the benefits from the Fund, must comply with prescripts and furnish the particulars which the Board may determine or require from time to time in connection with any levies contemplated in subparagraph (a) of this subregulation; and
- (c) every person who is entitled to benefits from the Fund shall, in order to receive any treatment -
 - (i) furnish at such times, in such manner and to such person as the Board may, either in general or in a particular instance, designate, such personal or other particulars for the proper application of these regulations and for

properly exercising control over the provision of such treatment; and

- (ii) comply with the instructions issued from time to time by the Board with regard to the identification of the person to whom the treatment is given and such person shall comply with the procedures which have been laid down by the Surgeon-General with regard to the provision of such treatment.

(5) If a beneficiary or the dependant of a beneficiary fails to comply with any of the requirements of subregulation (4) (b) or (c) or an instruction issued in terms thereof, the Surgeon-General or the Manager shall arrange that, for the duration of such failure, all treatment and benefits derived from the Fund, be discontinued in respect of such beneficiary and his or her dependant or such other person.

(6) If a beneficiary or any other person entitled to the benefits from the Fund fails to inform the Manager within 30 days from the date, of any change in marital status or the status of the dependant concerned, which change affects the right of the beneficiary or his or her dependant to treatment in such a manner that the right must be suspended, or if such beneficiary or any other person concerned fails to comply with the provisions of subregulation (4)(b) and (c) or with any of the instructions issued in terms thereof, and as a result of such failure treatment is given to any person contrary to a subregulation (5) ruling, the Manager must report the failure to the Board who may order that the expenses incurred for the treatment be refunded to the Fund and the Surgeon-General shall arrange that, for the duration of the failure, all treatment and benefits derived from the Fund be discontinued in respect of such beneficiary or his or her dependant or any other person.

(7) The Surgeon-General shall report any -

- (a) treatment received by a beneficiary of the Fund or by his or her dependant or by any other person who is entitled to benefits from the Fund which has been provided in contravention of this regulation; and
- (b) malpractice or irregularity that occurs with regard to the provision by a pharmacist, doctor or any other person of medicine, dressings, medical prosthesis, treatment or service to a beneficiary, his or her dependant or to another person entitled to benefits from the Fund,

which comes to his or her notice to the Board, and the Board may terminate the benefits received by the beneficiary, his or her dependant or any other person, or instruct the beneficiary concerned or the other person to repay the unauthorised expenditure to the Fund.

(8) (a) Whenever the Surgeon-General deems it necessary, in respect of the admission of a person to a hospital in terms of subregulation (2), he or she may authorise the transportation of such person to and from hospital in an ambulance or any government or public transport, and for this purpose authorise the issue of rail warrants against repayment: Provided that authorization for the use of private transport, where government or public transport is not available, may be granted by the Manager of the Fund on a standing authorisation of the Surgeon-General;

(b) the Fund must pay for the use of any transport authorized in terms of paragraph (a) according to-

(i) the tariffs laid down by Treasury for government transport;

(ii) the public tariffs laid down in respect of transport by rail or by air; and

(iii) the tariffs applicable to any other form of transport,

as the case may be.

(9) Notwithstanding any provision in this Part, a beneficiary must make use of the medical facilities offered by a military medical or nursing institution, sickbay or a military medical clinic of the SANDF: Provided that-

(a) any person who is entitled to make use of the benefits offered by the Fund, may, for sound reasons, obtain prior approval from the Manager to make use of the services of a medical or dental practitioner who does not have any of the facilities of the mentioned institutions;

(b) any beneficiary or person entitled to benefits from the Fund, may, without creating liability for the Fund, obtain medical treatment elsewhere at own expense; and

(c) the Board may, on the recommendation of the Surgeon-General, authorise the Fund to defray the expenses incurred for urgent medical, dental or hospital treatment by any medical or dental practitioner or hospital in a case of emergency to any person who is entitled to the benefits offered by the Fund.

(10) If any person who is entitled to the benefits offered by the Fund, wishes to obtain treatment additional to the treatment provided for in terms of these regulations or the use of alternative hospital facilities he or she shall obtain prior written approval from the Surgeon-General who may lay down conditions regarding the nature and provision thereof, or may authorise that it, or any part thereof, be provided at the expense of the Fund: Provided that if the conditions laid down are not complied with, the Fund will not be liable for the payment of those expenses.

(11) The Fund may claim from the beneficiary, or any other person entitled to benefits from the Fund, the costs of any treatment provided to the beneficiary or his or her dependant or to such other person for any injury or illness caused by a third party against whom such a beneficiary, or his or her dependant or such other person, would otherwise have had a right to claim damages if the Fund had not paid such costs, irrespective of whether the beneficiary or his or her dependant or such other person has exercised that right or not: Provided that the said costs will not be recovered from the beneficiary or the person concerned if-

- (a) the Manager is notified in writing of the cause for such claim within 30 days after a claim has arisen;
- (b) he or she has, at no time, accepted an unauthorised settlement of such claim or, if it is applicable, has not agreed to the acceptance of a settlement by a dependant of the person concerned, or has not made an admission to the detriment of the Fund to a third party; and
- (c) he or she has recovered the costs of such treatment and has reimbursed the Fund, or has ceded any claim for the reimbursement of such treatment or expenses to the Fund.

(12) This regulation does not authorise the provision, at the expense of the Fund, of treatment as contemplated in regulation 14(4), irrespective of whether such treatment is provided in terms of the aforementioned regulation or in terms of any other Act.

(13) The Manager may withdraw a document issued in terms of these regulations for the identification of a beneficiary or his or her dependant or any other person entitled to benefits from the Fund which authorizes any treatment in terms of these regulations, if the benefits of a person referred to therein or the right of such a person to treatment in terms of these regulations, has been suspended or cancelled or if such person's right thereto has been terminated. If the Manager demands the document, the person in whose possession the document may be, must hand or cause it to be handed over to the Manager.

(14) The contribution in the form of a levy referred to in subregulation (4)(a), is an additional payment of twenty percent on all medical services rendered by a private practitioner, other than the Surgeon-General: Provided that such levy is not payable in cases where the beneficiary has been referred to an authority outside the SANDF by the Surgeon-General or his delegated for such treatment or service: Provided further that this levy is not payable on dental or ophthalmological services.

Basis for Provision of Treatment

25. (1) The Surgeon-General regulates and controls the provision of medical, dental and hospital treatment to a person entitled to it in terms of these regulations.

The treatment is, subject to subregulation (2), given to him or her as if he or she is a serving member of the Permanent Force or a dependant of any such member or any other person entitled to benefits from the Fund.

(2) The Surgeon-General or a medical officer delegated by the Surgeon-General may, subject to subregulation (3) when authorising the treatment contemplated in subregulation (1)-

- (a) use any military medical service or facility under the control of the Surgeon-General;
- (b) without derogating from the provisions of regulation 24(9) and (10) if any beneficiary or, if applicable, his or her dependant or any other person entitled to benefits from the Fund resides at a place where there is no military hospital or where a military hospital is unable to accommodate or to treat the person concerned, because of lack of space or the absence of facilities which, in the opinion of the Surgeon-General or the medical officer are required for the treatment of such person, authorise the admission to or the treatment of that patient at any other hospital or institution that may be designated for the purpose;
- (c) without derogating from the provisions of regulation 24(9)(b) and (10), grant prior authorization for the provision of such service or facility by a private medical practitioner or medical institution in addition to the services and facilities referred to in subparagraphs (a) and (b); and
- (d) provide any person referred to in subregulation (1) with medicine, dressings, medical prostheses, medical aid and other services from government supplies as part of such person's treatment, or give prior authorisation for the provision thereof in another manner.

(3) The Fund must reimburse the State for any treatment and for the medicine, dressings, medical prostheses, medical aids as well as any other services provided in terms of these regulations, subject to the conditions and at the rates laid down from time to time by the Surgeon-General with the approval of the Treasury in respect of-

- (a) the use of military services and facilities and the provision of medicine, dressings and medical prostheses, medical aids and other items from government supplies;
- (b) the provision of a service or the use of a facility referred to in subregulation (2)(b); and

- (c) a service or facility referred to in subregulation (2)(c), by agreement with the institution or person concerned: Provided that-
 - (i) the tariffs laid down for the purpose of paragraphs (a) and (b) do not include the provision of anything which does not form part of government supplies and which has to be procured by the State for the treatment, or of medicine, dressings, medical prostheses, medical aids or services which, for the purposes of this regulation, are supplied by a private pharmacist on prescription to a beneficiary or his or her dependant or any other person who is entitled to benefit from the Fund, and any such acquired article, medicine, dressing, medical prostheses, medical aids or service shall be paid for in full by the Fund; and
 - (ii) the tariffs laid down for the purposes of this paragraph do not exceed the preferential scale applicable to the provision of similar services and facilities to members of other medical aid societies.

Administrative Provisions

26. (1) The accountant and other personnel of the Fund shall -
- (a) open and keep up to date account books of the Fund;
 - (b) undertake the financial administration of the Fund in accordance with the decisions of the Board; and
 - (c) arrange for the auditing, by a chartered accountant, appointed by the Board, of the account books and accounts of the Fund and for submission to the Board of the report and statements referred to in sub-regulation (5).
- (2) The Manager controls, co-ordinates and carries out the administrative duties relating to his or her office, keeps a record of contributors and beneficiaries, and exercises control over contributors and beneficiaries in accordance with regulation 24(2) up to and including (13).
- (3) The Chief of Finance (Chief Paymaster) deducts the contributions of a member referred to in regulation 21(1)(a) and (b) from his or her salary and deposits the total amount of such contributions into the Fund every month and notifies the accountant of the Fund of the total amount thus deposited.
- (4) The Surgeon-General shall regularly submit to the accountant of the Fund for settlement-

- (a) accounts drawn up in accordance with tariffs laid down in terms of regulation 25(3) for services, facilities, medicine, dressings and medical prostheses and any other services which the military medical organisation has rendered in terms of these regulations.
- (b) accounts submitted by any institution or person in accordance with regulation 25 after examining and certifying them as payable; and
- (c) any account referred to in paragraph (b) which has not been certified, but the payment of which has been specially authorised by the Board.

(5) The Board shall submit annually within six months of the closing of the financial year of the Fund-

- (a) audited statements of accounts of the assets and liabilities and of the income and expenditure of the Fund for the financial year concerned; and
- (b) a report on the execution of the control functions for the period and the aims and planning for future activities,

to the Chief of the SANDF.

(6) The statements referred to in subregulation (5)(a) shall be made available to contributor or beneficiary on submission of a written application.

PART V

MEDICAL FUND B FOR PERMANENT FORCE MEMBERS WHO RETIRED ON PENSION BEFORE 7 JANUARY 1964, AND THEIR FAMILIES

Establishment of Fund

27. The Fund which is hereby established, shall be known as the Permanent Force Medical Fund B for the Permanent Force and is a corporate body and deemed to be a fund in terms of section 87(1)(f) ~~ter~~ of the Defence Act, 1957, which provides medical, dental and hospital treatment to members of the Permanent Force who retired on pension before 1 January 1964, and their families and to the families of members of the said Force who died before the said date.

Authority of Fund

28. Without derogating from the provisions of regulations 29(4), 30 and 36, the Fund is authorised to-

- (a) receive and keep in trust any income that may become due to it in terms of these regulations from contributions or levies on members or from interest on investments, which may accrue by way of donations, grants, or a subsidy or in any other manner;
- (b) defray any expenses from revenue due to it and received-
 - (i) which result from treatment referred to in regulation 27;
 - (ii) which have necessarily been incurred for the organisation and functioning of the Fund; and
- (c) invest any part of such income for the benefit of the Fund or recall any such investments.

Establishment of Board of Control

29. (1) A Board of Control is established for the Fund. The Board consists of the following members:

- (a) Surgeon-General;
- (b) Chief of Personnel;
- (c) The Departmental Accountant (Chief of Finance) (irrespective of whether that person serves in a post on the establishment of the

Secretary of Defence or the SANDF;

- (d) Chiefs of Staff Personnel of the respective Arms of the Service of the SANDF;
- (e) The Sergeant-Major of the SANDF; and
- (f) three retired members of the Permanent Force who are beneficiaries of the Fund which members are elected during an annual general meeting for a term of office not exceeding two years at any given time.

(2) Each member of the Board appoints a *secundus* who has to attend a meeting of the Board in the absence of such member and participate in the proceedings of the meeting.

(3) The Board may at any time co-opt a person or persons to assist the Board in an advisory capacity.

(4) (a) The Surgeon-General appoints-

- (i) a competent officer or a retired officer of the Permanent Force or a civilian person as the chief executive of the Fund, and such official will act as secretary at meetings of the Board and will be known as the Manager of the Fund; and
- (ii) a competent officer or a retired officer of the Permanent Force or a civilian person as Treasury of the Fund.

(b) The Secretary for Defence or his or her delegate may approve the creation of posts on the establishment of the Permanent Force for the appointment of personnel to perform the necessary co-ordinating and administrative functions for the efficient management and control of the Fund.

Duties and Powers of Board of Control

30. (1) The Board exercises control over the assets of the Fund in such a manner that at all times sufficient liquid assets are available to cover expenditure, and for this purpose the Board is authorised to-

- (a) open an account at a financial institution in the name of the Fund, and to decide on the availability of cash from that account, before defraying any expenses investing any income or in terms of regulation 28(b) and (c);

- (b) exercise general control over the manner in which treatment shall be provided in terms of these regulations and with regard to such provision, repeal a decision or instruction issued in terms of these regulations by the Surgeon-General or an official of the Fund, or replace it with another decision or instruction; and
- (c) do anything deemed necessary for organizing or operating the Fund and for providing medical, dental or hospital treatment to a beneficiary of the Fund.

(2) The Surgeon-General is the chairperson of the Board and in his or her absence, the most senior member of the members mentioned in regulation 29(1)(b), (c) and (d) shall act as chairperson.

(3) The Board convenes as often as the chairperson deems it necessary, but at least once every three months in addition to the annual general meeting. The annual general meeting must be attended by the Board members or their secondi unless the serving chairperson, for sound reasons, exempts them from attending the meeting.

- (4) (a) A quorum for a meeting consists of a two-third majority of the total number of members serving on the Board.
- (b) A decision is reached by a majority vote of Board members attending the meeting and, in the event of an equality of votes, the presiding chairperson of the meeting shall have a casting vote.
- (c) A two-third majority vote of the Board members attending the meeting is required to revoke, amend or replace any of the decisions regarding the rendering of service contemplated in subregulation (1)(b) and (c).

(5) The minutes of every meeting of the Board shall be recorded in a book kept for this purpose by the Manager, and the minutes of the previous meeting shall, after approval and after the chairperson has signed them, serve as *prima facie* proof that the business as recorded is the business of the previous meeting.

(6) Any deed, contract, power of attorney, promissory note or other document shall be deemed to have been executed on behalf of the Fund, or the Board, if it has been signed under the name of the Fund, by one member of the Board designated by the Board for that purpose, and by the Manager thereof, and a promissory note or a cheque drawn against the account of the Fund, shall be signed by two persons designated by the chairperson for that purpose.

(7) The Manager of the Fund may, with the consent of the Board, or if the Board cannot be convened on time, the chairperson of the Board, as the case may be, on behalf of the Fund, sue, institute action, direct any application, appear in any action against the Fund: Provided that any such action which was taken with the consent of

the chairperson, shall be presented by the Manager to the Board for confirmation at the next meeting.

(8) The Department of Defence, the members of the Board, any member of the SANDF, and anyone who makes contributions to or is a beneficiary of the Fund, is not, without an undertaking to the contrary, liable for any debt of the Fund.

Members of and Contributions to Fund

31. (1) Every person who retired on pension before 1 January 1964-

- (a) who, during that period of service in the Permanent Force contributed to a government pension fund in terms of the applicable pension laws and receives an annuity therefrom;
- (b) who before the said date was discharged as medically unfit and instead of or in addition to such annuity receives an annuity in terms of the Compensation for Occupational Injuries and Diseases Act, 1993; and
- (c) who is the widow or widower of a person who died during his or her period of service,

may, subject to the provisions of these regulations be admitted as a member of the Fund: Provided that any widow or widower who is admitted to the fund shall contribute to the Fund in terms of regulation 33(1).

32. (1) Every beneficiary of the Fund shall contribute annually an amount of R36 in advance to the Fund, which contribution may, from time to time be increased by the Board with the approval of the Minister, by not more than 15% annually.

(2) Every person who in terms of this regulation is entitled to become a member of the Fund, shall on acceptance of his or her application, sign an undertaking to the effect that all financial and other obligations referred to in these regulations towards the Fund shall be met.

(3) If a beneficiary of the Fund dies, his widow or her widower may, on payment of the contribution referred to in subregulation (1) and on signing the undertaking referred to in subregulation (2), remain a beneficiary of the Fund and enjoy the medical benefits referred to in regulation 35.

Termination of Membership

33. (1) The benefits of a widow or widower who, in terms of these regulations became a beneficiary and who annually before 31 March, must submit documentary proof to confirm his or her status as a widow or widower to the Manager of the Fund, lapse on the date upon which she remarries, from which date his or her obligation to

make further contributions to the Fund also terminates.

(2) No person whose membership has lapsed in terms of subregulation (1) or has been terminated in terms of regulation 34(1), is entitled to any reimbursement of contributions made by or on his or her behalf to the Fund.

(3) Subject to subregulation (1), the Board may enrol the dependant of a beneficiary referred to in regulation 31(1) who dies as a beneficiary of the Fund, or a widow or widower referred to in subregulation (2), and may, after a widow or widower, who is a beneficiary of the Fund has remarried, and if the Board is satisfied that the dependant of a deceased beneficiary who in consequence of such remarriage has forfeited his or her claim to treatment in terms of these regulations shall otherwise not enjoy adequate medical or hospital treatment, grant authority that such dependant be enrolled as a beneficiary of the Fund as if the widow or widower concerned has died, or that from time to time such dependant may be provided with treatment in terms of these regulations which the Board deems adequate, as if the dependant has been enrolled as a beneficiary of the Fund.

Rights, Privileges and responsibilities of Members of Fund

34. (1) A beneficiary and his or her dependant or any other person contemplated in regulation 31 who, in terms of this regulation is entitled to benefits from the Fund is, whilst his or her membership of the Fund continues, but subject to the provisions of this regulation and subregulation (2), restricted to the treatment and services referred to in regulations 7, 8, 9, 10, 11 and 12, and receives them as if he or she has not retired, on condition that any contribution or contributions payable to the Fund by any person, or is paid and that any instruction or condition laid down in terms of these regulations has been complied with: Provided that no such beneficiary or his or her dependant or any other person who is entitled to benefits from the Fund is entitled to any treatment and services in terms of this regulation unless he or she has made contributions for three months in terms of regulation 35(1), to the fund: Provided further that the Board may determine the treatment to which a beneficiary of the Fund is entitled.

