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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FINANCE DEPARTEMENT VAN FINANSIES

No. R. 885

23 July 1999

CURRENCY AND EXCHANGES ACT, 1933

AMENDMENT OF EXCHANGE CONTROL REGULATIONS

The President has under section 9 of the Currency and Exchanges Act, 1933 (Act No. 9 of 1933), made the regulations in the Schedule.

SCHEDULE

Definition

1. In these regulations "the Regulations" means the Exchange Control Regulations published by Government Notice No. R. 1111 of 1 December 1961, as amended by Government Notices Nos. R. 872 of 3 June 1966, R. 1647 of 21 October 1966, R. 650 of 19 April 1968, R. 1555 of 15 August 1975, R. 355 of 5 March 1976, R. 357 of 20 February 1981, R. 2610 of 30 November 1984, R. 157(P) of 1 September 1985, R. 2868 of 23 December 1985, R. 957 of 4 May 1987, R. 1416 of 23 June 1987, R. 224 of 19 February 1988, R. 881 of 29 April 1988, R. 1472 of 18 July 1988, R. 427 of 12 March 1995 and R. 1022 of 1 August 1997.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended by the substitution in paragraphs (i) and (ii) of the definition of "affected person" for the figure "50" of the figure "75".

Amendment of regulations 3 (5), 3 (8) and 18 (2) of the Regulations

3. Regulations 3 (5), 3 (8) and 18 (2) of the Regulations are hereby amended by the substitution for the expression "Consolidated Revenue Fund" where it occurs in those regulations, of the expression "National Revenue Fund".

Amendment of regulation 22 (B) (1) (a) of the Regulations

4. Regulation 22 (B) (1) (a) of the Regulations is hereby amended by the substitution for the expression "State Revenue Fund" where it occurs in the regulation, of the expression "National Revenue Fund".

Commencement of regulations

5. These regulations shall be deemed to have come into operation with effect from 11 March 1998.

No. R. 885**23 Julie 1999****WET OP BETAALMIDDELS EN WISSELKOERSE, 1933****WYSIGING VAN DEVIESEBEHEERREGULASIES**

Die President het kragtens artikel 9 van die Wet op Betaalmiddels en Wisselkoerse, 1933 (Wet No. 9 van 1933), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie regulasies beteken "die Regulasies" die Deviesebeheerregulasies afgekondig by Goewermmentskennisgewing No. R. 1111 van 1 Desember 1961, soos gewysig deur Goewermmentskennisgewing Nos. R. 872 van 3 Junie 1966, R. 1647 van 21 Oktober 1966, R. 650 van 19 April 1968, R. 1555 van 15 Augustus 1975, R. 355 van 5 Maart 1976, R. 357 van 20 Februarie 1981, R. 2610 van 30 November 1984, R. 157(P) van 1 September 1985, R. 2868 van 23 Desember 1985, R. 957 van 4 Mei 1987, R. 1416 van 23 Junie 1987, R. 224 van 19 Februarie 1988, R. 881 van 29 April 1988, R. 1472 van 18 Julie 1988, R. 427 van 12 Maart 1995 en R. 1022 van 1 Augustus 1997.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig deur in paragrawe (i) en (ii) van die omskrywing van "geaffekteerde persoon" die syfer "50" deur die syfer "75" te vervang.

Wysiging van regulasies 3 (5), 3 (8) en 18 (2) van die Regulasies

3. Regulasies 3 (5), 3 (8) en 18 (2) van die Regulasies word hierby gewysig deur die uitdrukking "Gekonsolideerde Inkomstefonds" waar dit in daardie regulasies voorkom, deur die uitdrukking "Nasionale Inkomstefonds" te vervang.

Wysiging van regulasie 22 (B) (1) (a) van die Regulasies

4. Regulasie 22 (B) (1) (a) van die Regulasies word hierby gewysig deur die uitdrukking "Staatsinkomstefonds" waar dit in daardie regulasie voorkom, deur die uitdrukking "Nasionale Inkomstefonds" te vervang.

