



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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CAPE TOWN, 19TH MARCH, 1969.

DEPARTEMENT VAN DIE EERSTE MINISTER.

DEPARTMENT OF THE PRIME MINISTER.

No. 396.

19 Maart 1969.

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

No. 3 van 1969: Wysigingswet op Verdediging, 1969.

No. 396.

19th March, 1969.

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

No. 3 of 1969: Defence Amendment Act, 1969.

Act No. 3, 1969

DEFENCE AMENDMENT ACT, 1969.

ACT

To amend the provisions of the Defence Act, 1957, relating to voluntary service in a commando and to selection lists; to authorize the delegation of certain powers by the Minister; to provide for the Commandant General to be the head of the Department of Defence and for the maintenance of discipline over officers and employees of the Department of Defence by members of the Permanent Force; and to improve the Afrikaans text of section 122 (1) (a).

*(Afrikaans text signed by the State President.)
(Assented to 6th March, 1969.)*

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

Substitution of
section 36 of
Act 44 of 1957.

1. The following section is hereby substituted for section 36 of the Defence Act, 1957 (hereinafter referred to as the principal Act):

"Voluntary
service
in a
commando.

36. Any citizen liable to render service in terms of this Act, or any person (other than a citizen) domiciled in the Republic who, in either case, is not serving in the Permanent Force, the Citizen Force, the South African Police or the Railways and Harbours Police and is not a member of the Prisons Service as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959), may in accordance with regulations engage to serve as a member of a commando for such period and under such conditions as may be prescribed.”.

Amendment of
section 37 of
Act 44 of 1957.

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

“(1) With the approval of the Minister or any person acting under his authority, and under such conditions as may be prescribed, persons who are not eligible in terms of section 36 to engage as members of a commando may be appointed as honorary members thereof, but the number of such honorary members shall not exceed ten in any commando.”.

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

3. Section 51 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any officer who has received training of a special nature may, on the directions of the Minister or any person acting under his authority, be required to undergo such refresher course as may be prescribed, but any such refresher course shall not exceed thirty days during any period of five years.”.

Amendment of
section 52 of
Act 44 of 1957,
as amended by

4. Section 52 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Members of the Permanent Force Reserve shall be liable to render service in terms of Chapter X in the

WET

Tot wysiging van die bepalings van die Verdedigingswet, 1957, met betrekking tot vrywillige diens in 'n kommando en tot keurlyste; om die delegering van sekere bevoegdhede deur die Minister te magtig; om voorsiening te maak dat die Kommandant-generaal die hoof van die Departement van Verdediging is en vir die handhawing van dissipline deur lede van die Staande Mag oor beampies en werkneemers in die Departement van Verdediging; en om die Afrikaanse teks van artikel 122 (1) (a) te verbeter.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 6 Maart 1969.)*

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

1. Artikel 36 van die Verdedigingswet, 1957 (hieronder die Vervanging van Hoofwet genoem), word hierby deur die volgende artikel vervang:

„Vrywillige diens in 'n kommando. 36. 'n Burger wat ooreenkomsdig hierdie Wet dienspligtig is, of 'n persoon (behalwe 'n burger) wat in die Republiek gedomisilieer is en wat, in die een of die ander geval, nie in die Staande Mag, die Burgermag, die Suid-Afrikaanse Polisie of die Spoorweg- en Hawepolisie dien nie, en wat nie 'n lid van die Gevangenisdiens soos omskryf in artikel 1 van die Wet op Gevangenis, 1959 (Wet No. 8 van 1959), is nie, kan hom in ooreenstemming met regulasies verbind om vir die tydperk en onder die voorwaardes wat voorgeskryf mag word as 'n lid van 'n kommando te dien.”.

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

„(1) Met die goedkeuring van die Minister of iemand wat op sy gesag handel, en onder die voorwaardes wat voorgeskryf mag word, kan persone wat hulle nie ooreenkomsdig artikel 36 as lede van 'n kommando kan verbind nie, as erelede daarvan aangestel word, maar die aantal sodanige erelede is hoogstens tien in 'n kommando.”.

3. Artikel 51 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) 'n Offisier wat opleiding van 'n spesiale aard ontvang het, kan op las van die Minister of iemand wat op sy gesag handel verplig word om so 'n herhalingskursus te volg as wat voorgeskryf word, maar so 'n herhalingskursus duur nie langer as dertig dae gedurende enige tydperk van vyf jaar nie.”.

4. Artikel 52 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Lede van die Staandemagreserwe kan verplig word om diens ingevolge Hoofstuk X in die Staande Mag te

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section 1 of Act 83 of 1962 and section 27 of Act 85 of 1967.

Permanent Force, and may, if the Minister or any person acting under his authority so directs, be attached to any other portion of the South African Defence Force as the public interest may require.”.