(2) The Board may, with due regard to the circumstances, age and mental development and the custody and guardianship of a dependant referred to in regulation 33(3), determine conditions deemed necessary for the control and administration of the treatment of such dependant in terms of regulations governing the Fund.

(3) Every person who is entitled to benefits from the Fund shall, in order to receive any treatment-

- (a) furnish, at times, in a manner determined by the Board and to a person whom the Board may, whether in general or in a particular instance, designate, personal or other particulars required for the proper application of these regulations and for the proper exercise of control over the provision of such treatment;

- (b) comply with the instructions issued from time to time by the Board with regard to the identification of a person to whom treatment or service is given rendered, and such person shall also comply with the procedures that have been laid down by the Surgeon-General with regard to the provision of such treatment; and
- (c) notwithstanding the provisions of subregulation (1) above, pay a levy determined in subregulation (13) to the Fund for any prescription or copy of a prescription or for any medicine, dressings, medical prosthesis, medical aid, or any other service supplied on such conditions as may be determined by the Surgeon-General: Provided that different levies in respect of different categories of beneficiaries or suppliers can be determined.
- (4) If a beneficiary or his or her dependant or any other person entitled to benefits from the Fund, fails to comply with any of the requirements of subregulation (3)(b) or (c) or an instruction issued in terms thereof, the Surgeon-General or the Manager shall arrange that, for the duration of such failure, all treatment and benefits derived from the Fund, be discontinued in respect of such beneficiary, his or her dependant or such other person.
- (5) If a beneficiary or any other person entitled to benefits from the Fund fails to inform the Manager within 30 days from the date, of any change in his or her marital status or the status of a dependant, which affects the right of the beneficiary or that of his or her dependant to receive treatment, to an extent that his or her right must be suspended, if the beneficiary or any other person fails to comply with the provisions of subregulations (3)(a) and (b) or with any of the instructions issued in terms thereof, and as a result of such failure treatment is given to any person contrary to subregulation (4), the Manager shall report this state of affairs to the Board. The Board can instruct the person concerned to repay the costs of the treatment to the Fund, and the Surgeon-General shall arrange that, for the duration of the failure, all treatment and benefits derived from the Fund, be discontinued in respect of such beneficiary or his or her dependant or any other person.
- (6) The Surgeon-General shall report any-
 - (a) treatment of a beneficiary of the Fund, or of his or her dependant or of any other person entitled to benefits from the Fund which has been provided contrary to this regulation; and
 - (b) malpractice or irregularity that occurred with the provision by a pharmacist, doctor or any other person, of medicine, dressings, medical prosthesis, treatment or service to a beneficiary or his or her dependant or to another person entitled to benefits from the Fund, which comes to his or her notice to the Board. The Board may terminate the benefits of the beneficiary or of his or her

dependant or of such other person entitled to benefits from the Fund, or instruct the beneficiary or the other person, as the case may be, to repay the unauthorised expenses to the Fund.

- (7) (a) Wherever the Surgeon-General deems it necessary, in respect of the admission of a person to a hospital in terms of subregulation (1), he or she may authorise the transportation of such person to and from the hospital in an ambulance or any government or public transport, and for this purpose authorise the issue of rail warrants against repayment: Provided that the authorization for the use of private transport, where government or public transport is not available, may be granted by the Manager of the Fund on a standing authorization of the Surgeon-General;
- (b) the Fund must pay for the use of any transport authorized in terms of paragraph (a) according to-
- (i) the tariffs laid down by Treasury for government transport;
 - (ii) the public tariffs laid down in respect of transport by rail or by air; and
 - (iii) the tariffs applicable for this purpose to any other form of transport, as the case may be.

(8) Notwithstanding any provision in this Part, a beneficiary must make use of the medical facilities offered by a military medical or nursing institution, sickbay or a military medical clinic: Provided that-

- (a) any person who is entitled to make use of the benefits offered by the Fund, may, for sound reasons, obtain prior approval from the Manager to make use of the services of a medical or dental practitioner who is not attached to any of the mentioned institutions;
- (b) any beneficiary or person entitled to the benefits of the Fund, may, without creating any liability for the Fund, obtain medical treatment elsewhere at own expense; and
- (c) the Board may, on the recommendation of the Surgeon-General, authorise the Fund to defray the expenses incurred for urgent medical, dental or hospital treatment by any medical or dental practitioner or hospital in a case of emergency given to any person entitled to benefits offered by the Fund.

(9) If any person entitled to benefits offered by the Fund wishes to obtain treatment additional to the treatment provided for in terms of these regulations or to use

alternative hospital facilities, he or she shall obtain prior written approval from the Surgeon-General who may lay down conditions regarding the nature and provision thereof or may authorise that it or any part thereof be provided at the expense of the Fund: Provided that if the conditions laid down are not complied with, the Fund will not be liable for the payment of such expenses.

(10) The Fund may claim from the beneficiary or any other person entitled to benefits from the Fund, the costs of any treatment provided to the beneficiary or his or her dependant or such other person, if the treatment provided is for a injury or illness caused by a third party against whom the beneficiary or a member of his or her family or such other person, would otherwise have a right to claim damages if the Fund had not paid such costs, irrespective of whether the beneficiary or his or her dependant or such other person has exercised that right or not: Provided that the said costs will not be recovered from the beneficiary or such other person if he or she-

- (a) notifies the Manager in writing of such right to claim within 30 days after it has arisen; and
- (b) has, at no time, accepted an unauthorised settlement of such claim or, where applicable, has not agreed to the acceptance of a settlement by the dependant or has not made an admission to the detriment of the Fund to the third party; and
- (c) has recovered the costs of such treatment and has re-imbursed the Fund, or has ceded any claim for reimbursement in respect of such treatment or expenses to the Fund.

(11) This regulation does not authorise the provision, at the expense of the Fund, of treatment as contemplated in regulation 14(4), irrespective of whether such treatment is provided in terms of the aforementioned regulation or in terms of any other Act.

(12) The Manager may withdraw a document which has been issued in terms of these regulations for the identification of a beneficiary, his or her dependant or any other person entitled to benefits from the Fund, which authorizes any treatment in terms of these regulations, if the benefits of a person referred to therein or his or her right to treatment in terms of these regulations has been suspended, cancelled or terminated. If the Manager at any time demands such document, such person shall hand over or cause it to be handed over to the Manager.

(13) The contribution in the form of a levy to which subregulation (3)(c) refers, is an additional payment of twenty percent on all medical services rendered by a private practitioner, other than the Surgeon-General: Provided that such levy is not payable in cases where the beneficiary has been referred to an authority outside the SANDF by the Surgeon-General or his delegate for such treatment or service: Provided further that this levy is not payable on dental or ophthalmological services.

Basis for Provision of Treatment

35. (1) The Surgeon-General regulates and controls the provision of medical, dental and hospital treatment to persons entitled to it in terms of Part IV of this chapter and such treatment shall, subject to subregulation (2), be given to them as if they are serving members of the Permanent Force or a dependant of such member.

(2) The Surgeon-General or a medical officer delegated by the Surgeon-General may, subject to subregulation (3), when authorizing the provision of any treatment contemplated in subregulation (1)-

- (a) use any military medical service or facility under the control of the Surgeon-General;
- (b) without derogating from the provisions of regulation 34(8) and (9), if any beneficiary or, if applicable, his or her dependant or any other person entitled to benefits from the Fund resides at a place where there is no military hospital or where a military hospital is unable to accommodate or to treat him or her effectively because of lack of space or the absence of facilities which, in the opinion of the Surgeon-General or the medical officer are required for the treatment of such person, authorise the admission to or the treatment of that patient at any other hospital or institution which may be designated for that purpose;
- (c) without derogating from the provisions of regulation 34(8)(b) and (9), grant prior authorization for the provision of such service or facility by a private medical practitioner or medical institution in addition to the services and facilities referred to in subparagraphs (a) and (b); and
- (d) provide any person referred to in subregulation (1) with medicine, dressings, medical prosthesis, medical aid and other service from Government supplies as part of such person's treatment, or give prior authorisation for the provision thereof in another manner.

(3) The Fund must reimburse the State for any treatment and for the medicine, dressings, medical prosthesis, medical aid, as well as any other service provided in terms of these regulations subject to the conditions and at the tariffs laid down from time to time by the Surgeon-General with the approval of Treasury in respect of-

- (a) the use of military services and facilities and the provision of medicine, dressings and medical prosthesis, medical aids and other service from government supplies;
- (b) the provision of a service or the use of a facility referred to in

subregulation (2)(b); and

- (c) a service or facility referred to in subregulation (2)(c) by agreement with the institution or person concerned: Provided that
 - (i) the tariffs laid down in terms of paragraphs (a) and (b) do not include the provision of anything which does not form part of government supplies and which has to be procured by the State for the treatment, or the provision of medicine, dressings, medical prosthesis, medical aids or service which, for the purposes of this regulation, are supplied by a private pharmacist on prescription to a beneficiary or his or her dependant. Such article, medicine, dressings, medical prosthesis, medical aids or service shall be paid for in full by the Fund; and
 - (ii) the tariffs laid down for the purposes of this paragraph do not exceed the preferential scale applicable to the provision of similar services and facilities to members of other medical aid societies.

Administration Provisions

36. (1) The accountant and other personnel of the Fund shall-
- (a) open and keep up to date account books for the Fund;
 - (b) undertake the financial administration of the Fund in accordance with the decisions of the Board; and
 - (c) arrange for the auditing, by a chartered accountant appointed by the Board, of the books and accounts of the Fund and for submission to the Board of the report and statements referred to in subregulation (4).
- (2) The Manager controls, co-ordinates and carries out the administrative duties relating to his or her office, keeps a record of contributors and beneficiaries, and exercises control over such contributors and beneficiaries in accordance with regulation 34.
- (3) The Surgeon-General shall regularly submit to the accountant of the Fund for settlement-
- (a) accounts drawn up in accordance with tariffs laid down in terms of regulation 35 for services, facilities, medicine, dressings and medical prosthesis and any other service which the military medical organisation has rendered in terms of these regulations;

(b) accounts submitted by any institution or person in accordance with regulation 35(3) after such accounts have been examined and certified payable; and

(c) any account referred to in subparagraph (b) which has not been certified, but for which the payment has been specially authorised by the Board.

(4) The Board submits annually within six months of the closing of the financial year of the Fund-

(a) audited statements of accounts of the assets and liabilities and of the income and expenditure of the Fund for the financial year for concerned; and

(b) a report on the execution of the control functions over the period and the aims and planning for future activities, to the Chief of the SANDF.

(5) The statements referred to in subregulation (4)(a) shall be made available to a contributor or a beneficiary on submission of a written application.

No. R. 1142

11 September 1998

**WYSIGING VAN DIE ALGEMENE REGULASIE VIR DIE SA NASIONALE WEERMAG
EN DIE RESERWE**

Die Minister van Verdediging het kragtens artikel 9(2)(a) en 87(1) van die Verdedigingswet, 1957 (Wet No. 44 van 1957) die regulasie in die Bylae uitgevaardig.

BYLAE

1. In hierdie Bylae beteken, "die Regulasies" Hoofstuk XV van die Algemene Regulasie vir die Suid-Afrikaanse Nasionale Weermag en die Reserwe afgekondig by Goewermentskennisgewing No R.203 van 13 Februarie 1970, soos gewysig deur Goewermentskennisgewings nos R.169 van 12 Februarie 1971, R.1394 van 10 Augustus 1973, R.439 van 7 Maart 1975, R.905 van 27 April 1990, R.1060 van 17 Mei 1991 en R.1723 van 26 Julie 1991.
2. Die Regulasies word hierby gewysig deur Hoofstuk XV met die volgende nuwe Hoofstuk XV te vervang.

HOOFSTUK XV

MEDIES AANGELEENTHEDE

Woordsomskrywing

1. In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken -

"Bestuurder" 'n persoon wat as sulks ingevolge regulasie 19(4)(a) of 29(4)(a)(i) aangewys is;

"bevoordeelde" enige bevoordeelde in regulasie 21(3) of 31(1) bedoel;

"afhanklike" ...

- (a) die ega van 'n lid van die Staande Mag of van enige hulpdiens kragtens die Wet ingestel is (uitgesonderd die Dienskorps) of bevoordeelde van die Fonds wat permanent by die lid of bevoordeelde inwoon maar uitgesonderd die ega van 'n lid wat in die KTS dien of van enige lid van bedoelde Dienskorps: Met dien verstande dat-

- (i) waar sodanige lid of bevoordeelde meer as een ega het, daardie een wat skriftelik deur die lid of bevoordeelde as sy of haar ega geïdentifiseer word, vir doeleindes van hierdie regulasies geag word sy of haar enigste ega te wees; of
- (ii) sodanige ega nie 'n bevoordeelde van 'n geregistreerde mediese skema is nie; en

- (iii) sodanige ega 'n werknemer is en sy of haar diensvoorwaardes en voordele hom of haar as werknemer verplig om aan 'n geregistreerde mediese skema wat deur die werkgever aangewys is, te behoort, sal sodanige ega nie geregtig wees om van die mediese voordele waarvoor hierdie Hoofstuk voorsiening maak geregtig wees nie;
- (b) 'n noodsaaklikerwys nie-selfonderhoudende kind van 'n lid of bevoordeelde of van sy of haar ega wat permanent 'n deel van sodanige lid of bevoordeelde se huishouding is: Met dien verstande dat sodanige kind-
 - (i) nog nie die ouderdom van 18 jaar bereik het nie en nog skoolgaande is;
 - (ii) 18 jaar of ouer, maar nog nie 21 jaar oud is nie, en 'n voltydse student aan 'n sekondêre opleidingsinrigting is;
 - (iii) 18 jaar of ouer is en weens 'n sielkundige of 'n liggaamsgebrek wat gedurende die kind se tydperk van afhanklikheid bedoel in subparagraawe (i) en (ii) of in paragraaf (c) van hierdie woordomskrywing ontstaan het permanent ongeskik is om 'n besoldigde betrekking te bekom en die totale inkomste, verdienste, onderhoud of skadevergoeding van sodanige kind uit enige bron nie meer is as die totaal van-
 - (aa) die toepaslike maksimum basiese maatskaplike pension gereël by of ingevolge 'n wet wat in die Republiek van krag is; plus

- (bb) die maksimum toelae vir 'n oudstryder aan wie 'n oud-stryderpensioen toegeken is by of ingevolge 'n wet wat in die Republiek van krag is; plus
 - (cc) die maksimum toelae wat as gevolg van laat aansoek om 'n maatskaplike of oud-stryders pensioen aan 'n kind betaal word.
- (c) 'n noodsaaklikerwys nie-selfonderhoudende kind van 'n lid of bevoordeelde of van die ega van 'n lid of bevoordeelde wat permanent deel is van sodanige lid of bevoordeelde se huishouding en wat aan 'n erkende naskoolse opvoedkundige inrigting studeer, hetsy binnemuurs of buitemuurs, ter verwerping van die minimum kwalifikasie om 'n loopbaan te beoefen, maar slegs -
- (i) indien sodanige kind na skool verlating geen permanente voltydse betrekking (met inbegrip van enige vorm van beroepsopleiding waaraan besoldiging verbonde is, vrywillige militêre diens en/of sabbatsverlof het/sy binne of buite die grense van die Republiek van Suid-Afrika aanvaar nie, uitgesonde militêre diens vanweë loting ingevolge die Wet, of vakansiewerk of enige tydelike voltydse betrekking wat sodanige kind aanvaar het tussen-
 - (aa) skool verlating en die aanvang van die akademiese jaar; of
 - (bb) skool verlating en die aanvang van sodanige militêre diens; of
 - (cc) die voltooiing van sodanige militêre diens en die aanvang van die akademiese jaar,

(ii) totdat

(aa) sodanige kind die minimum naskoolse kwalifikasie (of minimum kombinasie kwalifikasies) verwer wat sodanige kind in staat stel om werk te verrig in dié gevolg studie rigting;

(bb) die normale voorgeskrewe studie tydperk, soos vir bedoelde studie rigting deur die betrokke inrigting voorgeskryf, plus 'n maksimum van een akademiese jaar indien sodanige kind as gevolg van swak akademiese prestasie langer as bedoelde studie tydperk neem om die betrokke kwalifikasies te verwerf, verstryk;

(cc) sodanige kind die betrokke studie kursus staak;

(dd) indien sodanige kind van studie rigting verander, die totale studie-tydperk die normale studie tydperk die normale studietydperk in subparagraaf (bb) bedoel met een akademiese jaar oorskry,

watter een van genoemde vier gebeure ookal eerste plaasvind: Met diens verstande dat indien sodanige kind om mediese redes, en nie as gevolg van eie toedoen nie, bedoelde studies tydelik moet onderbreek met die oog daarop om dit later weer te hervat, die Hoof van die SANW sodanige kind as afhanklike kan erken gedurende die sodanige onderbreking en die oorblywende gedeelte van bedoelde studie tydperk;

"die Wet" die Verdedigingswet 1957 (Wet No 44 van 1957).

"ega" 'n persoon wat getroud is met 'n lid of 'n bevoordeelde in gevolg normale gebruike, 'n geloofs bestel, persoonlike of privaatreg en wat by die lid of bevoordeelde inwoon;

"familie" beteken "afhanklike" soos omskryf;

"Fonds" die Staande Mag se Mediese Voorsettingsfonds soos beskryf in regulasie 17 asook die Mediese Fonds B vir die Staande Mag beskryf in regulasie 27;

"Geneesheer-generaal" insluitende 'n mediese offisier aan wie die Geneesheer-generaal spesifieke funksies gedelegeer het;

"geskiktheidskategorie" die pyl van liggaamlike en verstandelike geskiktheid wat ingevolge regulasie 2 bepaal en voorgeskryf is;

"hospitaal" ook 'n mediese of verpleeginrigting, 'n skieboeg, militêre mediese kliniek of 'n privaat mediese verpleeginrigting;

"KTS" 'n persoon wat in 'n tydelike hoedanigheid in gevolg die korttermyn diens stelsels in die Staande Mag dien;

"Kind"-

- (a) die wettige kind van 'n lid of bevoordeelde (insluitende die natuurlike kind van 'n lid of bevoordeelde wat buite die eg gebore is en wat permanent by die lid of bevoordeelde inwoon);

- (b) die kind van 'n lid of bevoordeelde wat buite die eg gebore is en later ingevolge artikel 4 van die Wet op die Status van Kinders, 1987, (Wet No 82 van 1987) gewettig word deur die huwelik tussen die lid of bevoordeelde en die ander ouer;
- (c) 'n kind wat ingevolge die voorsiening gemeld in die woordoms krywing van "aangenome kind" in die Wet op Kindersorg, 1983. (Wet No 74 van 1983) deur 'n lid of bevoordeelde aangeneem is;
- (d) 'n kind wie se gesondheidsorg die verantwoordelikheid is van 'n lid of bevoordeelde ingevolge 'n hofbevel;
- (e) 'n minderjarige stiefkind wat permanent by 'n lid of bevoordeelde inwoon en wie se natuurlike of wettige vader of moeder nie 'n bevoordeelde van 'n geregistreerde mediese skema is nie of nie 'n bydraer tot so 'n skema is nie, uitgesonderd enige kind wat in die pleegsorg van 'n lid of bevoordeelde of sy of haar ega geplaas is.