Inwerkingtreëding van regulasies

5. Hierdie regulasies word geag op 11 Maart 1998 in werking te getree het.

No. R. 899**23 July 1999****DETERMINATION OF AMOUNTS FOR PURPOSES OF THE MILITARY PENSIONS ACT, 1976 (ACT No. 84 OF 1976)**

1. The Minister of Finance has, in terms of the provisions of section 1 and 5 of the Military Pensions Act, 1976 (Act No. 84 of 1976), read with section 3 (2) of the Act, determined that, with effect from 1 April 1999—

- (a) for the purpose of formula 1 as defined in section 1 of the said Act, factor A of the said formula shall represent an amount—
 - (i) mentioned in the Schedule; or
 - (ii) the amount as determined by the Director-General to a minimum of **R28 628,64**;
 according to which one of the said amounts is the most advantageous to the member:
- (b) for the purposes of formula II, as defined in section 1 of the said Act, factor C of the said formula shall represent the amount of **R4 752,36**; and
- (c) the gratuity payable to a member who suffers from a pensionable disability which has in terms of said Act been determined at 10 per cent or less shall be **R3 168,00**;
- (d) the gratuity payable to a member who suffers from a pensionable disability which has in terms of the said Act been determined at more than 10 per cent but less than 20 per cent shall be **R6 336,00**.

2. All members who are in possession of a three-year bachelor's degree or a matriculation certificate and who have, immediately prior to 1 April 1998, received an amount as contemplated in paragraph 1 (a) of Government Notice No. R. 1280 of 3 October 1997 shall receive an amount as set out in Schedule.

3. Government Notice No. R 812 of 19 June 1998 is hereby withdrawn.

T. A. Manuel

Minister of Finance

SCHEDULE OF ANNUAL PENSIONS

| Percentage disablement | Basic pension | Matriculation certificate | Three-year bachelor's degree |
|------------------------|---------------|---------------------------|------------------------------|
| 100 | R28 628,64 | R31 580,28 | R40 891,56 |
| 90 | R25 765,80 | R28 422,60 | R36 802,44 |
| 80 | R22 903,08 | R25 264,32 | R32 713,44 |
| 70 | R20 040,00 | R22 106,28 | R28 624,20 |
| 60 | R17 177,16 | R18 948,36 | R24 535,08 |
| 50 | R14 314,44 | R15 790,32 | R20 446,08 |
| 40 | R11 451,48 | R12 632,04 | R16 356,60 |
| 30 | R8 588,64 | R9 474,12 | R12 267,24 |
| 20 | R5 725,68 | R6 316,08 | R8 178,36 |

No. R. 899

23 Julie 1999

BETALING VAN BEDRAE VIR DOELEINDES VAN DIE WET OP MILITÊRE PENSIOENE, 1976 (WET No. 84 VAN 1976)

1. Die Minister van Finansies het kragtens die bepalings van artikels 1 en 5 van die Wet op Militêre Pensioene, 1976 (Wet No. 84 van 1976), saamgelees met artikel 3 (2) van die Wet, met ingang van 1 April 1999—

(a) vir die doeleindes van formule 1, soos omskryf in artikel 1 van gemelde Wet, faktor A van bedoelde formule 1, 'n bedrag voorstel—

(i) die toepaslike bedrag volgens die Bylae; of

(ii) die bedrag soos deur die Direkteur-generaal bepaal tot 'n minimum van **R28 628,64**;

na gelang van watter een van sodanige bedrae vir die lid die voordeligste is;

(b) vir die doeleindes van formule II, soos omskryf in artikel 1 van gemelde Wet, faktor C van bedoelde formule die bedrag van **R4 752,36** voorgestel; en

(c) die gratifikasie betaalbaar aan 'n lid wat ly aan 'n pensioengewende ongeskiktheid wat ingevolge vermeldde Wet op 10 persent of minder vasgestel is, bedra **R3 168,00**;

(d) die gratifikasie betaalbaar aan 'n lid wat ly aan 'n pensioengewende ongeskiktheid wat ingevolge vermeldde Wet op meer as 10 persent en minder as 20 persent vasgestel is, bedra **R6 336,00**.

2. Alle lede wat in besit van 'n driejarige baccalaureus-graad of 'n matrikulasiesertifikaat is en wat onmiddellik voor 1 April 1998 'n bedrag bedoel in paragraaf 1 (a) van Goewermentskennisgewing No. R. 1280 van 3 Oktober 1997 ontvang het, moet 'n bedrag soos uiteengesit in die Bylae ontvang.