Substitution of section 62 of Act 44 of 1957.

5. The following section is hereby substituted for section 62 of the principal Act:

“Appoint-
ment of
registering
officer.

62. The Minister or any person acting under his authority shall appoint an officer of the South African Defence Force as the registering officer for the purposes of this Chapter.”.

Amendment of section 66 of Act 44 of 1957, as inserted by section 38 of Act 85 of 1967.

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

(a) by the substitution for subparagraph (i) of paragraph (a) of subsection (2) of the following subparagraph:

“(i) has applied for registration in terms of section 63 and is in his seventeenth year or older;”;

(b) by the substitution for subparagraph (iii) of the said paragraph of the following subparagraph:

“(iii) has not been included in any previous selection list;”; and

(c) by the substitution for paragraph (b) of the said subsection of the following paragraph:

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

Insertion of section 83A in Act 44 of 1957.

7. (1) The following section is hereby inserted in the principal Act after section 83:

“The Commandant General of the South African Defence Force deemed to be head of the Department of Defence.

83A. (1) Notwithstanding anything to the contrary contained in the laws governing the Public Service, the officer appointed or lawfully acting as the Commandant General of the South African Defence Force shall for all purposes be deemed to be the head of the Department of Defence and he shall be vested with all the powers and charged with all the duties and functions conferred or imposed on or entrusted to the head of that department by or under any law: Provided that the conditions of service of the said officer shall, subject to the provisions of section 2 (2) of the Public Service Act, 1957 (Act No. 54 of 1957), be governed by this Act: Provided further that such officer shall also be entitled to the privileges of a head of a department as are not conferred on such officer by this Act.

(2) For the purposes of the maintenance of discipline over officers or employees within the meaning of the laws governing the Public Service who are employed in the Department of Defence, members of the Permanent Force shall be deemed to be officers within the meaning of those laws.

(3) Any reference in any law or document to a head of department, a head of a department, the head of the department or the Secretary for Defence shall be construed as including a reference to the officer appointed or lawfully acting as the Commandant General of the South African Defence Force.”.

(2) This section shall be deemed to have come into operation on the seventeenth day of October, 1966.

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doen, en kan, indien die Minister of iemand wat op sy gesag handel dit gelas, in enige ander deel van die Suid-Afrikaanse Weermag opgeneem word, al na die openbare belang vereis.”.

deur artikel 1 van Wet 83 van 1962 en artikel 27 van Wet 85 van 1967.

5. Artikel 62 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aan-stelling van registrasie-beampte. **62. Die Minister of iemand wat op sy gesag handel stel 'n offisier van die Suid-Afrikaanse Weermag aan as registrasiebeampte vir die doeleindes van hierdie Hoofstuk.”.**

6. Artikel 66 van die Hoofwet word hierby gewysig—

(a) deur subparagraaf (i) van paragraaf (a) van subartikel (2) deur die volgende subparagraaf te vervang:

„(i) ingevolge artikel 63 om registrasie aansoek gedoen het, en in sy sewentiende jaar of ouer is;”;

(b) deur subparagraaf (iii) van genoemde paragraaf deur die volgende subparagraaf te vervang:

„(iii) nie in 'n vorige keurlys ingesluit is nie;”; en

(c) deur paragraaf (b) van genoemde subartikel deur die volgende paragraaf te vervang:

„(b) wat in sy sewentiende jaar of ouer maar nie ouer as vyf-en-twintig jaar is nie en, na die wete van die registrasiebeampte, versuim het om soos by artikel 63 vereis word, om registrasie aansoek te doen; of”.

Vervanging van artikel 62 van Wet 44 van 1957.

Wysiging van artikel 66 van Wet 44 van 1957, soos ingevoeg deur artikel 38 van Wet 85 van 1957.

7. (1) Die volgende artikel word hierby in die Hoofwet na artikel 83 ingevoeg:

„Die Kommandant-generaal van die Suid-Afrikaanse Weermag geag hoof van die Departement van Verdediging te wees.

83A. (1) Ondanks andersluidende wetsbepalings op die Staatsdiens, word die offisier wat aangestel is of wettiglik waarneem as die Kommandant-generaal van die Suid-Afrikaanse Weermag vir alle doeleindes geag die hoof van die Departement van Verdediging te wees en beskik hy oor al die bevoegdhede en is hy beklee met al die pligte en werksamehede wat aan die hoof van daardie departement by of kragtens enige wetsbepaling verleen of opgelê of toevertrou word: Met dien verstande dat die diensvoorraad van bedoelde offisier, behoudens die bepalings van artikel 2 (2) van die Staatsdienswet, 1957 (Wet No. 54 van 1957), deur hierdie Wet gereël word: Met dien verstande voorts dat bedoelde offisier ook geregty is op die voorregte van 'n departementshoof wat nie deur hierdie Wet aan bedoelde offisier verleen word nie.

