



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 344.

6 Maart 1974.

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

No. 8 van 1974: Wysigingswet op Verdediging, 1974.

No. 344.

6 March 1974.

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

No. 8 of 1974: Defence Amendment Act, 1974.

WET

Tot wysiging van die bepalings van die Verdedigingswet, 1957, met betrekking tot diens in die Burgermag en in die kommando's, die ampsbenaming van die hoof van die Departement van Verdediging en die toepassing van die Oorlogspensioenwet, 1967; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 26 Februarie 1974.)

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

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

1. Artikel 1 van die Verdedigingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur in subartikel (1) na die omskrywing van „burger” die volgende omskrywing in te voeg:

„diens in die handelsvloot’ diens as lid van die bemanning van ’n handelskip wat in die Republiek geregistreer is ingevolge die Wet op Handelskeepvaart, 1951 (Wet No. 57 van 1951), en ook diens as lid van die bemanning van ’n handelskip wat nie aldus geregistreer is nie, wat deur die Minister as diens in ’n handelsvloot erken word;” en

(b) deur in daardie subartikel die omskrywing van „diens ter verdediging van die Republiek” deur die volgende omskrywing te vervang:

„diens ter verdediging van die Republiek’ militêre diens—

(a) in oorlogstyd; of

(b) in verband met die nakoming van die verpligtings van die Republiek wat uit enige ooreenkoms tussen die Republiek en enige ander staat ontstaan; of

(c) deur ’n lid van die Suid-Afrikaanse Weermag wat uitdruklik deur die Minister of deur iemand wat op die uitdruklike gesag van die Minister handel, aangewys is om in die algemeen of in die besonder ’n funksie te verrig in verband met die bestryding van terrorisme volgens die betekenis van daardie uitdrukking in die Wet op Terrorisme, 1967 (Wet No. 83 van 1967), terwyl so ’n lid besig is met ’n handeling in verband met die verrigting van bedoelde funksie;”.

Wysiging van artikel 21 van Wet 44 van 1957, soos vervang deur artikel 11 van Wet 85 van 1967.

2. Artikel 21 van die Hoofwet word hierby gewysig—

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

DEFENCE AMENDMENT ACT, 1974.

Act No. 8, 1974

ACT

To amend the provisions of the Defence Act, 1957, relating to service in the Citizen Force and in the commandos, the official designation of the head of the Department of Defence and the application of the War Pensions Act, 1967; and to provide for incidental matters.

*(Afrikaans text signed by the State President.)
(Assented to 26 February 1974.)*

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

1. Section 1 of the Defence Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in subsection (1) for the definition of “service in defence of the Republic” of the following definition:

“‘service in defence of the Republic’ means military service—

(a) in time of war; or

(b) in connection with the discharge of the obligations of the Republic arising from any agreement between the Republic and any other state; or

(c) by a member of the South African Defence Force expressly designated by the Minister or by a person acting on the express authority of the Minister, to perform, either generally or specifically, any function relating to the combating of terrorism within the meaning of that term under the Terrorism Act, 1967 (Act No. 83 of 1967), while such member is engaged in any activity connected with the performance of such function.”; and

(b) by the insertion in that subsection after the said definition of the following definition:

“‘service in the merchant fleet’ means service as a member of the crew of a merchant ship registered in the Republic in terms of the Merchant Shipping Act, 1951 (Act No. 57 of 1951), and includes service as a member of the crew of a merchant ship not so registered, which is recognized by the Minister as service in a merchant fleet;”.

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

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

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

Amendment of section 21 of Act 44 of 1957, as substituted by section 11 of Act 85 of 1967.

Wet No. 8, 1974

WYSIGINGSWET OP VERDEDIGING, 1974.

- „(1) Elke persoon wat ingevolge Hoofstuk VIII aan die Burgermag toegewys is en wat op of na 31 Desember 1973 lid van daardie Mag was of is, is, behoudens die bepalings van hierdie Wet, verplig om in daardie Mag te dien oor 'n tydperk van tien jaar bereken vanaf 1 Januarie van die jaar waarin hy vir die eerste keer diens of opleiding in daardie Mag begin het of begin, tensy hy die ononderbroke diens waartoe hy ingevolge artikel 22 verplig is, in 'n korter tydperk voltooi het of voltooi, in welke geval sy verpligting uit hoofde van hierdie subartikel om in daardie Mag te dien, beperk is tot daardie korter tydperk;” en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) By die bepaling van die datum van verstryking van die tydperk in subartikel (1) bedoel, word diens deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie, die Gevangenisdiens of die handelsvloot as diens deur bedoelde persoon in die Burgermag beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of klas van persone waartoe bedoelde persoon behoort.”

Wysiging van artikel 22 van Wet 44 van 1957, soos vervang deur artikel 12 van Wet 85 van 1967 en gewysig deur artikel 2 van Wet 66 van 1972.

3. (1) Artikel 22 van die Hoofwet word hierby gewysig—

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

„(3) Die ononderbroke diens waartoe 'n lid verplig is wat ingevolge artikel 21 verplig is om in die Burgermag te dien, word, behoudens die bepalings van subartikels (4) en (6A) van hierdie artikel, voltooi in hoogstens ses dienstydyperke en duur hoogstens—

- (a) twaalf maande gedurende die eerste dienstydyperk; en
- (b) negentien dae gedurende elke latere dienstydyperk.”;
- (b) deur na subartikel (6) die volgende subartikel in te voeg:

„(6A) (a) 'n Lid wat ingevolge artikel 21 verplig is om in die Burgermag te dien, kan hom, met die goedkeuring van die Minister of 'n persoon wat op die Minister se gesag handel en, in die geval van 'n minderjarige, met die toestemming van sy voog, verbind om in daardie Mag diens te doen vir 'n enkele tydperk wat, tesame met die ononderbroke diens (indien daar is) wat hy ingevolge subartikel (1) gedoen het, nie minder as agtien of meer as vier-en-twintig maande is nie.