3. Goewermentskennisgewing No. R. 812 van 19 Junie 1998 word hierby herroep.

T. A. Manuel

Minister van Finansies

BYLAE VAN JAARLIKSE PENSIOENE

| Persentasie ongeskiktheid | Basiese pensioen | Matrikulasie-sertifikaat | Driejarige baccalaureus-graad |
|---------------------------|------------------|--------------------------|-------------------------------|
| 100 | R28 628,64 | R31 580,28 | R40 891,56 |
| 90 | R25 765,80 | R28 422,60 | R36 802,44 |
| 80 | R22 903,08 | R25 264,32 | R32 713,44 |
| 70 | R20 040,00 | R22 106,28 | R28 624,20 |
| 60 | R17 177,16 | R18 948,36 | R24 535,08 |

| Persentasie ongeskiktheid | Basiese pensioen | Matrikulasie-sertifikaat | Driejarige baccalareus-graad |
|---------------------------|------------------|--------------------------|------------------------------|
| 50 | R14 314,44 | R15 790,32 | R20 446,08 |
| 40 | R11 451,48 | R12 632,04 | R16 356,60 |
| 30 | R8 588,64 | R9 474,12 | R12 267,24 |
| 20 | R5 725,68 | R6 316,08 | R8 178,36 |

**DEPARTEMENT OF JUSTICE
DEPARTEMENT VAN JUSTISIE**

No. R. 889**23 July 1999**

AMENDMENT OF THE RULES REGULATING THE PROCEEDINGS OF THE NORTHERN CAPE DIVISION OF THE HIGH COURT OF SOUTH AFRICA

Notice is hereby given that the Judge President of the Northern Cape Division of the High Court of South Africa has, in terms of section 43 (2) (b) of the Supreme Court Act, 1959 (Act No. 59 of 1959), with effect from the commencement of the first term of the year 2000, amended the rules regulating the proceedings of the Northern Cape Division of the High Court of South Africa by the substitution for rule 7 (5) of the following rule:

- "7 (5) (a) Heads of argument in criminal appeals from an inferior court, as referred to in rule 51 (4) of the uniform rules, shall be delivered on behalf of the appellant fifteen court days before the date of hearing of the appeal, and on behalf of the respondent ten court days before that date, if the appeal record comprises less than 300 pages.
- (b) If the appeal record comprises 300 or more pages, and in all full bench appeals, heads of argument on behalf of the appellant shall be delivered twenty court days before the date of hearing of the appeal, and those on behalf of the respondent fifteen court days before that date.
- (c) In the notice of placement on the roll of the appeal, the Director of Public Prosecutions informs the appellant of the relevant provisions of paragraphs (a) and (b): Provided that he or she may, in the case of lengthy appeals, determine longer periods than those prescribed in paragraphs (a) and (b), if he or she deems it expedient."

No. R. 889**23 July 1999**

WYSIGING VAN DIE REËLS WAARBY DIE VERRIGTINGE VAN DIE NOORD-KAAPSE AFDELING VAN DIE HOË HOF VAN SUID-AFRIKA GEREËL WORD

Kennis word hierby gegee dat die Regter-president van die Noord-Kaapse Afdeling van die Hoë Hof van Suid-Afrika kragtens artikel 43 (2) (b) van die Wet op die Hooggeregshof, 1959 (Wet No. 59 van 1959), die reëls waarby die verrigtinge van die Noord-Kaapse Afdeling van die Hoë Hof van Suid-Afrika gereël word, met ingang van die eerste termyn van die jaar 2000, gewysig het deur die vervanging van reël 7 (5) deur die volgende reël:

- "7 (5) (a) Betooghoofde in strafappelle vanaf 'n laerhof, soos bedoel in reël 51 (4) van die eenvormige reëls, word vyftien hofdae voor die verhoordatum van die appèl afgelewer namens die appellant, en tien hofdae voor daardie datum namens die respondent, indien die appèloorkonde minder as 300 bladsye beslaan.
- (b) Indien die appèloorkonde 300 of meer bladsye beslaan, en in alle volbank appelle, word betooghoofde namens die appellant twintig hofdae voor die verhoordatum van die appèl afgelewer, en dié namens die respondent vyftien hofdae voor daardie datum.
- (c) In die kennisgewing van terrolleplasing van die appèl verwittig die Direkteur van Openbare Vervolgings die appellant van die tersaaklike bepalings van paragrawe (a) en (b): Met dien verstande dat hy of sy in die geval van lywige appelle langer tydperke kan bepaal as dié in paragrawe (a) en (b) voorgeskryf, indien hy of sy dit dienstig ag."

**DEPARTMENT OF DEFENCE
DEPARTEMENT VAN VERDEDIGING**

No. R. 900**23 July 1999**

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

The Minister of Defence has, in terms of section 87 (1), read with sections 12 (1) (f), 30 (2) and 45 (2) of the Defence Act, 1957 (Act No. 44 of 1957), published the regulations in the Schedule.