"Lid" 'n persoon wat -

- (a) kragtens artikel 9 van die Wet in die Staande Mag diens;
- (b) kragtens artikel 16 van die Wet in die Burgermag diens;
- (c) kragtens artikel 32 van die wet in die Kommando diens;
- (d) in die hulpdiens of die hulpdiens wat bekend sal staan as die Dienskorps kragtens artikel 80 van die Wet, diens;

(e) in die Reserwe dien en kragtens artikel 52 of artikel 52A diens lewer; en

(f) kragtens artikel 57 van die wet opleiding ondergaan as Kadet.

"Lid van die Fonds" ook 'n weduwee of wewenaar wat ingevolge regulasie 21 of 31 'n lid geword het van die Fonds;

"mediese hulpmiddel" 'n apparaat of uitrusting wat 'n pasiënt in staat stel om selfversorgend te wees of om funksionele vermoë van die pasiënt te verbeter;

"Mediese offisier" 'n geregistreerde mediese of tandheelkundige praktisyn of spesialis wat-

- (a) as mediese offisier of tandheelkundige offisier of spesialis in die Staande Mag dien;
- (b) opleiding meemaak of diens as mediese offisier of tandheelkundige offisier of spesialis in die Burgermag of die Kommando's lewer;
- (c) in 'n voltydse of deeltydse basis deur die Staat in 'n burgerlike hoedanigheid in die SANW dien en 'n pos beklee en die funksies verrig van 'n mediese offisier of tandheelkundige offisier of spesialis en
- (d) ingevolge regulasie 11(2)(g) hetsy oor die algemeen of met betrekking tot 'n besondere pasiënt as 'n mediese offisier aangewys is;

"mediese proteese" 'n kunsmatige apparaat waardeur 'n liggaamsdeel vervang word, byvoorbeeld 'n kunsledemaat, glasoog of elektroniese pasaangeër, asook inplante en valstande;

"pasiënt" 'n "lid" of 'n "afhanklike" of 'n "bevoordeelde"

"Raad", die Beheerraad bedoel in regulasie 19(1) of 29(1);

"Rekenmeester" 'n persoon wat verantwoordelik is vir die algehele finansiesële beheer van die Fonds;

"sabbatsverlof" die tydperk na skoolverlating en die datum waarop die betrokke persoon nie 'n besoldigende betrekking aanvaar het nie, of militêre diens verrig, of voltyds studeer, of enige reise onderneem, om welke rede ookal, het sy binne of buite die Republiek van Suid-Afrika, insluitende enige tydperk wat die tydperk oorskry tussen-

- (a) skool verlating en die aanvang van die akademiese jaar wat onmiddellik volg op die jaar van skoolverlating;
- (b) skoolverlating en die aanvang van sodanige militêre diens; en
- (c) die voltooiing van sodanige militêre diens en die aanvang van die akademiese jaar wat onmiddellike volg op die voltooiing van bedoelde militêre diens.

"SANW" die Suid-Afrikaanse Nasionale Weermag.

"toegewese kategorië" 'n geskiktheidskategorie wat kragtens regulasie 3 aan 'n persoon toegewys is;

"Tesourie" - die Minister van Finansies of 'n behoorlike gemagtigde beampte van die Department van Staatsbesteding.

"tydelike kategorieë" 'n laer geskiktheidskategorie as 'n toegewyse katagorie, wat tydelik ingevolge regulasie 4(5) aan 'n lid (uitgesluit lede van die Staande Mag) toegewys is.

"weduwee" die oorlewende ega van 'n afgestorwe manlike lid van die Staande Mag of bevoordeelde; en

"wewenaar" die oorlewende ega van 'n afgesorwe vroulike van die Staande Mag of 'n bevoordeelde bedoel in die woordskrywing van "afhanklike".

DEEL I

MEDIESE GESKIKTHEID

Instelling van Geskiktheidskategorie

2. Die Geneesheer-generaal of 'n mediese offisier deur hom of haar daartoe aangewys moet van tyd tot tyd in oorleg met die Hoof van die betrokke Weermagsdeel, Stafafdeling of Ondersteuningsdiens die peil van liggaamlike en verstandelike geskiktheid bepaal, wat in vredes- of oorlogstyd nodig is vir effektiewe werkverrigting, van 'n lid in elke Weermagsdeel, Stafafdeling, Ondersteuningsdiens, vertakking, korps of eenheid daarvan en aan die hand van werksvereistes gekoppel aan elke pos of werksindeling, in die SANW, met inagneming van die vereistes soos deur die Hoof van die SANW neergelê, moet die Geneesheer-generaal -

- a. hierdie bepaalde peile in geskiktheidskategorieë beskryf en dit volgens

- a. hierdie bepaalde peile in geskiktheidskategorieë beskryf en dit volgens strengheid rangskik;
- b. 'n gepaste geskiktheidskategorie vir elke vertakking, korps, eenheid, klassifikasie, aanstelling, pos of werksindeling aanwys;
- c. die rangskikking en toepassing van die geskiktheidskategorieë deur middel van die Orders van die SANW bekend maak.

Bepalings van en Indiensstelling volgens Mediese Geskiktheid

3. (1) Die Geneesheer-generaal, is verantwoordelik vir die bepaling van die peil van liggaamlike geskiktheid van enige persoon wat-

- a. aansoek doen om aanstelling of inskrywing in enige deel van die SANW; of
- b. kragtens die Wet by enige deel van die SANW moet aanmeld vir opleiding of diens; en
- c. in enige deel van die SANW dien.

(2) Die geskiktheidskategorie waarna daar in regulasie 2 verwys word, moet aan 'n persoon bedoel in regulasie 4(1) toegeken word, en sodanige geskiktheidskategorie moet deur die Geneesheer-generaal aan die Hoof van die betrokke Weermagsdeel, Stafafdeling of Ondersteuningsdiens bekend gemaak word; en kan -

- (a) die aard, omvang en plek van so 'n persoon, se indiensstelling permanent of tydelik beperk; of

(b) 'n tydelike kategorie aan so 'n persoon toewys; of

(c) te eniger tyd die toegewese kategorie van so 'n persoon wysig.

(3) Geen lid mag in 'n pos of werksindeling in die SANW ingeskryf, ingedeel of daarin aangestel of in diens gehou, of verplig word om in so 'n pos of werksindeling te dien of opleiding te ondergaan nie, tensy die geskiktheidskategorie van so 'n lid gelykstaan aan of hoër is as die geskiktheidskategorie wat ingevolge paragraaf (b) van regulasie 2 op sodanige pos of werksindeling van toepassing is nie.

(4) Die Geneesheer-generaal kan-

(a) op grond van mediese feite rakende 'n lid in subregulasie (3) bedoel, wat op welke wyse ookal onder sy of haar aandag kom, en die Geneesheer-generaal twyfel het oor die betrokke lid se mediese geskiktheid, kan hy of sy 'n Raad van Mediese Offisiere saamstel; wat -

(i) uit minstens drie mediese offisiere bestaan; en

(ii) verslag moet doen oor -

(aa) die mediese toestand van die betrokke lid;

(bb) die aard, oorsprong, omvang en moontlike toekomstige ontwikkeling van die ongeskiktheid of siekte;

(cc) die verdere aanwending of hantering van die lid; en

- (dd) die aard en omvang waartoe daar deur diens in die SANW die ongeskiktheid of siekte veroorsaak of vererger is.
- (b) op grond van mediese feite rakende 'n afhanklike van 'n lid van die Staande Mag of van 'n lid van die Hulpdiens aan wie mediesebehandeling deur die SANW verskaf word onder sy of haar aandag kom en die Geneesheer-generaal, twyfel het oor die betrokke afhanklike se mediese geskiktheid kan hy of sy 'n Raad van Mediese Offisiere saamstel wat -
 - (i) uit minsters een mediese offisiere bestaan; en
 - (ii) verslag moet doen oor -
 - (aa) die mediese toestand van die betrokke afhanklike
 - (bb) die aard, oorsprong, omvang en moontlike toekomstige ontwikkeling van die ongeskiktheid of siekte;
 - (cc) die verdere aanwending of hantering van die afhanklike; en
 - (dd) die aard en omvang waartoe daar deur diens in die diens van sy of haar werkgewer die ongeskiktheid of siekte veroorsaak of vererger is.
- (5) Die Geneesheer-generaal bepaal in watter vorm die verslag in subregulasie (4) vermeld, voorgelê moet word, asook waar en wanneer die mediese ondersoek en Raad moet plaasvind.

- (6) Die koste van 'n mediese ondersoek ingevolge subregulasie (5) en van 'n spesiale mediese toets wat die Genees-heer-generaal ter aanvulling van sodanige ondersoek gelas het, met ingebrip van die koste van die hospitalisasie van die betrokke lid in 'n militêre hospitaal of ander toepaslike inrigting van hoogstens 21 dae, word uit Staatsfondse bestry.
- (7) Die reis- en verblyfkoste van 'n lid op wie subregulasies (4), (5) en (6) betrekking het, kan teen die voorgeskrewe tariewe soos van tyd tot tyd deur die Tesourie, op aanbeveling van die Hoof van die SANW goedgekeur is, aan hom of haar vergoed word.

Toewysing, Beperking en Wysiging van Geskiktheidskategorieë

4. (1) Die geskiktheidskategorie, wat kragtens regulasie 3(2) toegeken is aan 'n lid wat in enige pos van die Staande Mag dien of wat kragtens artikel 65(2) of 67 van die Wet geskik bevind is en aan die Burgermag of die Kommandos toegewys is maar op die datum van toekenning nog nie met sy of haar opleiding of diens begin het nie, word geag die geskiktheidskategorie te wees wat deur die betrokke pos of werksindeling vereis word, tensy dit tot die teendeel bewys of gereël word.

- (2) Die wysiging van die geskiktheidskategorie ten opsigte van -
 - a. die lid geskied kragtens regulasies 3 (3) en (4),
 - b. die pos of werksindeling geskied deur middel van onderhandeling tussen die Hoof van die betrokke Weermagsdeel of die toepaslike Stafafdeling of Ondersteuningsdiens of en die Geneesheer-generaal en 'n gesamentlike besluit word deur die Geneesheer-generaal afgekondig; en

- c. 'n lid van die Staande Mag, alleenlik deur 'n Raad van Mediese Offisiere;
- d. in enige ander geval deur 'n mediese offisier of 'n Raad van Mediese Offisiere, watter een ookal deur die Geneesheer-generaal toereikend geag word: Met dien verstande dat geen lid of afhanklike se geskiktheidskategorie gewysig word alvorens sodanige aanbeveling bekragtig is deur die Geneesheer-generaal.

(3) In enige geval waar dit volgens die oordeel van die Geneesheer-generaal-

- (a) weens 'n lid se gezondheidstoestand nodig is om die aard of omvang van die diens of pligte ten opsigte waarvan, of die gebied of plek waarin die toegewese kategorie van enige lid geld, tydelik of permanent te beperk ofskoon die betrokke toestand nie die wysiging van so 'n lid se toegewese kategorie of die toewysing aan hom of haar van 'n tydelike kategorie regverdig nie, kan die Geneesheer-generaal die omvang van die betrokke beperking omskryf en ooreenkomstig subregulasie (4) op die betrokke lid toepas, en so 'n beperking word slegs op gesag van die Geneesheer-generaal opgehef.
- (b) weens 'n afhanklike se gezondheidstoestand nodig is om die aard of omvang van die diens of pligte ten opsigte waarvan, of die gebied of plek waarin die betrokke kategorie geld kan die Geneesheer-generaal die omvang van die betrokke beperking omskryf en ooreenkomstig subregulasie (4) op die betrokke afhanklike toepas, en so 'n beperking word slegs op gesag van die Geneesheer-generaal opgehef.

(4) Indien 'n lid of afhanklike se gesondheidstoestand sodanig is,

(a) moet daar ooreenkomstig regulasie 3 (4)(a) of subregulasie (2) met sodanige lid gehandel word. In die geval waar 'n laer geskiktheidskategorie aan sodanige afhanklike tydelik toegeken word moet die Geneesheer-generaal beide die afhanklike en die betrokke werkgewer skriftelik in leketaal verwittig van die beperkings wat op die afhanklike se aanwending geplaas word asook die aard, omvang en duur van die beperking of tydelike geskiktheidskategorie.

(b) moet daar ooreenkomsig regulasie 3(4)(b) of subregulasie (2) met sodanige afhanklike gehandel word. In die geval waar 'n laer geskiktheidskategorie aan sodanige afhanklike tydelik toegeken word moet die Geneesheer-generaal beide die afhanklike en die betrokke werkgewer skriftelik in leketaal verwittig van die beperkings wat op die afhanklike se aanwending geplaas word asook die aard, omvang en duur van die beperking of tydelike geskiktheidskategorie.

(5) Indien 'n lid of 'n burger wat kragtens die Wet aan die Burgermag of die Kommandos toegewys is, maar nog nie daarin begin dien het nie, as gevolg van 'n ongeskiktheid of siekte te eniger tyd nie aan die vereistes van sy of haar toegewese kategorie voldoen nie en die Geneesheer-generaal, van oordeel is dat die toestand van die betrokke lid na mediese behandeling dermate sal verbeter dat dit mettertyd die herstel van so 'n lid se toegewese kategorie sal regverdig, kan die Geneesheer-generaal so 'n lid se toegewese kategorie skors en aan hom 'n tydelike kategorie toewys vir 'n tydperk van -

(a) hoogstens 3 maande in die geval van 'n lid wat ingevolge artikel 20 of Hoofstuk X van die Wet dien; en

- (b) hoogstens 12 maande in die geval van 'n ander lid of van sodanige burger;

en die Geneesheer-generaal kan sodanige tydperk in oorleg met die Hoof van die betrokke Weermagsdeel, Stafafdeling of Ondersteuningsdiens, behoudens regulasie 5 (b), van tyd tot tyd verleng.

(6) Indien 'n bevelvoerder twyfel of 'n lid wat onder sy of haar bevel dien of opleiding ondergaan liggaamlik geskik is om enige plig te verrig, wat hom of haar in die loop van sy of haar diens of opleiding aan hom of haar opgelê kan word, kan hy of sy sodanige lid verbied om die betrokke plig te verrig en moet hy of sy onmiddellik die redes vir sy of haar verbod by die betrokke mediese offisier aanmeld vir optrede ingevolge regulasie 5 (2).

Onderwerping aan Mediese Onderzoek

5. (1) 'n Lid moet aan 'n mediese ondersoek onderwerp word om sy of haar mediese geskiktheid vir enige diens, kursus, of geskiktheidskategorie wat in hierdie Regulasie bedoel word, ooreenkomstig regulasie 3 te laat bepaal, voordat -

- (a) hy of sy uit die geledere met kommissie aangestel word;
- (b) hy of sy heraangestel of heringeskryf word by die verstryking van 'n gespesifiseerde dienstermyn waarvan die duur by of kragtens die Wet of hierdie Regulasies bepaal is; behalwe wanneer sodanige lid in 'n permanente of tydelike hoedanigheid in die Staande Mag sonder onderbreking van diens of kragtens artikel 20 van die Wet gedien het;

- (c) hy of sy by die beëindiging van sy of haar diens in enige deel van die SANW of in die Reserwe, by enige ander deel van die SANW aangestel of ingeskryf word; en
- (d) hy of sy oorgeplaas word na of ingedeel word by 'n pos, vertakking, klassifikasie of indeling waarvoor daar kragtens regulasie 2 hoër geskiktheidskategorie as die lid se toegewese kategorie aangewys is;
- (e) hy of sy toegelaat word om die Republiek te verlaat vir diens van enige aard of vir die bywoning van 'n kursus in die buiteland;
- (f) hy of sy toegelaat word om in die Republiek 'n kursus by te woon wat vir die doel deur die Hoof van die betrokke Weermagsdeel, Stafafdeling of Ondersteuningsdiens in oorleg met die Geneesheer-generaal aangewys en in die Orders van die SANW bekend gemaak is;
- (g) sy of haar toegewese kategorie, wat kragtens regulasie 4 (5) geskors is, herstel of gewysig word; of
- (h) hy of sy, indien hy of sy uit die Reserwe opgeroep is, ingevolge Hoofstuk X van die Wet in diens gestel word.

(2) Behoudens die bepalings van regulasies 3(3), 3(4), 4(2) en 5(1) kan die Geneesheer-generaal ten opsigte van 'n lid -

- (a) wat pligte verrig wat na die oordeel van die Geneesheer-generaal verg dat in sy of haar eie belang en in die van die SANW, hy of sy periodiek medies ondersoek moet word, om vas te stel of hy of sy vir die voortsetting van sodanige pligte geskik is, kan die Geneesheer-generaal of sodanige offisier, die uitvoering van sodanige ondersoek, ooreenkomstig regulasie 3(1) gelas;
- (b) waaroor twyfel ten opsigte van sy of haar geskiktheidskategorie bestaan gelas dat die betrokke lid se geskiktheid herbepaal word; en
- (c) wat ernstig siek was en gehospitaliseer was gelas dat sy of haar mediese geskiktheid herbepaal word.

(3) Geen lid bedoel in subregulasie (1) mag weier om 'n mediese ondersoek, soos vereis in subregulasie (2), te ondergaan nie.

(4) Die Geneesheer-generaal moet, op ontvangs van die betaling soos deur die Departement van Staatsbesteding bepaal, mediese behandeling verskaf aan lede en hul afhanklikes soos aangevra deur 'n lid van die Staande Mag of die Hulpdiens of 'n afhanklike van sodanige lid.

Mediese Ongeskiktheid vir Indienshouding

6. (1) Die Geneesheer-generaal moet aan die Hoof van die betrokke Weermagsdeel, Stafafdeling of Ondersteuningsdiens verslag doen oor 'n lid van die Staande Mag, die Burgermag of die Kommandos (wat toegewys is, maar nog nie daarin begin dien het nie) of die Reserwe, aan wie 'n geskiktheidskategorie permanent toegewys is, wat ooreenkomstig regulasie 3(3) nie met die indiensstelling of indienshouding van so 'n lid of burger in sy klassifikasie of indeling onbestaanbaar is nie.