(2) Vir die doeleindes van die handhawing van dissipline oor beampies of werkemers binne die bedoeling van die wetsbepalings op die Staatsdiens wat in die Departement van Verdediging werksaam is, word lede van die Staande Mag geag beampies te wees binne die bedoeling van daardie wetsbepalings.

(3) 'n Verwysing in 'n wetsbepaling of dokument na 'n departementshoof, 'n hoof van 'n departement, die hoof van die departement of die Sekretaris van Verdediging word uitgelê as 'n verwysing ook na die offisier wat aangestel is of wat wettiglik waarneem as die Kommandant-generaal van die Suid-Afrikaanse Weermag.”.

(2) Hierdie artikel word geag op die sewentiende dag van Oktober 1966 in werking te getree het.

Invoeging van artikel 83A in Wet 44 van 1957.

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

Amendment of section 86 of Act 44 of 1957, as amended by section 8 of Act 12 of 1961 and section 50 of Act 85 of 1967.

Amendment of section 88 of Act 44 of 1957.

Amendment of section 122 of Act 44 of 1957, as amended by section 24 of Act 77 of 1963, section 20 of Act 39 of 1966 and section 59 of Act 85 of 1967.

Short title.

8. Section 84 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The ages of retirement of officers of the South African Defence Force shall be as prescribed, but in special cases, and subject, in the case of members of the Permanent Force, to the provisions of section 9, the Minister or any person acting under his authority may, with the consent of any officer, extend the date of his retirement to a date beyond that on which he attains the prescribed age.”

9. Section 86 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Any such notice shall take effect upon the expiration of a period of three months after the date upon which it is lodged with such officer's commanding officer or on such earlier date as may be approved by the Minister or any person acting under his authority: Provided that an officer shall not in consequence of his resignation be exempt from any service or training for which he may be liable under this Act.”

10. Section 88 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister or any person acting under his authority may from time to time, by notice in the *Gazette*, designate a mark or marks to be applied to animals or articles to denote the ownership of the Republic or of any visiting force in those animals or articles.”

11. Section 122 of the principal Act is hereby amended by the substitution for the Afrikaans text of paragraph (a) of subsection (1) of the following paragraph:

“(a) aan 'n lid van die Suid-Afrikaanse Weermag of 'n hulpdienst of vrywillige verpleegdienst kragtens hierdie Wet ingestel bedwelmende drank verskaf wanneer daardie lid aan diens is en kragtens regulasies, orders of instruksies verbied is om bedwelmende drank te ontvang of te gebruik, of aan die verskaffing medepligtig is;”.

12. This Act shall be called the Defence Amendment Act, 1969.

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- 8. Artikel 84 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**
- „(1) Die ouerdomme vir uitdienstreding van offisiere van die Suid-Afrikaanse Weermag is soos voorgeskryf, maar in spesiale gevalle en, in die geval van lede van die Staande Mag, behoudens die bepalings van artikel 9, kan die Minister of iemand wat op sy gesag handel met toestemming van enige offisier die datum van sy uitdienstreding uitstel na 'n datum later as dié waarop hy die voorgeskrewe ouerdom bereik.”.
- 9. Artikel 86 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:**
- „(2) So 'n kennisgiving word van krag by verstryking van 'n tydperk van drie maande na die datum waarop dit by die offisier se bevelvoerder ingedien word, of op so 'n vroeër datum as wat deur die Minister of iemand wat op sy gesag handel goedgekeur word: Met dien verstande dat 'n offisier nie uit hoofde van sy bedanking onthef is van enige diens- of opleidingspligtigheid waaraan hy kragtens hierdie Wet onderhewig is nie.”.
- 10. Artikel 88 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**
- „(1) Die Minister of iemand wat op sy gesag handel, kan van tyd tot tyd by kennisgiving in die *Staatskoerant* 'n merk of merke aanwys om op diere of artikels aangebring te word om die eiendomsreg van die Republiek of van 'n besoekende mag op daardie diere of artikels aan te dui.”.
- 11. Artikel 122 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:**
- „(a) aan 'n lid van die Suid-Afrikaanse Weermag of 'n hulpdiens of vrywillige verpleegdiens kragtens hierdie Wet ingestel bedwelmende drank verskaf wanneer daardie lid aan diens is en kragtens regulasies, orders of instruksies verbied is om bedwelmende drank te ontvang of te gebruik, of aan die verskaffing mede-pligtig is.”.
- 12. Hierdie Wet heet die Wysigingswet op Verdediging, 1969. Kort titel.**