SCHEDULE

Definition

1. In this Schedule "the Regulations" means Chapter III of the General Regulations for the South African National Defence Force and the Reserve, published in Government Notice No. R. 2213 of 10 December 1971, as amended by Government Notices Nos. R. 507 of 29 March 1974, R. 314 of 27 February 1976, R. 572 of 23 March 1978, R. 832 of 21 April 1978, R. 2203 of 24 October 1986, R. 542 of 16 March 1990, R. 585 of 22 March 1991, R. 2703 of 15 November 1991, R. 922 of 28 May 1993, R. 2146 of 12 November 1993, R. 950 of 18 July 1997 and R. 258 of 20 February 1998.

Amendment of Chapter III of regulations

2. Regulation 8 of the Regulations is hereby substituted with the following amended regulation:

- "8. (1) An honorary colonel may, with the approval of the Minister, be appointed to a unit of the SA National Defence Force on conditions determined by Chief of the SA National Defence Force.
- (2) Any person may, with the approval of the Minister or an officer authorised thereto by him, be appointed as honorary member of a unit of the SA National Defence Force on conditions determined by Chief of the SA National Defence Force.
- (3) An appointment as an honorary colonel or an honorary member shall confer no military status or power of command on the holder thereof, but an honorary colonel or honorary member shall be entitled to wear the uniform of the unit concerned on the occasions as may be determined by the relative Chief of the Service.
- (4) The restricting of the number of honorary members per unit shall be as prescribed.
- (5) The termination of the appointment of an honorary colonel and honorary member shall be as prescribed."

3. Regulation 11 of the Regulations is hereby amended by the insertion of the following subregulation after regulation (9):

- "(10) Subject to the provisions of section 34 (10) (vii) and (viii) of the Military Discipline Supplementary Measures Act, 1999, when an officer is sentenced by a military court to—
- (a) reduction to any lower commissioned rank, to any lower rank, to any non-commissioned rank or to the ranks, such an officer shall take the most junior position on the seniority list of the rank to which he or she was reduced, and that officer's pay shall be diminished according to that which appertains to that new rank;
 - (b) When an officer is sentenced to reversion from any temporary or acting rank to his or her substantive rank, that officer's pay shall be diminished to that which appertains to his or her substantive rank."

4. Regulation 13 of the Regulations is hereby substituted with the following regulation:

- "13. (1) The Minister or an officer authorised thereto by him or her may subject to the other provisions of this regulation, and provided that a suitable vacancy exists, promote any officer on grounds of his or her efficiency and qualifications.

5. Regulation 19 of the Regulations is hereby substituted with the following regulation:

- "19. (1) Subject to the provisions of sections 12 (1), 83, 85, 86 and 96 of the Act, the Minister may, under section 12 (1) (f) of the Act, discharge an officer of the Permanent Force—
- (a) on account of misconduct, where—
 - (i) he or she has been absent from duty, without leave for an unbroken period of three months or more;
 - (ii) he or she has, while serving, been convicted by a military or civil court of an offence which, in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued service in the Permanent Force undesirable;
 - (iii) before, or since his or her appointment, he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually, would not justify or did not lead to his or her discharge on account of misconduct, but considered collectively, renders his or her continued employment in the Permanent Force undesirable;

- (iv) owing to his or her recurrent conviction over a period by military courts of offences, he or she is considered not to be amenable to military discipline;
 - (b) if, he or she is appointed on probation, and his or her appointment is not confirmed or if the conditions of a conditional appointment are not fulfilled;
 - (c) on account of unfitness for his or her duties or incapacity to carry his or her duties out efficiently;
 - (d) on the grounds of the material misrepresentation of his or her position as regards to a condition for his or her appointment, to any rank or post in the Permanent Force;
 - (e) if his or her continued employment constitutes a real or potential security risk to the Department of Defence;
 - (f) if he or she, at any time during his or her formative training or specialised training in the corps or mustering he or she has been appointed, proves to be unsuitable for such training and is not regarded suitable to be remustered for employment in any other corps or mustering in the Permanent Force;
 - (g) if he or she, after he or she has been instructed in terms of section 144*bis* of the Act to submit himself or herself to immunisation and prophylaxis, has refused to do so;
 - (h) if he or she is transferred to another state department or an institution or a body established by or under any law and which obtains its funds directly, entirely or in part from the National Income Fund;
 - (i) if the President appoints him or her in the public interest under any law to an office to which the provisions of the Defence Act, 1957 (Act No. 44 of 1957) do not apply; or
 - (j) if he or she accepts a nomination for election as a member of the Parliament or of the Provincial Legislature.
 - (k) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct.
- (2) In the application of regulation 19 (1) (a)—
- (a) an officer may be discharged in absentia in terms of subparagraph (i) and his or her discharge will be effective from the first day following the day on which he or she was last on duty at his or her place of work; and
 - (b) an officer who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which his or her sentence has been imposed.
- (3) An officer, who has been discharged in terms of subregulation (1), is not exempted from any service or training for which he or she is liable under the Act and must be allotted to the Citizen Force or the Commandos to complete the unexpired period of such service or training.”