(2) Na die indiening van so 'n verslag -

- (a) kan die Minister die ontslag of afdanking van die betrokke lid kragtens Hoofstuk III of Hoofstuk IV van hierdie Regulasies gelas; of
- (b) kan die Hoof van die SANW of sy of haar gedelegeerde, mits die betrokke lid in sy of haar nuwe toegewese kategorie doelmatig en in belang van die SANW in enige klassifikasie of indeling in die deel van die SANW of Reserwe waarby hy of sy dien, gebruik kan word, sy of haar herklassifikasie of herindeling ooreenkomstig Hoofstuk III of Hoofstuk IV, gelas: Met dien verstande dat 'n lid van die Staande Mag, 'n lid wat vrywillig in die Burgermag of die Kommandos dien en 'n lid van die Reserwe, nie sonder sy skriftelike toestemming, ooreenkomstig hierdie Regulasie herklassifiseer of heringedeel mag word nie, behalwe wanneer hy diens ingevolge Hoofstuk X verrig.

(3) Indien 'n beperking, wat kragtens regulasie 4(3) permanent op 'n lid toegepas is, na die oordeel van die Hoof van die betrokke Weermagsdeel, Stafafdeling of Ondersteuningsdiens wesenlik inbreuk kan maak op die doelmatige indiensstelling van die betrokke lid in sy of haar klassifikasie of indeling, kan hy of sy in oorleg met die Geneesheer-generaal gelas dat daar met sodanige lid gehandel word asof subregulasie (1) op hom of haar van toepassing is.

DEEL II**AARD, OMVANG EN ADMINISTRASIE VAN MEDIESE BEHANDELING****Omvang en Magtiging van Mediese Behandeling**

7. (1) Die Hoof van die SANW moet orders uitreik met betrekking tot -

- (a) die voorsiening, bestuur en beheer van mediese, tandheelkundige, hospitaal, psigiatrisie en rehabilitasie diens, bystand en ondersteuning van dienende lede van die Staande Mag;
- (b) die kategorie lede van bedoelde mag insluitende die afhanklikes van lede van die Staande Mag, die Hulpdiens, die kategorie lede van bedoelde Hulpdiens insluitende die afhanklikes van die Hulpdiens, die Burgermag en die Kommando's, die Reserwe en die Kadetkorps of ander persone, wat toegang tot sodanige diens mag of moet verkry;
- (c) die skaal of gesamentlike bedrag ten opsigte van bydraes (indien enige) wat gemaak moet word deur enige lid of kategorie van lede of enige afhanklike vir die verskaffing van sodanige diens, bystand en ondersteuning wat deur die SANW voorsien word; en
- (d) die regte, voorregte en verpligtinge van dienende lede en hulle afhanklikes, waar van toepassing, en in die algemeen alle aangeleenthede wat redelikerwys nodig is vir die administrasie, regulering, werking instandhouding en verlening van sodanige diens, bystand en ondersteuning.

(2) Die Geneesheer-generaal moet, behoudens die bepalings van die Wet en hierdie Hoofstuk, reëlins tref vir die verskaffing aan 'n gemagtigde pasiënt van -

- (a) die mediese, tandheelkundige en hospitaalbehandeling wat, met betrekking tot 'n besering, siekte, latente siekte, liggaamsgebrek of ander ongeskiktheid waaraan die betrokke pasiënt ly, nodig is ten einde -
 - (i) die herstel van so 'n pasiënt te bewerkstellig of sy of haar gesondheid te bevorder; en
 - (ii) die bruikbaarheid of werking van enige liggaamsdeel, orgaan, funksie of vermoë van so 'n pasiënt te bevorder of te verbeter, of so 'n liggaamsdeel, orgaan, funksie of vermoë te versterk, aan te vul of te vervang; en
- (b) die mediese en hospitaalbehandeling wat benewens die behandeling in regulasie 2(a) bedoel word gedurende haar swangerskap en bevalling nodig is en waarby voor- en na-geboortesorg van die betrokke moeder en kind inbegrepe is; en
- (c) die voorbehoedende, profilaktiese of immuniserende behandeling wat kragtens enige wet toegedien moet of kan word, of wat hy of sy in belang van die SANW of 'n pasiënt nodig ag.

(3) Die Geneesheer-generaal, moet van tyd tot tyd die aard en omvang bepaal van die behandeling wat ooreenkomstig subregulasie (2) vir 'n pasiënt nodig is en kan, behoudens die ander bepalings van hierdie Hoofstuk, magtiging verleen vir die verskaffing of toediening van sodanige behandeling aan die betrokke pasiënt ooreenkomstig regulasie 11(1).

(4) By die toepassing van subregulasie (2) en (3) is die Geneesheer-generaal, die mediese owerheid wat in artikel 144 bis van die Wet bedoel word.

Tandheelkundige Behandeling

8. Die Geneesheer-generaal moet, behoudens die bepalings van die Wet en hierdie Hoofstuk, reëlings tref vir die verskaffing van volle tandheelkundige behandeling-

(a) aan 'n lid van die Staande Mag en die Hulpdiens en sy of haar afhanklikes; en

(b) 'n goedgekeurde pasiënt.

Plastiese, Rekonstruktiewe Chirurgie, Ortodontiese en Gespesialiseerde Tandheelkundige Behandeling

9. Die Geneesheer-generaal mag in terme van regulasies 7 en 8 magtiging verleen vir -

(a) plastiese en rekonstruktiewe chirurgie; en

(b) ortodontiese en ander gespesialiseerde tandheelkundige behandeling, in die mate waarin sodanige behandeling, na sy of haar oordeel, nodig is vir die normale funksionering van die betrokke pasiënt in die samelewing of sy of haar werkkring.

Bykomende Benodighede en Dienste

10. Die behandeling kragtens regulasie 7 waarvoor magtiging verleen kan word, sluit die verskaffing in van die daarvoor vereiste geneesmiddels, verbande, omwindsels, dermsnaar, handskoene, mediese, tandheelkundige of snykundige instrumente, toerusting of toestelle, rentgenfilms, chemiese of organiese stowwe of derivate daarvan (insluitende bloed of plasma), verbruiksgoedere vir arbeidsterapie of sodanige ander mediese hulpmiddels of toestelle as wat nodig is om die herstel van 'n pasiënt te bevorder en ook die nodige hospitaalgeriewe en onderhoud, paramediese dienste en verpleging, en word op 'n wyse wat deur Geneesheer-generaal bepaal, bekom.

Verskaffing van Behandeling

11. (1) Die Geneesheer-generaal moet reëlings tref vir en professionele, uitvoerende en administratiewe beheer uitoefen oor die verskaffing en toediening van enige behandeling wat kragtens hierdie Hoofstuk aan 'n pasiënt verskaf moet of kan word: Met dien verstande dat sodanige pasiënt in besit is van 'n paslike identifikasiedokument, soos deur die Geneesheer-generaal bepaal.

(2) By die toepassing van subregulasie (1) moet die Geneesheer-generaal, sover dit professioneel en administratief doenlik is, die fasiliteite van die militêre mediese diens en sodanige ander mediese fasiliteite as wat tot die Geneesheer-generaal se beskikking gestel word, gebruik om-

- (a) enige bevoegdheid wat aan die Geneesheer-generaal kragtens hierdie Regulasie verleen is, delegeer aan 'n ander mediese offisier, wat die Geneesheer-generaal hetsy oor die algemeen of met betrekking tot 'n besondere geval vir die doel aangewys het;

- (b) behandeling kragtens hierdie Hoofstuk toedien by 'n pasiënt se woonplek, 'n hospitaal, kliniek, buitepasiënt-afdeling van 'n hospitaal of die spreekkamer van 'n mediese offisier of ander plek wat hy of sy vir die doel aanwys;
- (c) waar 'n pasiënt op 'n plek is waar daar nie 'n militêre hospitaal is nie, of waar 'n militêre hospitaal weens gebrek aan ruimte of fasiliteite wat na die Geneesheer-generaal se mening vir die behandeling van so 'n pasiënt nodig is, die betrokke pasiënt nie kan huisves of doeltreffend behandel nie, magtiging verleen vir daardie pasiënt se opneming in of behandeling by 'n ander hospitaal of inrigting wat die Geneesheer-generaal vir die doel aanwys;
- (d) magtiging verleen vir die vervoer van 'n pasiënt na en van 'n plek wat ingevolge paragraaf (b) of (c) vir enige behandeling ingevolge hierdie Hoofstuk aangewys is, en wel op die wyse wat die Geneesheer-generaal oor die algemeen of na gelang van die omstandighede in 'n besondere geval geskik ag;
- (e) magtiging verleen vir die begeleiding of verpleging van 'n pasiënt deur enige persoon wat deur die Geneesheer-generaal as geskik geag word om die begeleiding te doen terwyl die pasiënt of afhanklike kragtens paragraaf (d) vervoer word;
- (f) magtiging verleen om waar 'n suigeling of die suigeling se moeder in 'n hospitaal opgeneem word, ook, die betrokke moeder of kind, na gelang van die geval, in die betrokke hospitaal as hospitaalpasiënt te laat opneem;

- (g) waar die ondersoek of behandeling van 'n pasiënt om enige mediese rede wat voldoende geag word, nie deur 'n mediese offisier van die SA Geneeskundige Diens behartig kan word nie of waar 'n tweede opinie in belang van 'n pasiënt nodig geag word, 'n geneeskundige of tandheerkundige praktisyn of spesialis wat nie voltyds in diens van die Staat is nie, hetsy oor die algemeen of op 'n tydelike of deeltydse grondslag of vir die ondersoek of behandeling van 'n besondere pasiënt, as mediese of tandheerkundige offisier aanwys; en
- (h) namens die Staat aanspreeklikheid aanvaar vir die koste van geneeskundige, tandheerkundige of hospitaalbehandeling wat deur enige geneeskundige of tandheerkundige praktisyn of hospitaal in 'n noodgeval aan 'n pasiënt verskaf is indien dit volgens die oordeel van die Geneesheer-generaal in die belang van so 'n pasiënt nodig was om sodanige behandeling so spoedig moontlik te verskaf.

(3) Die behandeling waarvoor hierdie Hoofstuk voorsiening maak, kan op enige plek in die Republiek van Suid-Afrika verskaf word en word ooreenkomstig die reëlins wat die Geneesheer-generaal tref, verskaf aan 'n lid wat voltydse diens buite die Republiek verrig en, in die geval van 'n lid van die Staande Mag wat aldus diens verrig, ook aan sodanige lid se afhanklike, wat met die goedkeuring van die Hoof van die SANW sodanige lid in die buiteland vergesel.

Verskaffing van Prostese en Mediese Hulpmiddels

12. (1) Waar dit volgens die oordeel van die Geneesheer-generaal, by die toepassing van regulasie 7, vir die maksimale herstel en produktiewe aanwending, in die sosioekonomiese omgewing van enige pasiënt, binne die raamwerk van die pasiënt se funksionele gestremdheid, mag Geneesheer-generaal, benewens die addisionele behandeling voorgeskryf in regulasie 11 en behoudens die ander bepalings van hierdie Regulasies, magtiging verleen vir die verskaffing aan die betrokke pasiënt van 'n protese en/of mediese hulpmiddels: Met dien verstande dat-

- (a) die Geneesheer-generaal bepaal die bruikbaarheidsduur van enige artikel of kategorie van artikels wat ingevolge hierdie Regulasie verskaf word en enige sodanige artikel word, behoudens paragraaf (b), ooreenkomstig die voorskrifte van die Geneesheer-generaal versien, versorg, herstel, gemodifiseer of vervang en voorsien van 'n kragbron of ander verbruikbare onderdeel of stof wat vir die werking daarvan nodig is; en
- (b) 'n artikel wat in paragraaf (a) bedoel word, kan, ooreenkomstig die voorskrifte van die Geneesheer-generaal, op Staatskoste gemodifiseer of vervang word by die verstryking van die aldus bepaalde bruikbaarheidsduur daarvan of waar 'n mediese offisier wat die Geneesheer-generaal vir die doel aangewys het, voor sodanige verstryking gesertifiseer het dat sodanige modifikasie of vervanging nodig is omdat die betrokke artikel weens 'n fisiese of patologiese verandering by die pasiënt onbruikbaar geword het.

(2) Vir doeleindes van koste-besparing, maar sonder die inboet van funksionele doeltreffendheid, mag die Geneesheer-generaal ten opsigte van 'n protese of mediese hulpmiddel standaarde neerlê.

(3) Wanneer 'n pasiënt om watter rede ookal, verkies om 'n ander mediese protese of mediese hulpmiddel as die voorgeskrewe een te gebruik, mag die mediese protese of mediese hulpmiddel van die pasiënt se keuse voorsien word: Met dien verstande dat die mediese protese of mediese hulpmiddel van die pasiënt se keurse aan die standaard wat deur Geneesheer-generaal neergelê is voldoen en dat enige bykomende uitgawes wat die aanskaffing of instandhouding van bedoelde mediese protese of mediese hulpmiddel te weeg mag bring, deur die pasiënt self betaal word.

Bestryding van Onkoste

13. Die koste van enige behandeling, diens mediese protese of mediese hulpmiddel wat kragtens hierdie Hoofstuk aan 'n pasiënt voorsien word, word behoudens andersluidende bepalings in hierdie Hoofstuk uit Staatsfondse, wat deur die normale begrotingsaksie beding word, bestry: Met dien verstande dat -

- (a) dienste deur privaat mediese en tandheelkundige praktisyns en spesialiste vergoed word uit staatsfondse;
- (b) enige pasiënt op wie hierdie regulasie van toepassing is word in 'n algemene saal van die betrokke hospitaal opgeneem, tensy -
 - (i) dit om mediese redes noodsaaklik is dat die pasiënt in 'n privaatsaal, intensiewe- of hoë sorg eenheid verpleeg word, in welke geval die hoër koste uit Staatsfondse bestry word; en
 - (ii) die pasiënt, om watter rede ookal, verkies om in 'n privaatsaal verpleeg te word, in welke geval die pasiënt aanspreeklik is vir die bykomende koste en dit direk met die betrokke hospitaalowerheid vereffen.

DEEL III**MEDIESE VOORDELE****Voordele en Verpligtinge: Lede van die Staande Mag en die Hulpdiens en hulle Afhanklikes**

14. (1) Die mediese, tandheelkundige en hospitaal behandeling bedoel in regulasies 7 tot 13, moet, onderworpe aan die bepalings van subregulasie (b), verskaf word aan 'n lid van die Staande Mag en of 'n Hulpdiens, en sodanige afhanklikes bedoel in die woordoms krywing "afhanklikes" in regulasie 1, maar uitgesonderd die afhanklikes van lede van die KTS en die Dienskorps: Met dien verstande dat, alvorens enige mediese tandheelkundige of hospitaal behandeling aan enige persoon of kategory van persoon bedoel in die woordoms krywing verskaf word, skriftelike goedkeuring van die Hoof van die SANW verkry moet word vir sodanige persoon of kategory van persoon om as afhanklike van die betrokke lede geag te word: Met die verstande voorts dat sodanige goedkeuring slegs verleen word ten opsigte van -

- (a) die gade van 'n lid, indien daar aan die vereistes van regulasie 1 met betrekking tot die woordoms krywing van "afhanklike" en 5 (4) voldoen is;
- (b) die kind van 'n getroude lid indien aan die vereistes van regulasie 1 met betrekking tot die woordoms krywing van "kind" voldoen is: Met dien verstande verder dat die kind ingevolge in hofbevel in die sorg van die lid geplaas is of verantwoordelik is nie die voorsiening van mediese, tandheelkundige of hospitaal behandeling vir die kind; en

(c) die kind van 'n ongekunde lid beskore buite die huwelik indien aan die vereistes bedoel in regulasie 1 met die betrekking tot die woordoms krywing van "kind" voldoen is en bedoelde kind noodsaaklikerwys nie- selfonderhoudend is soos bedoel in bedoelde regulasie: Met dien verstande dat-

- (i) indien die lid die natuurlike moeder of vader van die kind is, op versoek van die Hoof van die SANW, afdoende mediese getuienis op eie koste lewer soos deur Geneesheer-generaal vereis: Met dien verstande dat indien die mediese getuienis afdoende is, die koste wat die lid in dié verband aangegaan het deur die Hoof van die SANW aan die lid terugbetaal moet word.
- (ii) die lid, deur 'n bevoegde hof gelas is om onderhoud ten opsigte van die kind te betaal en om voorsiening te maak vir mediese, tandheelkundige en hospitaal behandeling; en
- (iii) dat indien die lid die moeder is en die kind in haar sorg is en die natuurlike vader nie aanspreeklik is vir die betaling van onderhoud en die voorsiening van mediese, tandheelkundige en en hospitaal behandeling vir die kind nie;

(2) 'n Kind in paragrawe (ii) en (iii) van die woordoms krywing "kind" bedoel, ten opsigte van wie onderhoud betaal word of betaalbaar is deur iemand ander as die betrokke lid of deur of ten opsigte van wie enige inkomste of verdienste van welke aard ookal of skadevergoeding ontvang word, word geag geheel-en-al van die betrokke lid afhanklik te wees tensy sodanige onderhoud, verdienste, inkomste of skadevergoeding volgens die oordeel van die Hoof van die SANW voldoende is om die betrokke kind van genoegsame voedsel, herberg, opvoeding, en mediese behandeling te voorsien.

(3) Die mediese-, tandheelkundig- en hospitaalbehandeling wat in regulasie 7 bedoel word, word net aan die ega van 'n lid of 'n kind verskaf terwyl sodanige ega of kind by die betrokke lid inwoon, tensy goekeuring vir sodanige verskaffing, hetsy oor die algemeen of in 'n besondere geval verleen is deur die Hoof van die SANW terwyl-

- (a) omstandighede wat vir die Hoof van die SANW aanneemlik is, verhinder dat die betrokke ega of kind by die lid inwoon;
- (b) die betrokke ega of kind gedurende vakansie, reis of besoek of om 'n soortgelyke rede tydelik nie by die lid inwoon nie;
- (c) die betrokke kind weens bywoning van 'n skool of ander opvoedkundige inrigting tydelik elders inwoon;
- (d) die betrokke lid 'n wewenaar of van sy vrou geskei is of waarby sodanige kind aan die lid se sorg toevertrou is, en sodanige kind, terwyl die lid nie 'n **bona vide** huishouding onderhou nie, deur iemand ander as die gewese vrou versorg word; en
- (e) die betrokke lid 'n weduwee of van haar man geskei is of waarby sodanige kind aan die lid te sorg toevertrou is, sodanige kind, terwyl die lid nie 'n **bona vide** huishouding onderhou nie, deur iemand anders as die gewese man versorg word.