6. Regulation 24 of the Regulations is hereby substituted with the following regulation:

“24. An officer serving in the Citizen Force or the Commandos shall be retired from the date he or she attains the age of 65 years: Provided that the Minister or any person acting under his or her authority may extend the date of retirement of such officer, with his or her consent, but at most until such officer reaches the age of 75 years.—

7. The following regulation is hereby inserted after regulation 24 of the Regulations:

“Termination of Service of Officers of the Citizen Force and the Commandos

- 24A. (1) An officer of the Citizen Force and the Commandos (hereafter referred to as the Reserve Force) shall be discharged from the said Reserve Force—
- (a) with effect from the date upon which he or she attains the age contemplated in regulation 24;
 - (b) upon expiration of the period of service for which he or she is liable to serve in terms of section 22 or 35 of the Act: Provided that the officer concerned has not re-engaged for further service on a voluntary basis in the Reserve Force.
 - (c) upon expiration of an engagement for a specified period and he or she has not re-engaged for a further period of service in terms of section 20, 24 or 36 of the Act;
 - (d) subject to any liability incurred in terms of section 2 (3) and (4) of the Act, upon satisfactory proof of the termination of his or her South African Citizenship or, if he or she is not a South African citizen, upon satisfactory proof of termination of his or her domicile in the Republic;
 - (e) when an exemption board has, in terms of the Act, granted him or her total exemption of service in the Reserve Force;
 - (f) on appointment in the Permanent Force, the South African Police Service or the Department of Correctional Services prior to the expiration of the period of service he or she is liable to serve in the Reserve Force in terms of the Act.

- (2) The Minister may, subject to the provisions of sections 30 (1), 45 (1), 83, 85, 86 and 96 of the Act, discharge an officer of the Reserve Force in terms of section 20 (2) or 45 (2)—
- (a) on account of misconduct, where—
 - (i) he or she has, while serving, been convicted by a military or civil court of an offence which in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued service in the Reserve Force undesirable;
 - (ii) before, or since his or her appointment, he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually, would not justify or did not lead to his or her discharge on account of misconduct, but considered collectively, renders his or her continued employment in the Reserve Force undesirable;
 - (iii) owing to his or her recurrent conviction over a period by military courts of offences, he or she is considered not to be amenable to military discipline;
 - (b) if, he or she is appointed on probation, and his or her appointment is not confirmed or if the conditions of a conditional appointment are not fulfilled;
 - (c) on account of unfitness for his or her duties or incapacity to carry out his or her duties efficiently;
 - (d) on the grounds of the material misrepresentation of his or her position as regards a condition for his or her appointment at the time of appointment, to any rank or post in the Reserve Force;
 - (e) if his or her continued employment constitutes a real or potential security risk to the Department of Defence;
 - (f) if he or she, at any time during his or her formative training or specialised training in the corps or mustering he or she has been appointed, proves to be unsuitable for such training and is not regarded suitable to be remustered for employment in any other corps or mustering in the Reserve Force;
 - (g) if he or she, after he or she has been instructed in terms of section 144bis of the Act, to submit himself or herself to immunisation and prophylaxis, has refused to do so;
 - (h) if the President appoints him or her in the public interest under any law to an office to which the provisions of the Defence Act, 1957 (Act No. 44 of 1957), do not apply;
 - (i) if he or she is elected as a member of the Parliament or of the Provincial legislature;
 - (j) on account of ill-health;
 - (k) owing to the abolition of his or her post or the reorganisation of the Reserve Force or of any headquarters, Service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;
 - (l) on the grounds that his or her discharge shall promote efficiency in the Reserve Force or at any headquarters, Service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;
 - (m) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct.
- (3) In the application of paragraph 19 (2) (a)—
- (a) an officer may be discharged in absentia in terms of subparagraph (i) or (ii) thereof and his or her discharge will be effective from the first day following the day on which he or she was last on duty at his or her place of work; and
 - (b) an officer who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which the sentence has been imposed."