(4) Nieteenstaande die bepalings vervat in subregulasie (1), (2) en (3) word goedkeuring nie verleen nie waat -

- (a) die betrokke lid en die ega van mekaar vervreemd is en sodanige vervreemdeling volgens die oordeel van die Hoof van die SANW nie van 'n kortstondige of verbygaande aard is nie;

- (b) die betrokke kind ooreenkomstig enige geldende wet uit die sorg van die lid verwyder is en in 'n staatondersteunende inrigting vir sorgbehoewende kinder of soortgelyke inrigting opgeneem is of ooreenkomstig 'n bevel van 'n boevoegdhede hof teen vergoeding deur die Staat onder die sorg van pleegouers geplaas is.

(5) Geen mediese-, tandheelkundige-, of hospitaalbehandeling word verskaf aan-

- (a) 'n lid van die Staande Mag of die Hulpdiens terwyl sodanige lid afwesig is sonder verlof; en

- (b) 'n lid of 'n afhanklike van 'n lid of 'n ander persoon wat op die behandeling bedoel in subregulasie (1) geregtig is, terwyl sodanige lid of 'n ander persoon wat op sodanige behandeling geregtig is, met vakansie, reis of besoek of om enige ander rede buit die grense van die Republiek van Suid-Afrika is.

(6) Indien 'n lid van die Staande Mag of van die Hulpdiens of afhanklike van sodanige lid van die Staande Mag of die Hulpdiens op die dag waarop so 'n lid se diens in daardie Mag of Diens beëindig is, kragtens subregulasie (1) as 'n binne-pasiënt in 'n hospitaal behandel word, kan sodanige behandeling met die goedkeuring van die Geneesheer-generaal kragtes daardie regulasie voortgesit word vir negentig dae.

(7) Die behandeling, in regulasies 7(1)(b) bedoel, word op plekke wat deur die Geneesheer-generaal, weens die beskikbaarheid van die vereiste mediese en verpleegfasiliteite binne berband van die militêre mediese diens, aangewys is, verskaf en indien sodanige fasiliteite nie beskikbaar is nie kan die nodige mediese en hospitaalbehandeling met die voorafverkreë goedkeuring van die Geneesheer-generaal, deur 'n provisniale hospitaal of 'n ander inrigting op Staatskoste verskaf word.

(8) 'n Lid van die Staande Mag of van die Hulpdiens moet elke verandering van die omstandighede wat betrekking het op die verskaffing van die behandeling, diens of artikels, wat in subregulasie (1) bedoel word, by sy of haar bevelvoerder aanmeld. Die koste van enige sodanige behandeling, diens of artikel, wat weens so 'n lid se versuim om sodanige verandering aldus aan te meld, aan of ten opsigte van die betrokke afhanklike in stryd met hierdie regulasies verskaf is, moet van die betrokke lid verhaal word.

(9) 'n Lid van die Staande Mag, of van die Hulpdiens of 'n afhanklike van sodanige lid, moet tydens enige periode van afwesigheidsverlof -

(a) die nodige identiteitsdokument wat deur Geneesheer-generaal voorgeskryf word en 'n verlofsertifikaat, wat hom of haar toegang tot mediese dienste verleen, aan sy of haar persoon dra; en

(b) sy of haar bevelvoerder onverwyld skriftelik verwittig, van enige gebeurtenis waar mediese behandeling by 'n plek of instansie anders as 'n hospitaal bekom is: Met dien verstande dat sodanige behandeling slegs binne die grense van die Republiek van Suid-Afrika gelewer word: Met dien verstande voorts dat 'n lid wat afwesig is sonder verlof nie geregtig is op sodanige mediese dienste nie.

Voordele vir Lede van die Burgermag, die Kommandos, die Reserwe en die Kadetkorps

15. (1) Behoudens die bepalings van subregulasie (2) moet sodanige behandeling, dienste en prostese wat in regulasies 7, 9, 10, 11 en 12(1) bedoel word aan 'n lid van die Burgermag, die Kommandos, die Reserwe of die Kadetkorps verskaf word wat nodig is vir 'n besering of siekte wat so 'n lid opgedoen het onder omstandighede in artikel 146 van die Wet bedoel.

(2) Die behandeling in subregulasie (1) bedoel, word aan die betrokke lid verskaf vir die duur van die tydperk van militêre diens of opleiding waarmee sodanige lid besig was toe sodanige lid die betrokke besering of siekte opgedoen het, of waardeur die betrokke ongeskiktheid veroorsaak of vererger is, en sodanige behandeling -

(a) moet, in die geval van 'n ongeskiktheid waarop artikel 146 van die Wet van toepassing is, na die verstryking van bedoelde tydperk voortgesit word totdat die lid daarvan herstel het of 'n toekenning ingevolge die bepalings van die Oorlogspensioenwet, 1967 (Wet 82 van 1967), met betrekking tot bedoelde ongeskiktheid gemaak is; of

(b) kan, in 'n ander geval voortgesit word met die goedkeuring van die Geneesheer-generaal, vir 'n tydperk van 90 dae na die verstryking van bedoelde tydperk van opleiding of diens of vir so 'n langer tydperk as wat die Geneesheer-generaal in 'n uitsonderlike geval goedkeur. Met dien verstande dat die Geneesheer-generaal te enige tyd na die verstryking van sodanige tydperk van militêre diens of opleiding magtiging kan verleen vir die behandeling of die hervatting van die behandeling van 'n ongeskiktheid waarop artikel 146 van die Wet van toepassing is en ten opsigte waarvan geen toekenning, soos in subregulasie (2)(a) genoem, gemaak is nie; en

(c) nie verskaf word aan lid van die Burgermag, die Kommandos, die Reserwe of die Kadetkorps wat afwesig is sonder verlof van sy of haar plek van diens.

(3) Regulasies 8, 9 en 12 is te alle tye van toepassing op 'n lid van die Burgermag, die Kommandos, of die Reserwe en die Kadetkorps tenwyl sodanige lid diens ingevolge Hoofstuk X van die Wet verrig: Met dien verstande dat -

(a) 'n tand van sodanige lid, in 'n dringende geval, getrek of tydelik gestop kan word; en

(b) die Geneesheer-generaal in 'n uitsonderlike geval, enige bepaling van hierdie Regulasies met betrekking tot 'n besondere sodanige lid, op professionele gronde kan opskort.

(4) By die toepassing van hierdie Regulasie word 'n lid van die Burgermag, die Kommandos of die Reserwe en die Kadetkorps geag militêre diens te verrig of opleiding te ondergaan gedurende 'n tydperk waarin sodanige lid-

(a) ingevolge Hoofstuk X van die Wet dien;

(b) enige opleiding kragtens die Wet ondergaan;

(c) spesiale diens verrig waarvoor goedkeuring kragtens die Wet of die Regulasies verleen is;

(d) weens onvermydelike omstandighede langer as die bepaalde duur van militêre diens of opleiding op die plek wat daarvoor aangewys is moet bly;

(e) kragtens hierdie Regulasies as 'n binne-pasiënt in 'n hospitaal behandel word;

(f) in die loop van 'n tydperk van voltydse of ononderbroke diens of opleiding-

- (i) tydelik kragtens die Regulasies met verlof van sodanige diens of opleiding afwesig is; of
 - (ii) weens behandeling kragtens hierdie Regulasie (waarby 'n tydperk wat vir aansterking nodig is, inbegrepe is) van sodanige diens of opleiding afwesig is;
- (g) noodwendig met Staats- of openbare vervoer na of van enige militêre diens of opleiding reis of in die loop van sodanige reis noodwendig verplig word om op enige plek oor te lê: Met dien verstande dat hierdie Regulasie nie vertolk moet word as sou dit beteken dat 'n lid wat gedurende 'n tydperk wat daarin bedoel word sonder magtiging of verlof van enige diens of opleiding afwesig is, of tydelik kragtens die Wet van sodanige diens of opleiding vrygestel is, geag word diens te verrig of opleiding te ondergaan terwyl hy aldus afwesig of vrygestel is.
- (5) 'n Lid, aan wie behandeling ingevolge subregulasie (1) verskaf word, ontvang rangsoldy vir elke dag waarop -
- (a) sodanige lid weens die behandeling nie die betrokke voltydse of ononderbroke militêre diens of opleiding verrig of meegemaak het en waarvoor sodanige lid andersins besoldig sou word; en
 - (b) na die verstryking van 'n tydperk van militêre diens of opleiding, sodanige behandeling aan die lid as 'n binnepasiënt in 'n hospitaal, verskaf word: Met dien verstande dat -

- (i) enige besoldiging kragtens hierdie Regulasie in ooreenstemming met rangsoldy tariewe, wat op aanbeveling van die Departement van Staatsdiens en Administrasie deur die Departement van Staatsdiensbesteding goedgekeur is, sal wees; en
- (ii) hierdie Regulasie in geheel nie van toepassing is nie, op 'n lid aan wie sodanige behandeling verskaf word vir 'n ongeskiktheid, besering of siekte, wat deur sodanige lid se eie wangedrag of toedoen te wyte is nie.

Buitengewone Gevalle

16. Indien daar omstandighede ontstaan wat in die oordeel van die Geneesheer-generaal 'n afwyking van die bepalings van hierdie Hoofstuk regverdig, kan die Geneesheer-generaal, op aanbeveling van die Staatsdienskommissie en onderworpe aan Tesourie goedkeuring waar uitgawes aan die Staat betrokke is, sodanige afwykings goedkeur.

DEEL IV**STAANDE MAG MEDIESE VOORTSETTINGSFONDS****Instelling van Fonds**

17. Die Fonds wat hierby ingestel word, staan bekend as die Staande Mag Mediese Voortsettingsfonds, is bekleë met regspersoonlikheid en word geag 'n fonds te wees soos beoog in artikel 87(1)(f)*bis* van die Verdedigingswet, 1957, wat voorsiening maak vir die geneeskundige, tandheelkundige en hospitaalbehandeling van lede van die Staande Mag wat op of na 1 Januarie 1964 met pensioen afgetree het of aftree en hul gesinne en van die gesinne van lede van genoemde Mag wat op of na genoemde datum gesterf het of sterf.

Bevoegdheid van die Fonds

18. Sonder om afbreuk te doen aan die bepalings van regulasies 19(4), 20 en 25, is die Fonds bevoeg om-

- (a) enige inkomste wat hom ooreenkomstig hierdie regulasies uit bydraes of uit rente op beleggings toekom, of wat hom by wyse van 'n skenking, toekenning of subsidie of op enige ander wyse toeval, te ontvang en om dit in trust te hou;
- (b) uit gelde wat hom aldus toekom of deur hom ontvang is, uitgawes te bestry-
 - (i) wat ontstaan uit die verskaffing van enige behandeling in regulasie 18 bedoel; en
 - (ii) wat redelikerwys noodsaaklik is en wat aangegaan is vir die reëling en werking van die Fonds;

- (c) enige deel van sodanige inkomste ten voordeel van die Fonds op rente te belê en enige sodanige belegging op te sê.

Instelling van Beheerraad

19. (1) 'n Beheerraad word hierby vir die Fonds ingestel. Die Raad bestaan uit die volgende lede-

- (a) die Geneesheer-generaal;
- (b) die Hoof van Personeel;
- (c) die Departementele Rekenmeester (Hoof van Finansies) (ongegag of daardie persoon in 'n pos by die Verdedigingsekretariaat of by die SANW dien);
- (d) die personeelstafhoofde van die onderskeie weermagsdele van die SANW;
- (e) die Sersant-majoor van die SANW; en
- (f) drie afgetrede lede van die Staande Mag wat bevoorreedes is welke lede by 'n Jaarlikse Algemene Vergadering van die Fonds verkies is en vir 'n tydperk van twee jaar op 'n keer dien.

(2) Elke lid van die Raad stel 'n sekundus aan wat by die afwesigheid van sodanige lid van enige vergadering van die Raad daardie vergadering kan bywoon en aan die verrigtinge daarvan kan deelneem.

(3) Die Raad kan te eniger tyd 'n persoon of persone koöpteer om die Raad in 'n raadgewende hoedanigheid by te staan.

- (4) (a) Die Geneesheer-generaal wys-

- (i) 'n bevoegde offisier of afgetrede offisier van die Staande Mag of 'n burgerlike persoon aan as hoof uitvoerende beampte van die Fonds en dié beampte tree by die vergaderings van die Raad as sekretaris op en staan bekend as die Bestuurder van die Fonds; en
 - (ii) 'n bevoegde offisier of afgetrede offisier van die Staande Mag of 'n burgerlike persoon aan as Rekenmeester van die Fonds.
- (b) Die Sekretaris van Verdediging, kan goedkeuring verleen vir die skep van poste op die diensstaat van die Staande Mag vir die aanstelling van personeel om die koördinerende en administratiewe pligte wat vir die doeltreffende bestuur en beheer van die Fonds dienstig geag word, uit te voer.

Pligte en Bevoegdhede van die Beheerraad

20. (1) Die Raad oefen op so 'n wyse beheer uit oor die bates van die Fonds dat daar te eniger tyd voldoende likwiede bates beskikbaar is vir die bestryding van uitgawes, en vir dié doel is die Raad bevoeg om-

- (a) 'n rekening in die naam van die Fonds by 'n finansiële instelling te open en te besluit oor die beskikbaarstelling van gelde uit daardie rekening vir sodanige bestryding of vir enige belegging beoog in regulasie 18(b) en (c);

(b) algemene beheer uit te oefen oor die omvang van en die wyse waarop behandeling ingevolge hierdie regulasies verskaf moet word en om, met betrekking tot sodanige verskaffing, 'n beslissing of opdrag wat kragtens hierdie regulasies deur die Geneesheer-generaal of 'n beamppte van die Fonds gegee is, te wysig of deur 'n ander beslissing of opdrag te vervang; en

(c) enigiets te doen wat nodig is vir die reëling of werking van die Fonds en die voorsiening van geneeskundige, tandheelkundige en hospitaalbehandeling aan bevoordeeldes van die Fonds.

(2) Die Geneesheer-generaal tree op as die voorsitter van die Raad en in sy of haar afwesigheid die mees senior lid van die lede gemeld in regulasie 19(1)(b), (c) en (d) op as voorsitter.

(3) Die Raad vergader so dikwels as wat die voorsitter dit nodig ag, maar benewens die Algemene Jaarvergadering, minstens een keer elke drie maande, en al sodanige vergaderings moet deur die raadslede of hul secundi bygewoon word, tensy hulle deur die dienende voorsitter om goeie rede van bywoning verskoon word.

(4) (a) 'n Kworum vir 'n vergadering van die Raad bestaan uit twee derdes van die aantal lede wat op die Raad dien.

(b) 'n Besluit word geneem by meerderheid van stemme van die lede wat op 'n vergadering van die Raad aanwesig is, en by 'n staking van stemme het die persoon wat op die betrokke vergadering voorsit die beslissende stem.

- (c) 'n Tweederdemeerderheid stemme van lede wat op 'n vergadering van die Raad aanwesig is, is nodig om enige besluit met betrekking tot dienslewering bedoel in subregulasie (1)(b) en (c) te wysig, ter syde te stel of te vervang.

(5) Die notule van elke vergadering van die Raad word opgeteken in 'n boek wat vir dié doel deur die Bestuurder gehou moet word en die notule van 'n vorige vergadering dien na goedkeuring en nadat dit deur die voorsitter onderteken is, as **prima facie** bewys dat die verrigtinge, soos opgeteken, die verrigtinge van daardie vorige vergadering is.

(6) Enige akte, kontrak, prokurasie of ander soortgelyke dokument word geag namens die Fonds of die Raad aangegaan te wees indien dit deur 'n lid van die Raad, wat deur die Raad vir daardie doel aangewys is en deur die Bestuurder daarvan in naam van die Fonds onderteken is, en 'n promesse of tjek op die rekening van die Fonds getrek, moet onderteken word deur twee persone wat deur die voorsitter vir dié doel aangewys is.

(7) Die Bestuurder van die Fonds mag, met die instemming van die Raad of, indien die Raad nie betyds byeengeroep kan word nie, die voorsitter van die Raad, na gelang van die geval, namens die Fonds dagvaar, aksie instel, enige aansoek rig, in enige geding teen die Fonds verskyning tot verdediging aanteken of kennis-gewing van voorneme om te bestry gee : Met dien verstande dat enige sodanige optrede wat slegs met instemming van die voorsitter geskied het deur die Bestuurder van die Fonds by die eersvolgende vergadering van die Raad vir bekragtiging deur die Raad voorgelê moet word.

(8) Die Departement van Verdediging, die lede van die Raad, enige lid van die SANW en iemand wat 'n bydraer tot of 'n bevoordeelde van die Fonds is, is nie, sonder 'n onderneming daartoe, vir enige skuld van die Fonds aanspreeklik nie.

Lede van en Bydraes tot die Fonds**21. (1) Iedere -**

(a) lid van die Staande Mag wat kragtens die Regeringswerknemerspensioenwet 1996, tot die Regeringswerknemerspensioenfonds bydra; en

(b) 'n persoon wat ingevolge subregulasie (3) 'n bevoordeelde van die Fonds is,

is lid van die Fonds, en enige bedrag bedoel in subregulasie (10) soos van tyd tot tyd deur enige sodanige lid betaalbaar, word ten opsigte van 'n lid in paragraaf (a) bedoel, maandeliks van daardie lid se salaris verhaal en ten opsigte van 'n bevoordeelde in paragraaf (b) bedoel, maandeliks van daardie bevoordeelde gevorder, en in die Fonds gestort: Met dien verstande dat enige manlike of vroulike lid van die SANW wie se gade 'n bydraer tot die Fonds is, vrygestel word van sodanige bydrae: Met dien verstande voorts dat enige manlike of vroulike lid van die SANW wie se gade 'n bydraer tot 'n ander soortgelyke fonds is, eenmalig kan kies om nie lid van die Fonds te wees nie en, word van die verpligting om by te dra, vrygestel.

(2) Enige lid van die Staande Mag wat kontraktueel nie tien jaar aaneenlopende diens sal lewer of nie sodanige diens kan lewer voor bereiking van die ouderdom van 60 jaar nie, kan in uitsonderlike gevalle op die voorwaardes deur die Raad bepaal, deur die Raad as lid van die Fonds toegelaat word.

(3) 'n Bydraende lid van die Fonds-

(a) wat by affrede kragtens die Regeringswerknemerspensioenwet, 1996, op 'n jaargeld geregtig is;

(b) wat by ontslag uit die Staande Mag op grond van mediese ongeskiktheid, in plaas van of benewens 'n jaargeld in paragraaf (a) bedoel, op 'n jaargeld kragtens die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993 (Wet No. 130 van 1993), geregtig is; en

(c) wat ingevolge die bepalings vervat in hoofstuk III en hoofstuk IV van hierdie Regulasies uit die Staande Mag afgetree het en kragtens die Regeringswerknemerspensioenwet, 1996, op jaargeld geregtig is, word 'n bevoordeelde van die Fonds:

Met dien verstande dat sodanige bydraer vir minstens 10 jaar tot die Fonds bygedra het.

(4) By die afsterwe in diens van 'n bydraende lid word die ega van die oorledende 'n bevoordeelde van die Fonds.

(5) Ondanks enige ondersluidende bepaling van hierdie regulasies-

(a) word 'n bevoordeelde wat voor die datum van inwerkingtreding van hierdie regulasies 'n bydraer tot die Fonds was en wat tussen 1 Januarie 1964 en 31 Maart 1990 (beide dae ingesluit) afgetree het of ontslaan is en die ega van sodanige bevoordeelde in die geval waar die bevoordeelde te sterwe kom of reeds gesterf het, vrygestel van die verpligting tot betaling van enige verdere maandelikse bydraes tot die Fonds of enige verhoging daarvan;

(b) moet 'n bevoordeelde wat 'n bydraer was en wat tussen 1 April 1990 en die datum van inwerkingtreding van hierdie Regulasies (beide dae ingesluit), afgetree het of ontslaan is en die ega van sodanige bevoordeelde, soos in die geval waar die bevoordeelde te sterwe kom of reeds gesterf het, die maandelikse bydraes wat ten tye van sodanige aftrede, ontslag of afsterwe op van toepassing was, bereken totdat die bydraer die ouderdom van 60 jaar sal bereik of sou bereik het in 'n enkelbedrag aan die Fonds betaal: Met dien verstande dat-

(i) die bevoordeelde aanspreeklik en verplig is om enige latere verhoging in maandelikse bydraes wat van toepassing is op dienende lede van die Staande Mag, bereken vanaf die datum waarop sodanige verhoging van krag geword het totdat die bevoordeelde die ouderdom van 60 jaar bereik of sou bereik het, in 'n enkelbedrag aan die Fonds te betaal;

(ii) indien enige sodanige bevoordeelde nie in staat is om sodanige verhoging gemeld in in 'n enkelbedrag aan die Fonds te betaal nie, die Raad sodanige bevoordeelde kan toelaat om die uitstaande bedrag maandeliks te vereffen, soos met die Bestuurder van tyd tot tyd ooreengekom;

(c) moet enige bevoordeelde wat voor dié in paragraaf (b) bedoelde datum van inwerkingtreding, 'n bydraer was en daarna aftree of ontslaan word en die ega van sodanige bevoordeelde wat na daardie datum te sterwe kom voortgaan met die betaling van die toepaslike maandelikse bydraes, asook enige toekomstige verhoging van dié bydraes, asof die bevoordeelde 'n dienende lid

van die Staande Mag is, totdat daardie bevoordeelde die ouderdom van 60 jaar bereik of sou bereik het;

- (d) kan enige bydraer wat in die Staande Mag ingeskryf is en wie se ooreengekome dienstermyn verstryk na verloop van 10 jaar ononderbroke diens, maar voor bereiking van die ouderdom van 60 jaar, op eie versoek deur die Raad toegelaat word om voort te gaan met betaling van maandelikse bydraes aan die Fonds, soos van tyd tot tyd bepaal, totdat daardie bydraer die ouderdom van 60 jaar bereik;
- (e) kan enige bevoordeelde in paragrawe (b) tot (d) bedoel, nieteenstaande die bepalings van daardie paragrawe, by besluit deur die Raad verplig word om na die bereiking van die ouderdom van 60 jaar, die betaling van maandelikse bydraes tot die Fonds voort te sit teen 'n tarief soos van tyd tot tyd bepaal ten opsigte van die bevoordeelde en elke afhanklike, totdat die bevoordeelde die ouderdom van 75 jaar bereik.

(6) Die bepalings van subregulasie (5) is *mutatis mutandis* van toepassing op 'n weduwee of wewenaar wat vanweë die afsterwe van 'n persoon in subregulasie (3)(a), (b) en (c) bedoel, 'n bevoordeelde van die Fonds word.

(7) Sonder om afbreuk te doen aan die bepalings van regulasie 23 kan die Raad magtiging verleen dat 'n kind bedoel in die woordoms krywing van "afhanklike" van 'n afgestorwe bevoordeelde waarna in paragraaf (5) verwys word, wat nie deur 'n ega oorleef word nie of wie se weduwee of wewenaar na die bevoordeelde se dood te sterwe kom, op voordele van die Fonds geregtig is en kan die Raad nadat 'n weduwee of wewenaar wat 'n bevoordeelde van die Fonds is, weer in die huwelik getree het, indien Raad oortuig is dat die kind wat aldus sy of haar voordele ooreenkomstig hierdie regulasies verbeur het, andersins nie voldoende voorsiening vir mediese,

tandheelkundige of hospitaalluitgawes sal hê nie, magtiging verleen, op voorwaarde dat gereelde maandelikse bydraes soos vir dienende lede ten opsigte van sodanige kind gedoen word en dat aan enige andersins toepaslike bepaling van subregulasie (4), soos deur die Raad bepaal, voldoen word, dat sodanige kind op voordele van die Fonds geregtig sal wees.

(8) Ondanks enige andsluidende bepaling van hierdie regulasies kan die Raad op voorwaardes wat dit mag bepaal, iemand wat nie 'n bevoordeelde van die Fonds is of wat ingevolge hierdie regulasies nie sodanige bevoordeelde kan wees nie, as 'n bevoordeelde van die Fonds toelaat indien sodanige persoon na die oordeel van die Raad op billikheidsoorwegings sodanige bevoordeelde behoort te wees, en sodanige voorwaardes kan voorsiening maak vir-

- (a) enige bedrag of bedrae of toekomstige bedrae wat die bevoordeelde of, indien die bevoordeelde binne 'n tydperk deur die Raad bepaal te sterwe sou kom, die weduwee of wewenaar of gesin van sodanige bevoordeelde wat op voordele onder die Fonds geregtig is, verplig is om aan die Fonds te betaal;
- (b) omstandighede waaronder die bevoordeelde se voordele of, indien die weduwee of wewenaar van sodanige bevoordeelde verplig word om toekomstige bydraes aan die Fonds te betaal, die weduwee of wewenaar of gesin se voordele, na gelang van die geval, ingevolge die Fonds, sal verval.

en die bepalings van regulasie 24 en 25 op sodanige bevoordeelde of op sy of haar weduwee of wewenaar, indien hy of sy uit hoofde van die voorwaardes deur die Raad opgelê 'n bevoordeelde word en op sy of haar afhanklikes, nagelang van die geval, van toepassing.

(9) Die Raad is bevoeg om op die voorwaardes wat hy mag bepaal, sonder benadeling van iemand se reg op voordele van die Fonds, in gevalle wat uitsonderlik en verdienstelik is, kwytstelling van die betaling van bydraes in subregulasie (5) bedoel of van enige deel daarvan, te verleen.

(10) Lede van die Staande Mag is verplig om maandeliks die tariewe wat die Minister van tyd tot tyd op aanbeveling van die Raad bepaal, tot die Fonds by te dra:

Beëindiging van Lidmaatskap

22. Die lidmaatskap van 'n lid wat 'n bydraer tot die Fonds is asook die aanspraak van die afhanklikes van sodanige bydraer op die voordele voortspruitend uit die Fonds, verval vanaf die datum van beëindiging van die diens van sodanige bydraer in die Staande Mag, indien -

- (a) daardie diens vanweë enige ander omstandigheid as dié in regulasie 21(3) bedoel, beëindig is; of
- (b) die bydraer kragtens 'n dienstermynstelsel in die Staande Mag ingeskryf is en sodanige dienstermyn verstryk-
 - (i) voor voltooiing van 10 jaar ononderbroke diens, maar na bereiking van die ouderdom van 60 jaar; of
 - (ii) na voltooiing van 10 jaar ononderbroke diens, maar voor bereiking van die ouderdom van 60 jaar, en die bydraer nie versoek om toegelaat te word om voort te gaan met betaling soos bedoel in regulasie 21(5)(d) nie, of die Raad sodanige versoek weier, of indien sodanige bydraer by toestaan van sodanige versoek deur die Raad, nalaat om voort te gaan met die betaling van maandelikse bydraes aan die Fonds soos deur die Raad gemagtig.

Insluiting van Afhanklikes om in die Voordele van die Fonds te Deel

23. Alvorens enige van die persone of kategorië van persone soos bedoel in die woordbepaling "afhanklike" in regulasie 1 in die voordele kan deel wat die Fonds bied, moet skriftelike goedkeuring van die Bestuurder verkry word vir die insluiting van bedoelde persone of kategorië van persone as 'n afhanklike van die bevoordeelde: Met dien verstande dat sodanige afhanklike aan die vereistes gestel in regulasie 14 voldoen.

Regte, Voorregte en Pligte met Betrekking tot die Fonds

24. (1) Nieteenstaande enige andersluidende bepaling in hierdie regulasies, kan 'n lid wat minstens 10 jaar aaneenlopend tot die Fonds bygedra het en wie se betaling op datum is, asook die afhanklike lede van die bydraer, aanspraak maak op die voordele van die Fonds indien die bydraer se diens in die Staande Mag om 'n rede en op die wyse gemeld in regulasie 21(3) beëindig word en wel vanaf die datum wat volg op die datum van sodanige diensbeëindiging.

(2) 'n In regulasie 21(5) bedoelde bevoordeelde en die afhanklikes van sodanige bevoordeelde en enige ander persoon wat by of kragtens hierdie regulasies op voordele van die Fonds geregtig is, is beperk tot dié behandeling en dienste in regulasies 7, 8, 9, 10, 11 en 12 bedoel, en die betrokkenes ontvang dit op voorwaarde dat enige bydrae of bydraes wat deur wie ook al aan die Fonds betaalbaar is, betaal is of word en dat enige voorskrif of vereiste wat kragtens hierdie regulasies neergelê of vereis word, nagekom of aan voldoen word.

(3) Die Raad kan, met inagneming van die omstandighede, ouderdom en verstandelike ontwikkeling van, en die toesig en beheer en voogdyskap oor 'n in regulasie 21(7) bedoelde kind, voorwaardes bepaal wat nodig is vir die beheer oor en administrasie van enige behandeling onder die Fonds van sodanige kind.

(4) Ondanks enige andersluidende bepaling van hierdie Deel moet-

- (a) elke persoon wat op voordele van die Fonds geregtig is en aan wie enige geneeskundige, tandheelkundige of hospitaalbehandeling, enige voorskrif of afskrif van 'n voorskrif of enige medisyne, verbande mediese prostese, mediese hulpmiddel of enige ander diens daaronder verskaf word, op sodanige voorwaardes as wat deur die Geneesheer-generaal bepaal word ten opsigte daarvan 'n bydrae in die vorm van 'n heffing vermeld in subregulasie (14) tot krediet van die Fonds betaal : Met dien verstande dat verskillende heffings ten opsigte van verskillende kategorieë bevoordeeldes of verskaffers van sodanige dienste bepaal kan word;
- (b) elke bevoordeelde en elke ander persoon wat op voordele van die Fonds geregtig is, die voorskrifte nakom en die besonderhede verskaf wat die Raad van tyd tot tyd in verband met die betaling van enige bydrae in die vorm van 'n heffing in paragraaf (a) bedoel mag neerlê of vereis.
- (c) elke persoon wat op voordele van die Fonds geregtig is, ten einde enige behandeling te ontvang-
 - (i) op sodanige tye en wyse en aan sodanige persoon wat die Raad, hetsy in die algemeen of in 'n besondere geval, mag

bepaal die persoonlike of ander besonderhede verstrek wat by die toepassing van hierdie regulasies en vir die behoorlike uitoefening van beheer oor die verskaffing van sodanige behandeling, nodig is;

- (ii) enige voorskrif nakom wat die Raad van tyd tot tyd in verband met die identifikasie van sodanige ontvanger van behandeling, uitreik en sodanige persoon moet ook die voorskrifte wat ten opsigte van die verskaffing van sodanige behandeling deur die Geneesheer-generaal neergelê word, nakom.

(5) Indien 'n bevoordeelde, die afhanklike van 'n bevoordeelde, of enige ander persoon wat op voordele van die Fonds geregtig is, versuim om aan 'n bepaling van subregulasie (4)(b) en (c) of 'n voorskrif daarkragtens uitgereik, te voldoen, moet die Geneesheer-generaal of die Bestuurder reël dat solank die versuim voortduur, alle behandeling en voordele van die Fonds ten opsigte van sodanige bevoordeelde, die gesin van daardie bevoordeelde of sodanige ander persoon gestaak word.

(6) Indien 'n bevoordeelde of enige ander persoon wat op voordele van die Fonds geregtig is, versuim om die Bestuurder binne 30 dae vanaf die datum van enige verandering van huwelikstaat of van die status van die betrokke afhanklike, te verwittig welke verandering die reg van die bevoordeelde of dié van enige lid van die afhanklike van die bevoordeelde op behandeling op só 'n wyse affekteer dat dit gestaak moet word of, indien so 'n bevoordeelde of enige ander van die bedoelde persone in gebreke is of bly om aan die bepalinge van subregulasies (4)(b) of (c) of aan enige voorskrif daarkragtens uitgereik, te voldoen, en as gevolg van sodanige versuim, behandeling in stryd met 'n ingevolge subregulasie (5) reëling ontvang, moet die Bestuurder dit aan die Raad rapporteer, wat die betrokke kan gelas om die onkoste van die behandeling wat aldus verskaf is aan die Fonds terug te betaal en moet die Geneesheer-generaal reël dat solank as wat die versuim voortduur, alle behandeling

en voordele van die Fonds ten opsigte van sodanige bevoordeelde, die gesin van daardie bevoordeelde of sodanige ander persoon gestaak word.

(7) Die Geneesheer-generaal moet besonderhede van enige-

- (a) behandeling van 'n bevoordeelde, 'n afhanklike van daardie bevoordeelde of van 'n ander persoon wat op voordele van die Fonds geregtig is en, wat in stryd met hierdie regulasies verskaf is; en
- (b) 'n wanpraktyk of onreëlmatigheid wat plaasgevind het met die verskaffing deur 'n apteker, geneesheer of ander persoon van enige medisyne, verbande, mediese prostese, behandeling of diens aan 'n bevoordeelde, 'n afhanklike van daardie bevoordeelde of aan 'n ander persoon wat op voordele van die Fonds geregtig is

en wat tot sy aandag kom, by die Raad aanmeld, en die Raad kan die betrokke bevoordeelde, die afhanklike van daardie bevoordeelde of sodanige ander persoon se voordele van die Fonds beëindig of gelas dat daardie bevoordeelde of ander persoon die betrokke ongemagtigde uitgawes aan die Fonds terugbetaal.

- (8) (a) In enige geval waar die Geneesheer-generaal in verband met die opname in 'n hospitaal van iemand uit hoofde van subregulasie (2) dit nodig ag, kan die Geneesheer-generaal magtiging verleen vir die vervoer van die betrokke persoon na of van 'n hospitaal met 'n ambulans of enige staats- of openbare vervoer, en vir dié doel magtiging verleen vir die uitreiking van spoorwegorders teen terugbetaling. Met dien verstande dat magtiging vir die gebruik van privaat vervoer, waar staats- of openbare vervoer nie beskikbaar is nie, deur die Bestuurder van die Fonds op staande

magtiging van die Geneesheer-generaal verleen kan word.

- (b) Die Fonds moet vir die gebruik van enige vervoer wat kragtens paragraaf (a) gemagtig word, betaal teen-
 - (i) die tarief wat die Tesourie ten opsigte van toepaslike Staatsvervoer bepaal; of
 - (ii) die openbare tarief ten opsigte van vervoer per trein of per vliegtuig; of
 - (iii) die tarief wat op enige ander vervoer van toepassing is, na gelang van die geval.

(9) Behoudens ander toepaslike bepalings in hierdie Deel, moet 'n bevoordeelde van die mediese dienste gebruik maak wat deur 'n militêre mediese of verpleeginrigting, 'n siekeboeg of militêre mediese kliniek van die SA Nasionale Weermag aangebied word: Met dien verstande dat-

- (a) enige persoon wat geregtig is op voordele van die Fonds vooraf om gegronde redes skriftelike toestemming van die Bestuurder kan verkry om van die dienste van 'n mediese of tandheeskundige praktisyn gebruik te maak wat nie verbonde is aan enige van genoemde inrigtings nie;
- (b) enige bevoordeelde of persoon wat geregtig is op voordele van die Fonds kan uit eie beweging, sonder om enige aanspreeklikheid vir die Fonds te skep, op eie onkoste mediese behandeling elders bekom;

- (c) die Raad, op aanbeveling van die Geneesheer-generaal, magtiging kan verleen dat die Fonds vir enige dringende mediese, tandheelkundige of hospitaalbehandeling betaal wat deur enige mediese of tandheelkundige praktisyn of hospitaal in 'n noodgeval verskaf is aan enige persoon wat geregtig is op voordele van die Fonds.

(10) Indien enige persoon wat geregtig is op voordele van die Fonds, bykomend tot die behandeling wat ooreenkomstig hierdie regulasies verskaf word, ook ander behandeling of die gebruik van alternatiewe geriewe in 'n hospitaal wil bekom, moet daardie persoon vooraf skriftelike goedkeuring daartoe verkry van die Geneesheer-generaal wat, voorwaardes kan stel in verband met die aard en verskaffing daarvan of magtiging kan verleen dat dit of enige deel daarvan op onkoste van die Fonds kan geskied: Met dien verstande dat indien enige van die voorwaardes wat aldus gestel word nie nagekom word nie, die Fonds nie vir betaling van enige sodanige uitgawes aanspreeklik is nie.

(11) Die Fonds kan van 'n bevoordeelde of 'n ander persoon wat op die voordele van die Fonds geregtig is die onkoste verhaal van enige behandeling wat aan die bevoordeelde of 'n afhanklike van die bevoordeelde of aan sodanige ander persoon verskaf is vir enige besering of ongesteldheid veroorsaak deur 'n derde party teen wie sodanige bevoordeelde, afhanklike, of ander persoon andersins 'n reg van verhaal sou gehad het as die Fonds nie die behandeling verskaf het nie verhaal ongeag of die bevoordeelde, afhanklike, of ander persoon, daardie reg uitgeoefen het al dan nie: Met dien verstande dat bedoelde onkoste nie verhaal word nie indien die betrokke-

- (a) die Bestuurder binne 30 dae nadat sodanige eisorsaak ontstaan het, skriftelik daarvan verwittig het; en
- (b) op geen tydstip 'n ongemagtigde skikking van sodanige eis aanvaar het of, indien dit van toepassing is, nie ingestem het tot die aanvaarding van 'n skikking deur die betrokke afhanklike of nie

'n erkenning tot nadeel van die Fonds aan die derde party gemaak het nie; en

- (c) sodanige onkoste met betrekking tot die behandeling wat verhaal is, aan die Fonds vergoed het of enige eis om vergoeding met betrekking tot sodanige behandeling of onkoste aan die Fonds gesedeer het.