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

The Minister of Defence has, in terms of section 87 (1), read with sections 12 (1) (f), 30 (2) and 45 (2) of the Defence Act, 1957 (Act No. 44 of 1957), published the regulations in the Schedule.

SCHEDULE**Definitions**

1. In this Schedule "the Regulations" means Chapter IV of the General Regulations for the South African National Defence Force and the Reserve, published in Government Notice No. R. 274 of 26 February 1971, as amended by Government Notices Nos. R. 314 of 27 February 1976, R. 832 of 21 April 1978, R. 2203 of 24 October 1986, R. 2172 of 14 September 1990, R. 585 of 22 March 1991 and R. 949 of 18 July 1997.

Amendment of Chapter IV of regulations

2. Regulation 11 of the Regulations is hereby amended by the insertion of the following subregulation after subregulation (7):

"8. Subject to the provision of section 34 (10) (vii) and (viii) of the Military Discipline Supplementary Measures Act, 1999, when an other rank is sentenced by a military court to—

- (a) reduction to any lower commissioned rank, to any lower rank, to any non-commissioned rank or to the ranks, such an other rank shall take the most junior position on the seniority list of the rank to which he or she was reduced, and that other rank's pay shall be diminished according to that which appertains to that new rank.
- (b) When an other rank is sentenced to reversion from any temporary or acting rank to his or her substantive rank, that other rank's pay shall be diminished to that which appertains to his or her substantive rank."

3. Regulation 21 of the Regulations is hereby substituted with the following regulation:

"21. (1) Subject to the provisions of sections 12 (1), 85 and 96 of the Act, the Minister may, under section 12 (1) (f) of the Act, discharge an other rank of the Permanent Force—

(a) on account of misconduct where—

- (i) he or she has been absent from duty, without leave for an unbroken period of three months or more;
- (ii) he or she has, while serving, been convicted by a military or civil court of an offence which, in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued service in the Permanent Force undesirable;
- (iv) owing to his or her recurrent conviction over a period by military courts of offences, which, considered individually, may not be serious, he or she is considered not to be amenable to military discipline;

(b) if, he or she at any time during the first year of his or her service, proves to be unsuitable for military service;

(c) on account of unfitness for his or her duties or incapacity to carry them out efficiently;

(d) on the grounds of the material misrepresentation of his or her position as regards to a condition for his or her appointment at the time of such appointment, to any rank or post in the Permanent Force;

(e) if his or her continued employment constitutes a real or potential security risk to the Department of Defence.

(f) if he or she, at any time during his or her basic training or specialised training in the corps or mustering he or she has been appointed, proves to be unsuitable for such training and is not regarded suitable to be remustered for employment in any other corps or mustering in the Permanent Force;

(g) if he or she, after he or she has been instructed in terms of section 144*bis* of the Act to submit himself or herself to immunisation and prophylaxis, has refused to do so;

(h) if he or she is transferred to another state department or an institution or a body established by or under any law, and which obtains its funds directly, entirely or in part from the National Income Fund;

(i) if he or she accepts nomination for election as member of Parliament or of the Provincial Legislature;

(j) if the President appoints him or her in the public interest under any law to an office to which the provisions of the Defence Act, 1957 (Act No. 44 of 1957), do not apply;

(k) due to pregnancy, has given notice not to continue with her service in the Permanent Force; and

(l) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct.

(2) In the application of regulation 21 (1) (a)—

- (a) an other rank can be discharge in absentia in terms of subparagraph (i), and his or her discharge will be effective from the first day following the day on which he or she was last on duty at his or her place of word; and
- (b) an other rank who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which his or her sentence has been imposed.

(3) An other rank, who has been discharged in terms of subregulation (1), is not exempted from any service or training for which he or she is liable under the Act and must be allotted to the Citizen Force or the Commando's to complete the unexpired period of such service or training."

4. The following regulation is hereby inserted after regulation 21 of the Regulations:

"Conditions for Discharge by Purchase

21A. An other rank shall not be discharged by purchase in terms of section 12 (1) (b) of the Act—

- (a) prior to the expiry of a period of notice of three months or a lesser period which the Minister or an officer acting under his or her authority may in exceptional circumstances approve;
- (b) before the payment of the amount determined in accordance with the scale indicated below on the last day of his or her service—

| Years of Service and nature of appointment | Purchase money payable | Special conditions |
|---|------------------------|--|
| a | b | c |
| (i) During the first and second year of service in either the short-term or the medium-term or the long-term system | R10 | |
| (ii) During the third and ensuing years of continuous service. | R5 | This amount is only payable by a member who is transferred from the short-term system to the medium-term system and from the medium-term system to the long-term system without interruption in service. |

- (c) while disciplinary action against the other rank concerned is contemplated, in progress or he or she is serving a sentence of detention; or
- (d) if such other rank is a minor, until his or her parent's or guardian's written consent has been submitted."