(12) Hierdie regulasie word nie uitgelê as sou dit die verskaffing op onkoste van die Fonds magtig nie van behandeling soos beoog in regulasie 14(4), ongeag of sodanige behandeling ingevolge voormelde regulasie of ingevolge enige ander wet voorsien word al dan nie.

(13) Die bestuurder kan 'n dokument wat uit hoofde van hierdie regulasies uitgereik is om 'n bevoordeelde, 'n afhanklike van die bevoordeelde of enige ander persoon wat op voordele van die Fonds geregtig is, te identifiseer of wat magtiging vir enige behandeling ingevolge hierdie regulasies verleen, intrek indien die voordele van 'n persoon daarin vermeld of die reg van sodanige persoon op behandeling kragtens hierdie regulasies opgeskort of gekanselleer is of indien die reg van sodanige persoon daarop geëindig het of beeindig word, en indien die Bestuurder te eniger tyd sodanige dokument opeis, moet sodanige persoon die dokument aan die Bestuurder oorhandig of laat oorhandig.

(14) Die bydrae in die vorm van 'n heffing waarna subregulasie (4)(a) verwys, is 'n bybetaling van twintig persent op alle mediese dienste deur privaat instansies gelewer, anders as deur Geneesheer-generaal: Met dien verstande dat sodanige heffing nie betaalbaar is in gevalle waar die bevoordeelde deur Geneesheer-generaal of sy gemagtigde na instansies buite die SA Nasionale Weermag verwys is vir sodanige behandeling of dienste nie: Met dien verstande voorts dat hierdie heffing ook nie betaalbaar is op tandheelkundige of oogkundige dienste nie.

Grondslag vir Verskaffing van Behandeling

25. (1) Die Geneesheer-generaal reël en beheer die verskaffing van mediese, tandheelkundige en hospitaalbehandeling van die persone wat kragtens hierdie regulasies daarop geregtig is. Die behandeling word, behoudens subregulasie (2) aan hulle verskaf asof hulle 'n dienende lid van die Staande Mag of die gade en kinders van enige sodanige lid en enige ander persoon wat geregtig op die voordele van die Fonds is.

(2) Die Geneesheer-generaal of 'n mediese offisier deur die Geneesheer-generaal vir dié doel aanwys, kan by die verskaffing van enige behandeling in subregulasie (1) beoog, behoudens subregulasie (3)-

- (a) enige militêre mediese diens en fasiliteit wat onder die Geneesheer-generaal se bevel en beheer is, gebruik;
- (b) en sonder om afbreuk te doen aan die bepalinge van regulasie 24(9) en (10), indien enige bevoordeelde of, indien van toepassing, 'n afhanklike van die bevoordeelde of enige ander persoon wat geregtig is op die voordele van die Fonds op 'n plek is waar daar nie 'n militêre hospitaal is nie of indien 'n militêre hospitaal weens gebrek aan ruimte of fasiliteite wat na die Geneesheer-generaal of genoemde mediese offisier se mening vir die behandeling van so 'n betrokke persoon nodig is, die betrokke persoon nie kan huisves of doeltreffend behandel nie, magtiging verleen vir daardie pasiënt se opname in of behandeling by enige ander hospitaal of inrigting wat vir die doel aangewys word;

- (c) en sonder om afbreuk te doen aan die bepalings van regulasie 24(9)(b) en (10), ter aanvulling van die dienste en fasiliteite in paragrawe (a) en (b) bedoel, vooraf magtiging verleen vir die lewering van sodanige diens of fasiliteit deur 'n private mediese praktisyn of mediese instansie; en
- (d) aan 'n persoon in subregulasie (1) bedoel, medisyne, verbande, mediese prosteses, mediese hulpmiddels en ander dienste as deel van sodanige persoon se behandeling uit staatsvoorrade verskaf of vooraf magtiging verleen vir die verskaffing daarvan op 'n ander wyse.

(3) Die Fonds moet die Staat vergoed vir enige behandeling en vir enige medisyne, verbande, mediese prostese, mediese hulpmiddel asook enige ander diens wat ingevolge hierdie regulasies deur die Staat verskaf is, onderworpe aan die voorwaardes en teen die tariewe wat die Geneesheer-generaal, met die goedkeuring van die Tesourie, van tyd tot tyd bepaal met betrekking tot -

- (a) die gebruik van militêre mediese of ander dienste en fasiliteite en die verskaffing van medisyne, verbande, mediese prosteses, mediese hulpmiddels en ander dienste vanuit staatsvoorraad;
- (b) die lewering van 'n diens of die gebruik van 'n fasiliteit in subregulasie (2)(b) bedoel; en
- (c) 'n diens of fasiliteit in subregulasie (2)(c) bedoel, en soos ooreengekom met die betrokke instansie of persoon: Met dien verstande dat-
 - (i) die tariewe vir die doeleindes van paragrawe (a) en (b) bepaal, nie die verskaffing insluit van enigiets wat nie staatseiendom is nie en wat vir die behandeling deur die Staat aangeskaf moes word, of van enige medisyne, verbande, mediese prostese, mediese hulpmiddel of

dienste wat by die toepassing van hierdie regulasie deur 'n privaat apteker op voorskrif aan 'n bevoordeelde, 'n lid van die gesin van daardie bevoordeelde of enige ander persoon wat op voordele van die Fonds geregtig is, verskaf word, en enige sodanige aangeskafte artikel, medisyne, verbande, mediese prostese, mediese hulpmiddel of diens word ten volle deur die Fonds betaal; en

- (ii) die tariewe vir die doeleindes van hierdie paragraaf bepaal, nie die voorkeurskaal wat van toepassing is vir die verskaffing van soortgelyke dienste en fasiliteite aan lede van ander mediese hulpverenigings mag oorskry nie.

Administratiewe Bepalings

26. (1) Die rekenmeester en ander personeel van die Fonds moet-

- (a) rekeningboeke vir die Fonds aanlê en byhou;
- (b) ooreenkomstig besluite van die Raad die finansiële administrasie van die Fonds onderneem; en
- (c) reëlins tref vir die ouditering van die boeke en rekeninge van die Fonds deur 'n geoktrooieerde rekenmeester deur die Raad aangestel, en vir die voorlegging aan die Raad van die verslag en rekeningstate waarvoor subregulasie (5) voorsiening maak.

(2) Die Bestuurder beheer, koördineer en voer die administratiewe pligte verbonde aan daardie pos uit, hou rekord van bydraers en bevoordeeldes en oefen beheer uit oor bydraers en bevoordeeldes soos bedoel in regulasie 24(2) tot (13).

(3) Die bydraes van 'n bevoordeelde in regulasie 21(1)(a) en (b) bedoel word deur Hoof van Finansies (Hoofbetaalmeester) van die bevoordeelde se salaris gevorder en die totale bedrag van sodanige vorderings word maandeliks in die Fonds gestort en die rekenmeester van die Fonds word verwittig van die totale bedrag aldus gestort.

(4) Die Geneesheer-generaal lewer, vir vereffening, gereeld aan die rekenmeester van die Fonds-

- (a) rekeninge wat ooreenkomstig die tariewe kragtens regulasie 25(3) bepaal, opgestel is vir dienste, fasiliteite, medisyne, verbande, mediese hulpmiddels en enige ander diens wat deur die militêre mediese organisasie ingevolge hierdie regulasies gelewer is;
- (b) rekeninge wat deur enige instansie of persoon ooreenkomstig regulasie 25 gelewer is, nadat sodanige rekenings ondersoek en betaalbaar gesertifiseer is; en
- (c) enige rekening in paragraaf (b) bedoel wat nie aldus gesertifiseer is nie, maar waarvan die betaling spesiaal deur die Raad gemagtig is.

(5) Die Raad lê jaarliks binne ses maande na afloop van die boekjaar van die Fonds die-

- (a) geouditeerde rekeningstate van die bates en laste en van die inkomste en uitgawes van die Fonds vir die betrokke finansiële jaar; en
- (b) 'n verslag oor die uitvoering van die beheerfunksies vir daardie tydperk en die doelwitte en beplanning met betrekking tot toekomstige werksaamhede,

aan die Hoof van die SANW voor.

(6) Die rekeningstate in subregulasie (5)(a) bedoel, moet, indien 'n bydraer of bevoordeelde skriftelik daarom aansoek doen, aan sodanige persoon beskikbaar gestel word.

DEEL V

MEDIESE FONDS B VIR STAANDE MAGLEDE WAT VOOR 1 JANUARIE 1964 MET PENSIOEN AFGETREE HET, EN HUL GESINNE

Instelling van die Fonds

27. Die Fonds wat hierby ingestel word staan bekend as die Mediese Fonds B vir die Staande Mag, is bekleë met regs persoonlikheid en word geag 'n fonds te wees soos beoog in Art 87(1)(f) *ter* van die Verdedigingswet, 1957, wat voorsiening maak vir die geneeskundige, tandheeldkundige en hospitaalbehandeling van lede van die Staande Mag wat voor Januarie 1964 met pensioen afgetree het en hulle gesinne en van die gesinne van lede van genoemde Mag wat voor of op genoemde datum gesterf het.

Bevoegdheid van die Fonds

28. Sonder om afbreuk te doen aan die bepalings van regulasies 29(4), 30 en 36, is die Fonds bevoeg om -

- (a) enige inkomste wat hom ooreenkomstig hierdie regulasies uit bydraes of uit rente op beleggings toekom, of wat hom by wyse van 'n skenking, toekenning of 'n subsidie of op enige ander wyse toeval, te ontvang en om dit in trust te hou;

- (b) uit gelde wat hom aldus toekom of deur hom ontvang is, uitgawes te bestry-
- (i) wat ontstaan uit die verskaffing van die behandeling in regulasie 27 bedoel; en
 - (ii) wat redelikerwys noodsaaklik is en wat aangegaan is vir die reëling en werking van die Fonds;
- (c) enige deel van sodanige inkomste ten voordeel van die Fonds op rente te belê en enige sodanige belegging op te sê.

Instelling van Beheerraad

29. (1) 'n Beheerraad wat uit die volgende lede bestaan word hierby vir die Fonds ingestel-

- (a) die Geneesheer-generaal;
- (b) die Hoof van Personeel;
- (c) die Departementele Rekenmeester (Hoof van Staf Finansies) (ongeach of daardie persoon in 'n pos by die Verdedigingsekreteriaat of by die SANW dien);
- (d) die Personeelstafhoofde van die onderskeie weermagsdele van die SANW;
- (e) die Sersant-majoor van die SANW; en

- (f) drie afgetrede lede van die Staande Mag wat bevoorreedes is welke lede by 'n algemene jaarvergadering van die Fonds verkies is en vir 'n tydperk van twee jaar op 'n keer dien.

(2) Elke ander lid van die Raad stel 'n sekundus aan wat by die afwesigheid van sodanige lid van enige vergadering van die Raad, daardie vergadering kan bywoon en aan die verrigtinge daarvan kan deelneem en stem.

(3) Die Raad kan te eniger tyd 'n persoon of persone koöpteer om die Raad in 'n raadgewende hoedanigheid by te staan.

(4) (a) die Geneesheer-generaal wys -

- (i) 'n bevoegde offisier of afgetrede offisier van die Staande Mag of 'n burgerlike persoon aan as hoof uitvoerende beamppte van die Fonds en dié beamppte tree by die vergaderings van die Raad as sekretaris op en staan bekend as die Bestuurder van die Fonds;

- (ii) 'n bevoegde offisier of afgetrede offisier van die Staande Mag of 'n burgerlike persoon aan as Rekenmeester van die Fonds.

(b) Die Sekretaris van Verdediging of sy of haar gedelegeerde kan goedkeuring verleen vir die skep van poste op die diensstaat van die Staande Mag vir die aanstelling van personeel om die koördinerende en administratiewe pligte wat vir die doeltreffende bestuur en beheer van die Fonds dienstig geag word, uit te voer.

Pligte en Bevoegdhede van die Beheerraad

30. (1) Die Raad oefen op so 'n wyse beheer uit oor die bates en administrasie van die Fonds dat daar te eniger tyd voldoende likwiede bates beskikbaar is vir die bestryding van uitgawes, en vir dié doel is die Raad bevoeg om-

- (a) 'n bankrekening in die naam van die Fonds by 'n finansiële instelling te open en te besluit oor die beskikbaarstelling van gelde uit daardie rekening vir sodanige bestryding of vir belegging beoog en regulasie 28(b) en (c);
- (b) algemene beheer uit te oefen oor die omvang van en die wyse waarop behandeling ingevolge hierdie regulasies verskaf moet word en om, met betrekking tot sodanige verskaffing, 'n beslissing of opdrag wat kragtens hierdie regulasies deur die Geneesheer-generaal of 'n beampte van die Fonds gegee is, te wysig of deur 'n ander beslissing of opdrag te vervang; en
- (c) enigiets te doen wat nodig is vir die reëling of werking van die Fonds en die voorsiening van geneeskundige, tandheelkundige en hospitaalbehandeling van bevoordeeldes van die Fonds;

(2) Die Geneesheer-generaal tree op as voorsitter van die Raad en in sy of haar afwesigheid tree die mees senior lid van die lede gemeld in regulasie 29(1)(b) en (c) op as voorsitter.

(3) Die Raad vergader so dikwels as wat die voorsitter dit nodig ag, maar benewens die Algemene Jaarvergadering, minstens een keer elke drie maande, en al sodanige vergaderings moet deur die raadslede of hul *secundi* bygewoon word, tensy hulle deur die dienende voorsitter om goeie rede van bywoning verskoon word.

- (4) (a) 'n Kworum vir 'n vergadering van die Raad bestaan uit twee derdes van die aantal lede wat op die Raad dien.
- (b) 'n Besluit word geneem by meerderheid van stemme van die lede wat op 'n vergadering van die Raad aanwesig is, en by 'n staking van stemme het die persoon wat op die betrokke vergadering voorsit die beslissende stem.
- (c) 'n Tweederdemeerderheid van stemme van lede wat op 'n vergadering van die Raad aanwesig is, is nodig om enige besluit met betrekking tot dienslewering soos bedoel in subregulasie (1)(b) en (c) te wysig, ter syde te stel of te vervang.

(5) Die notule van elke vergadering van die Raad word opgeteken in 'n boek wat vir dié doel deur die Bestuurder gehou moet word en die notule van 'n vorige vergadering dien na goedkeuring en nadat dit deur die voorsitter onderteken is, as **prima facie** bewys dat die verrigtinge, soos opgeteken, die verrigtinge van daardie vorige vergadering is.

(6) Enige akte, kontrak, prokurasie of ander soortgelyke dokument word geag namens die Fonds of die Raad aangegaan te wees indien dit deur 'n lid van die Raad, wat deur die Raad vir daardie doel aangewys is, en deur die Bestuurder daarvan in naam van die Fonds onderteken is, en 'n promesse of tjek op die bankrekening van die Fonds getrek, moet onderteken word deur twee persone wat deur die Voorsitter vir dié doel aangewys is.

(7) Die Bestuurder van die Fonds kan, met die instemming van die Raad of, indien die Raad nie betyds byeengeroep kan word nie, die Voorsitter van die Raad, na gelang van die geval, namens die Fonds dagvaar, aksie instel, enige aansoek rig, in enige geding teen die Fonds verskyning tot verdediging aanteken of kennisgewing van voorneme om te bestry gee : Met dien verstande dat enige sodanige optrede wat slegs

met instemming van die voorsitter geskied het, deur die Bestuurder van die Fonds by die eersvolgende vergadering van die Raad vir bekragtiging deur die Raad voorgelê moet word.

(8) Die Departement van Verdediging, die lede van die Raad, enige lid van die Nasionale Weermag en iemand wat 'n bydraer tot of 'n bevoordeelde van die Fonds is, is nie, sonder 'n onderneming daartoe, vir enige skuld van die Fonds aanspreeklik nie.

Lede van en Bydraes tot die Fonds

31. (1) Iedere persoon wat voor 1 Januarie 1964 met pensioen uit die diens getree het -

(a) wat gedurende die betrokke dienstermyn in die Staande Mag kragtens die geldende pensioenwette tot 'n staatspensioenfonds bygedra het en daaruit 'n jaargeld ontvang; of

(b) wat voor die bedoelde datum as medies ongeskik uit die Staande Mag ontslaan is en in plaas van of benewens so 'n jaargeld, 'n jaargeld kragtens die Wet op Vergoeding vir Beroepsbeserings en Siektes, 1993 (Wet No 30 van 1993), ontvang; of

(c) se weduwee wat gedurende sy dienstermyn te sterwe gekom het;

kan, behoudens die ander bepalings van hierdie regulasie, as lid van die Fonds toegelaat word: Met dien verstande dat enige weduwee wat tot die Fonds toegelaat word ooreenkomstig regulasie 33(1) tot die Fonds moet bydra.

32. (1) Elke lid van die Fonds is verplig om jaarliks vooruit 'n bydrae aan die Fonds ten bedrae van R36 per jaar te maak, welke bydrae van tyd tot tyd deur die

Raad, met die goedkeuring van die Minister, aangepas kan word met hoogstens 15% per jaar.

(2) Elke persoon wat kragtens hierdie regulasie daarop geregtig is om 'n lid van die Fonds te word, moet by aanvaarding van sodanige aansoek 'n onderneming onderteken dat alle geldelike en ander verpligtinge in hierdie regulasies genoem, teenoor die Fonds nagekom sal word.

(3) Indien 'n lid van die Fonds te sterwe kom, kan sy weduwee by betaling van die bydrae in subregulasie (1) hierbo en die ondertekening van die ooreenkoms in subregulasie (2) hierbo genoem, lid van die Fonds bly en die mediese voordele in regulasie 34 genoem, geniet.

Beëindiging van Lidmaatskap

33. (1) Die voordele van 'n weduwee wat kragtens hierdie regulasies 'n bevoordeelde geword het, en jaarliks voor 31 Maart dokumentêre bewys moet indien aan die Bestuurder van die Fonds om haar status as weduwee te bevestig, verval op die datum waarop sy weer in die huwelik tree, vanaf welke datum haar verpligtinge om enige verdere bydraes tot die Fonds te maak ook verval.

(2) Niemand wie se lidmaatskap ingevolge subregulasie (1) verval het of ingevolge regulasie 35(1) beëindig is, is op die terugbetaling van die bydraes wat deur of ten behoeve van sodanige persoon aan die Fonds betaal is, geregtig nie.

(3) Behoudens subregulasie (1), kan die Raad die kind van 'n lid in regulasie 31(1) bedoel, of 'n weduwee bedoel in subregulasie (2), wat te sterwe kom, as lid van die Fonds inskryf en kan die Raad, nadat 'n weduwee hertrou het, en die Raad oortuig is dat die kind van die afgestorwe lid, wat as gevolg van sodanige hertroue sy aanspraak op behandeling ooreenkomstig hierdie regulasie verbeur het, andersins nie voldoende geneeskundige of hospitaalbehandeling sal geniet nie, magtiging daartoe

verleen dat sodanige kind as lid van die Fonds ingeskryf word, asof die betrokke weduwee gesterf het, of dat daar van tyd tot tyd aan sodanige kind dié behandeling, ingevolge hierdie regulasies, wat die Raad voldoende ag, verskaf word asof die betrokke kind as lid van die Fonds ingeskryf is.

Regte, Voorregte en Verantwoordelikhede van Lede van die Fonds

34. (1) 'n In regulasie 31 bedoelde bevoordeelde en die gesin van sodanige bevoordeelde en enige ander persoon wat by of kragtens hierdie regulasies op die voordele van die Fonds geregtig is, is terwyl lidmaatskap van die Fonds voortduur, maar behoudens die bepalings van hierdie regulasie en subregulasie (2) hieronder, beperk tot dié behandeling en dienste in regulasies 7, 8, 9, 10, 11 en 12 bedoel en die betrokkenes ontvang dit asof die bevoordeelde lid nie afgetree het nie, op voorwaarde dat enige bydrae of bydraes wat deur wie ook al aan die Fonds betaalbaar is, betaal is of word en dat enige voorskrif of vereiste wat kragtens hierdie regulasies neergelê word, nagekom of aan voldoen word: Met dien verstande dat geen sodanige bevoordeelde of die gesin van sodanige bevoordeelde of enige persoon wat op die voordele van die Fonds geregtig is op die behandeling en dienste kragtens hierdie regulasie totdat daar ooreenkomstig regulasie 35(1) drie maande lank tot die Fonds bygedra is nie: Met dien verstande voorts dat die Beheerraad die behandeling waarop 'n bevoordeelde van die Fonds geregtig is, kan bepaal.

(2) Die Raad kan, met inagneming van die omstandighede, ouderdom en verstandelike ontwikkeling van, en die toesig en beheer en voogdyskap oor 'n in regulasie 33(3) bedoelde kind voorwaardes bepaal wat nodig is vir die beheer oor en die administrasie van enige behandeling onder die Fonds van sodanige kind en dat aan enige voorskrif of vereiste wat kragtens hierdie regulasies neergelê of vereis word, nagekom of voldoen word.

(3) Elke persoon wat op voordele van die Fonds geregtig is, ten einde van enige behandeling te ontvang-

- (a) op sodanige tye en wyse en aan sodanige persoon wat die Raad, hetsy in die algemeen of in 'n besondere geval mag bepaal die persoonlike of ander besonderhede verstrek wat by toepassing van hierdie regulasies en vir die behoorlike uitoefening van beheer oor die verskaffing van sodanige behandeling, nodig is;
- (b) enige voorskrif nakom wat die Raad van tyd tot tyd in verband met die identifikasie van sodanige ontvanger van behandeling of diens, uitreik en sodanige persoon moet ook die voorskrifte wat ten opsigte van die verskaffing van sodanige behandeling deur die Geneesheer-generaal neergelê word, nakom; en
- (c) moet ondanks die bepalings van subregulasie (1) hierbo 'n heffing vermeld in subregulasie (13) tot krediet van die Fonds betaal vir enige voorskrif of afskrif van 'n voorskrif of enige medisyne, verbande, mediese prostese, mediese hulpmiddel of enige ander diens daaronder verskaf word, op sodanige voorwaardes as wat deur die Geneesheer-generaal bepaal word ten opsigte daarvan: Met dien verstande dat verskillende heffings ten opsigte van verskillende kategorieë bevoordeeldes of verskaffers, bepaal kan word.

(4) Indien 'n bevoordeelde, die gesin van sodanige bevoordeelde of enige ander persoon wat op voordele van die Fonds geregtig is, versuim om aan 'n bepaling in subregulasie (3)(b) en (c) of 'n voorskrif daarkragtens uitgereik, te voldoen, moet die Geneesheer-generaal of die Hoof van Staf Personeel reël dat vir solank as wat die versuim voortduur, alle behandeling en voordele van die Fonds ten opsigte van sodanige bevoordeelde en die afhanklike van sodanige bevoordeelde of sodanige ander persoon gestaak word.

(5) Indien 'n bevoordeelde of enige ander persoon wat op voordele van die

Fonds geregtig is, versuim om die Bestuurder binne 30 dae vanaf enige verandering van huwelikstaat of van status van die betrokke gesin te verwittig welke verandering die reg van die bevoordeelde of dié afhanklike van die bevoordeelde op behandeling op so 'n wyse affekteer dat dit gestaak moet word of, indien so 'n bevoordeelde of enige ander van die bedoelde persone in gebreke is of bly om aan die bepalinge oor subregulasie (3)(a) en (b) of aan enige voorskrif daarkragtens uitgereik, te voldoen, en as gevolg van sodanige versuim, behandeling in stryd met 'n ingevolge subregulasie (4) reëling ontvang moet die Bestuurder dit aan die Raad rapporteer, wat die betrokke kan gelas om die onkoste van die behandeling wat aldus verskaf is aan die Fonds terug te betaal en moet die Geneesheer-generaal reël dat vir solank as wat die versuim voortduur, alle behandeling en voordele van die Fonds ten opsigte van sodanige bevoordeelde, die afhanklike van sodanige bevoordeelde of sodanige ander persoon gestaak word.

(6) Die Geneesheer-generaal moet besonderhede van enige -

- (a) behandeling van 'n bevoordeelde, 'n afhanklike gesin van daardie bevoordeelde of van 'n ander persoon wat op voordele van die Fonds geregtig is, wat in stryd met hierdie regulasies verskaf is; en
- (b) 'n wanpraktyk of onreëlmatigheid wat plaasgevind het met die verskaffing deur 'n apteker, geneesheer of ander persoon, van enige medisyne, verbande, mediese protese, behandeling of diens aan 'n bevoordeelde, 'n afhanklike van daardie bevoordeelde of aan 'n ander persoon wat op voordele van die Fonds geregtig is, en wat tot sy of haar aandag kom by die Raad aanmeld. Die Raad kan die betrokke bevoordeelde, die afhanklike van die bevoordeelde of sodanige ander persoon se voordele van die Fonds beëindig of gelas dat daardie bevoordeelde of ander persoon, die betrokke ongemagtigde uitgawes aan die Fonds terugbetaal.

(7) (a) In enige geval waar die Geneesheer-generaal in verband met die opname in 'n hospitaal van iemand uit hoofde van subregulasie (1) hierbo dit nodig ag, kan die Geneesheer-generaal magtiging verleen vir die vervoer van die betrokke persoon na of van 'n hospitaal met 'n ambulans of enige staats- of openbare vervoer en vir dié doel magtiging verleen vir die uitreiking van spoorweg-orders teen terugbetaling : Met dien verstande dat magtiging vir die gebruik van privaat vervoer, waar staats- of openbare vervoer nie beskikbaar is nie, deur die Bestuurder van die Fonds op staande magtiging van die Geneesheer-generaal verleen kan word.

(b) Die Fonds moet vir die gebruik van enige vervoer wat kragtens paragraaf (a) gemagtig word, betaal teen-

(i) die tarief wat die Tesourie ten opsigte van toepaslike staatsvervoer bepaal; of

(ii) die openbare tarief ten opsigte van vervoer per trein of per vliegtuig; of

(iii) die tarief wat op enige ander vervoer van toepassing is,

na gelang van die geval.

(8) Behoudens ander toepaslike bepalings in hierdie Deel, moet 'n bevoordeelde van die mediese dienste gebruik maak wat deur 'n militêre mediese of verpleeginrigting, 'n siekeboek of militêre mediese kliniek van die SANW aangebied word : Met dien verstande dat-

- (a) enige persoon wat geregtig is op voordele van die Fonds vooraf om gegronde redes skriftelike toestemming van die Bestuurder kan verkry om van die dienste van 'n mediese of tandheelkundige praktisyn gebruik te maak wat nie verbonde is aan enige van die genoemde inrigtings nie;
- (b) enige bevoordeelde of persoon wat geregtig is op voordele van die Fonds kan uit eie beweging sonder om enige aanspreeklikheid vir die Fonds te skep, op eie onkoste mediese behandeling elders bekom;
- (c) die Raad, op aanbeveling van die Geneesheer-generaal, magtiging kan verleen dat die Fonds vir enige dringende mediese, tandheelkundige of hospitaalbehandeling betaal wat deur enige mediese of tandheelkundige praktisyn of hospitaal in 'n noodgeval verskaf is aan enige persoon wat geregtig is op voordele van die Fonds.

(9) Indien enige persoon wat geregtig is op voordele van die Fonds, bykomend tot die behandeling wat ooreenkomstig hierdie Regulasies verskaf word, ook ander behandeling of die gebruik van alternatiewe geriewe in 'n hospitaal wil bekom, moet daardie persoon vooraf skriftelike goedkeuring daartoe verkry van die Geneesheer-generaal wat, voorwaardes kan stel in verband met die aard en verskaffing daarvan of magtiging kan verleen dat dit of enige deel daarvan op onkoste van die Fonds kan geskied : Met dien verstande dat indien enige van die voorwaardes wat aldus gestel word nie nagekom word nie, die Fonds nie vir betaling van enige sodanige uitgawes aanspreeklik is nie.

(10) Die Fonds kan van 'n bevoordeelde of 'n ander persoon wat op voordele van die Fonds geregtig is die onkoste verhaal van enige behandeling wat aan die bevoordeelde of 'n afhanklike van die bevoordeelde of aan sodanige persoon verskaf

is vir enige besering of ongesteldheid veroorsaak deur 'n derde party teen wie sodanige bevoordeelde, afhanklike, of ander persoon andersins 'n reg van verhaal sou gehad het as die Fonds nie die behandeling verskaf het nie verhaal ongeag of die bevoordeelde, afhanklike, of ander persoon, daardie reg uitgeoefen het al dan nie. Met dien verstande dat die bedoelde onkoste nie verhaal word nie indien die betrokke-

- (a) die Bestuurder binne 30 dae nadat sodanige eisorsaak ontstaan het, skriftelik daarvan verwittig het; en
- (b) op geen tydstip 'n ongemagtigde skikking van sodanige eis aanvaar het of, indien dit van toepassing is, nie ingestem het tot die aanvaarding van 'n skikking deur die betrokke afhanklike nie 'n erkenning tot nadeel van die Fonds aan die derde party gemaak het nie; en
- (c) sodanige onkoste met betrekking tot die behandeling wat verhaal is aan die Fonds vergoed het of enige eis wat om vergoeding met betrekking tot sodanige behandeling of onkoste aan die Fonds gesedeer het.

(11) Hierdie regulasie word nie uitgelê as sou dit die verskaffing op onkoste van die Fonds magtig nie van behandeling soos beoog in regulasie 14(4) ongeag of sodanige behandeling ingevolge genoemde regulasie of ingevolge enige ander wet voorsien word al dan nie.

(12) Die Bestuurder kan 'n dokument wat uit hoofde van hierdie regulasies uitgereik is om 'n bevoordeelde, 'n afhanklike van die bevoordeelde of enige ander persoon wat op voordele van die Fonds geregtig is, te identifiseer of wat magtiging vir enige behandeling ingevolge hierdie regulasies verleen, intrek indien die voordele van 'n persoon daarin vermeld of die reg van sodanige persoon op behandeling kragtens hierdie regulasies opgeskort of gekanselleer is of indien die reg van sodanige persoon

daarop geëindig het of beeindig word, en indien die Bestuurder te eniger tyd sodanige dokument opeis, moet sodanige persoon die dokument aan die Bestuurder oorhandig of laat oorhandig.

(13) Die bydrae in die vorm van 'n heffing waarna subregulasie (3)(c) verwys, is 'n bybetaling van twintig persent op alle mediese dienste deur privaat instansies gelewer, anders as deur Geneesheer-generaal: Met dien verstande dat sodanige heffing nie betaalbaar is in gevalle waar die bevoordeelde deur Geneesheer-generaal of sy gemagtigde na instansies buite die SANW verwys is, vir sodanige behandeling of dienste nie: Met dien verstande voorts dat hierdie heffing ook nie betaalbaar is op tandheelkundige of oogkundige dienste nie.

Grondslag vir die Verskaffing van Behandeling

35. (1) Die Geneesheer-generaal reël en beheer die verskaffing van mediese, tandheelkundige en hospitaalbehandeling van die persone wat kragtens die regulasies in Deel V van hierdie Hoofstuk daarop geregtig is, en sodanige behandeling word, behoudens subregulasie (2) aan hulle verskaf asof hulle 'n dienende lid van die Staande Mag of die gade en kinders, van enige sodanige lid is.

(2) Die Geneesheer-generaal of 'n mediese offisier deur die Geneesheer-generaal vir dié doel aanwys, kan by die verskaffing van enige behandeling in subregulasie (1) beoog, behoudens subregulasie (3)-

- (a) enige militêre mediese diens en fasiliteit wat onder die Geneesheer-generaal se bevel en beheer is, gebruik;
- (b) en sonder om afbreuk te doen aan die bepalings van regulasie 34(8) en (9), indien enige bevoordeelde of, indien van toepassing, 'n afhanklike van die bevoordeelde op 'n plek is waar daar nie 'n militêre hospitaal is nie of indien 'n militêre hospitaal weens

gebrek aan ruimte of fasiliteite wat na die Geneesheer-generaal of genoemde mediese offisier se mening vir die behandeling van so 'n betrokke nê nodig is, die betrokke nê nie kan huisves of doeltreffend behandel nê, magtiging verleen vir daardie pasiënt se opname in of behandeling by enige ander hospitaal of inrigting wat vir die doel aangewys word;

- (c) en sonder om afbreuk te doen aan die bepalings van regulasie 34(8)(b) en (9), ter aanvulling van die dienste en fasiliteite in paragrawe (a) en (b) bedoel, vooraf magtiging verleen vir die lewering van sodanige diens of fasiliteit deur 'n private mediese praktisyn of mediese instansie; en
- (d) aan 'n persoon in subregulasie (1) bedoel, medisyne, verbande, mediese prosteses, mediese hulpmiddels en ander dienste as deel van sodanige persoon se behandeling uit staatsvoorrade verskaf of vooraf magtiging verleen vir die verskaffing daarvan op 'n ander wyse.

(3) Die Fonds moet die Staat vergoed vir enige behandeling en vir enige medisyne, verbande, mediese prostese, mediese hulpmiddel asook enige ander diens wat ingevolge hierdie Regulasies deur die Staat verskaf is, onderworpe aan die voorwaardes en teen die tariewe wat die Geneesheer-generaal, met die goedkeuring van die Tesourie, van tyd tot tyd bepaal met betrekking tot-

- (a) die gebruik van militêre mediese of ander dienste en fasiliteite en die verskaffing van medisyne, verbande, mediese prostese, mediese hulpmiddels en ander dienste vanuit staatsvoorraad;
- (b) die lewering van 'n diens of die gebruik van 'n fasiliteit in subregulasie (2)(b) bedoel; en

- (c) 'n diens of fasiliteit in subregulasie (2)(c) bedoel, en soos ooreengekom met die betrokke instansie of persoon: Met dien verstande dat-
- (i) die tariewe vir die doeleindes van paragrawe (a) en (b) bepaal, nie die verskaffing insluit van enigiets wat nie staatseiendom is nie en wat vir die behandeling deur die Staat aangeskaf moes word, of van enige medisyne, verbande, mediese prostese, mediese hulpmiddel of dienste wat by die toepassing van hierdie regulasie deur 'n privaat apteker op voorskrif aan 'n bevoordeelde, 'n lid van die gesin van daardie bevoordeelde of enige ander persoon wat op voordele van die Fonds geregtig is, verskaf word, en enige sodanige aangeskafte artikel, medisyne, verbande, mediese prostese, mediese hulpmiddel of diens word ten volle deur die Fonds betaal; en
 - (ii) die tariewe vir die doeleindes van hierdie paragraaf bepaal, nie die voorkeurskaal wat van toepassing is vir die verskaffing van soortgelyke dienste en fasiliteite aan lede van ander mediese hulpverenigings mag oorskry nie.

Administratiewe Bepalings

36. (1) Die rekenmeester en ander personeel van die Fonds moet-

- (a) rekeningboeke vir die Fonds aanlê en byhou;
- (b) ooreenkomstig besluite van die Raad die finansiële administrasie van die Fonds onderneem; en

(c) reëlings tref vir die ouditering van die boeke en rekeninge van die Fonds deur 'n geëksperteerde rekenmeester deur die Raad aangestel, en vir die voorlegging aan die Raad van die verslag en rekeningstate waarvoor subregulasie (4) voorsiening maak.

(2) Die Bestuurder beheer, koördineer en voer die administratiewe pligte verbonde aan daardie pos uit, hou rekord van bydraers en bevoordeeldes en oefen beheer uit oor bydraers en bevoordeeldes soos bedoel in regulasie 34.

(3) Die Geneesheer-generaal lewer, vir vereffening, gereeld aan die tesourier van die Fonds-

- (a) rekeninge wat ooreenkomstig die tariewe kragtens regulasie 35 bepaal, opgestel is vir dienste, fasiliteite, medisyne, verbande, mediese hulpmiddels en enige ander diens wat deur die militêre mediese organisasie ingevolge hierdie regulasies gelewer is;
- (b) rekeninge wat deur enige instansie of persoon ooreenkomstig regulasie 35(3) aan gelewer is, nadat sodanige rekenings ondersoek en betaalbaar gesertifiseer is; en
- (c) enige rekening in paragraaf (b) bedoel wat nie aldus gesertifiseer is nie, maar waarvan die betaling spesiaal deur die Raad gemagtig is.

(4) Die Raad lê jaarliks binne ses maande na afloop van die boekjaar van die Fonds die -

- (a) geouditeerde rekeningstate van die bates en laste en van die inkomste en uitgawes van die Fonds vir die betrokke finansiële jaar; en

- (b) 'n verslag oor die uitvoering van die beheerfunksies vir daardie tydperk en die doelwitte en beplanning met betrekking tot toekomstige werksaamhede, aan die Hoof van die SANW voor.

(5) Die rekeningstate in subregulasie (4)(a) bedoel, moet, indien 'n bydraer of bevoordeelde skriftelik daarom aansoek doen, aan sodanige persoon beskikbaar gestel word.

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