5. Regulation 20 of the Regulations is hereby substituted with the following regulations:

"20. An other rank serving in the Citizen Force or the Commando's shall be retired on the date he or she attains the age of 65 years with the proviso that the Chief of the SA National Defence Force may extend the date of retirement of such other rank, with his or her consent, but at most until such other rank reaches the age of 75 years.

6. Regulation 22 of the Regulations is hereby substituted with the following regulations:

"22. (1) An other rank of the Citizen Force and the Commandos (hereafter referred to as the Reserve Force) shall be discharged from the said component—

- (a) with effect from the date upon which he or she attains the age contemplated in regulation 20;
- (b) upon expiration of the period of service for which he or she is liable to serve in terms of section 22 or 35 of the Act: Provided that the other rank concerned has not re-engaged for further service on a voluntary basis in the Reserve Force;
- (c) upon expiration of an engagement for a specified period, and he or she has not re-engaged for a further period of service in terms of section 20, 24 or 36 of the Act;
- (d) subject to any liability incurred in terms of section 2 (3) and (4) of the Act, upon satisfactory proof of the termination of his or her South African Citizenship or, if he or she is not a South African Citizen, upon satisfactory proof of termination of his or her domicile in the Republic;
- (e) when an exemption board has, in terms of the Act, granted him or her total exemption of service in the Reserve Force;

- (f) on appointment in the Permanent Force, the South African Police Service or the Department of Correctional Services prior to the expiration of the period of service he or she is liable to serve in the Reserve Force in terms of the Act; and
 - (g) owing to his or her resignation: Provided that he or she has given at least three months written notice of his or her intention to resign to his or her officer commanding.
- (2) Subject to the provisions of section 30 (1), 45 (1), 85, 86 and 96 of the Act, the Minister may, under section 30 (2) or 45 (2) of the Act, terminate the service of an other rank of the Reserve Force—
- (a) on account of misconduct where—
 - (i) he or she has, while serving, been convicted by a military or civil court of an offence which, in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued service in the Reserve Force undesirable;
 - (ii) before, or since his or her appointment, he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually, would not justify or did not lead to his discharge on account of misconduct, but considered collectively, renders his or her continued employment in the Reserve Force, undesirable;
 - (iii) owing to his or her recurrent conviction over a period by military courts of offences, he or she is considered not to be amenable to military discipline;
 - (b) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct; or
 - (c) on the grounds of the material misrepresentation of his or her position as regards a condition for his or her appointment to any rank or post in the Reserve Force;
 - (d) if his or her continued employment constitutes a real or potential security risk to the Department of Defence;
 - (e) if he or she, at any time during his or her training or specialised training in the corps or mustering he or she has been enrolled, proves to be unsuitable for such training and is not regarded suitable to be remustered for employment in any other corps or mustering in the Reserve Force;
 - (f) if he or she, after he or she has been instructed in terms of section 144*bis* of the Act to submit himself or herself to immunisation and prophylaxis, has refused to do so;
 - (g) if the President appoints him or her in the public interest under any law to an office to which the provisions of the Defence Act, 1957 (Act No. 44 of 1957), do not apply;
 - (h) if he or she is elected as a member of Parliament or of the Provincial Legislature;
 - (i) on account of ill-health;
 - (j) owing to the abolition of his or her post or the reorganisation of the Reserve Force or of any headquarters, Service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;
 - (k) on the grounds that his or her discharge shall promote efficiency in the Reserve Force or at any headquarters, Service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;
 - (l) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct.
- (3) In the application of paragraph (a) of subregulation (2)—
- (a) an other rank discharge may be discharged in absentia in terms of regulation 21 (1) (a) subparagraph (i) and his or her discharge shall be effective from the first day following the day on which he or she was on the last day duty at his or her place of work; and
 - (b) an other rank who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which his or her sentence has been imposed.
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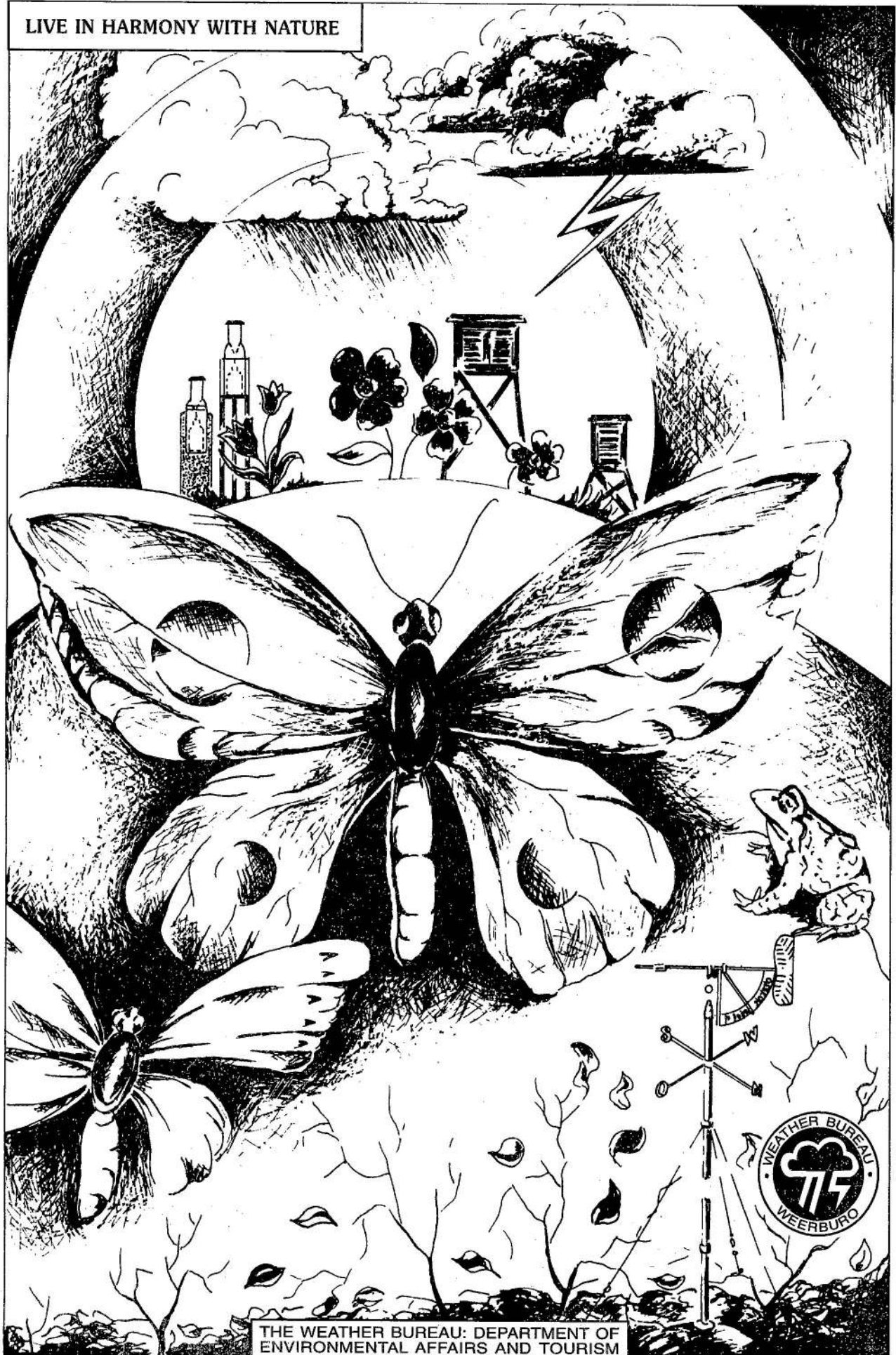
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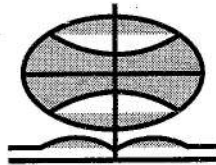
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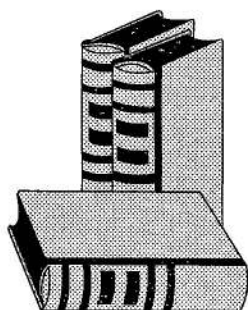
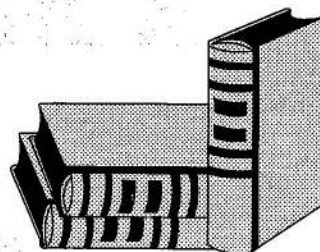
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