- (b) 'n Lid wat hom aldus verbind het, is verplig om, op die voorwaardes wat van tyd tot tyd voorgeskryf word, ononderbroke diens in die Burgermag te doen vir die tydperk waarvoor hy hom verbind het, maar is na voltooiing van daardie diens nie tot die kragtens subartikel (1) bepaalde diens verplig nie.

- (c) Indien 'n lid wat hom aldus verbind het, om die een of ander rede nie die diens voltooi waartoe hy ingevolge paragraaf (b) verplig is nie, is hy, tensy die Minister of 'n persoon wat op sy gesag handel anders gelas, verplig om die kragtens subartikel (1) bepaalde diens te doen wat die Minister of 'n persoon wat aldus handel in die geval van daardie lid gelas.

DEFENCE AMENDMENT ACT, 1974.

Act No. 8, 1974

“(1) Every person allotted to the Citizen Force in terms of Chapter VIII who was or is a member of that Force on or after 31 December 1973 shall, subject to the provisions of this Act, be liable to serve in that Force over a period of ten years reckoned from 1 January of the year in which he commenced or commences service or training in that Force for the first time, unless he has completed or completes the continuous service to which he is liable in terms of section 22 in a shorter period, in which case his liability by virtue of this subsection to serve in that Force shall be limited to such shorter period;” and

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

“(2) For the purposes of determining the date of expiration of the period referred to in subsection (1), any service in the Permanent Force, the commandos, the South African Police, the Railways and Harbours Police, the Prisons Service or the merchant fleet by any person shall be regarded as service in the Citizen Force by such person to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or class of persons to which such person belongs.”

3. (1) Section 22 of the principal Act is hereby amended—

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

“(3) The continuous service to which a member liable to serve in the Citizen Force in terms of section 21 shall be liable, shall, subject to the provisions of subsections (4) and (6A) of this section, be completed in not more than six periods of service and shall not exceed—

- (a) twelve months during the first period of service; and
(b) nineteen days during each subsequent period of service.”;

- (b) by the insertion after subsection (6) of the following subsection:

“(6A) (a) A member liable to serve in the Citizen Force in terms of section 21 may bind himself, with the approval of the Minister or a person acting under the authority of the Minister, and, in the case of a minor, with the consent of his guardian, to render service in that Force for a single period which, together with the continuous service (if any) rendered by him in terms of subsection (1), shall not be less than eighteen or more than twenty-four months.

- (b) A member who has so bound himself shall be liable to render continuous service in the Citizen Force, on such conditions as may be prescribed from time to time, for the period for which he has bound himself, but shall after completion of such service not be liable to the service determined under subsection (1).

- (c) If a member who has so bound himself, for any reason fails to complete the service to which he is liable under paragraph (b), he shall, unless the Minister or a person acting under his authority otherwise directs, be liable to render such service determined under subsection (1) as the Minister or a person so acting may in the case of that member direct.

Amendment of section 22 of Act 44 of 1957, as substituted by section 12 of Act 85 of 1967 and amended by section 2 of Act 66 of 1972.

Wet No. 8, 1974

WYSIGINGSWET OP VERDEDIGING, 1974.

- (d) Die voorwaardes in paragraaf (b) beoog, kan voorsiening maak vir die betaling van 'n gratifikasie by diensvoltooiing, en verskillende voorwaardes kan kragtens daardie paragraaf met betrekking tot verskillende kategorieë van lede of verskillende omstandighede voorgeskryf word.”; en
- (c) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Opleiding ondergaan of diens gedoen deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie, die Gevangenisdiens of die handelsvloot te eniger tyd, of in die Burgermag voor 31 Desember 1973, word, indien die Minister of 'n persoon wat op sy gesag handel aldus gelas, maar behoudens die bepalings van artikel 3 (3) van die Wysigingswet op Verdediging, 1974, by die toepassing van hierdie artikel as diens beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of klas van persone waartoe bedoelde persoon behoort.”.

(2) Subartikel (1) (b) word geag op 1 Januarie 1973 in werking te getree het.

(3) Diens wat te eniger tyd voor die inwerkingtreding van hierdie Wet in die Burgermag gedoen is uit hoofde van subartikel (3) van artikel 22 van die Hoofwet, word by die toepassing van daardie artikel beskou as diens wat gedoen is uit hoofde van daardie subartikel soos deur subartikel (1) van hierdie artikel vervang.

Wysiging van artikel 35 van Wet 44 van 1957, soos vervang deur artikel 18 van Wet 85 van 1967 en gewysig deur artikel 3 van Wet 66 van 1972.

4. Artikel 35 van die Hoofwet word hierby gewysig—

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

„(1) Elke persoon aan die kommando's toegewys ingevolge Hoofstuk VIII en elke persoon wat op 31 Desember 1973 'n lid van 'n kommando was (behalwe 'n in artikel 36 of 37 bedoelde lid of 'n offisier), is, behoudens die bepalings van hierdie Wet, verplig om in 'n kommando te dien oor 'n tydperk van tien jaar bereken vanaf 1 Januarie van die jaar waarin hy vir die eerste keer diens of opleiding in 'n kommando begin het of begin, tensy hy die diens waartoe hy ingevolge artikel 44 verplig is, in 'n korter tydperk voltooi het of voltooi, in welke geval sy verpligting uit hoofde van hierdie subartikel om in 'n kommando te dien, beperk is tot daardie korter tydperk:”;

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

„(2) By die bepaling van die datum van verstryking van die tydperk in subartikel (1) bedoel, word diens deur 'n persoon in die Staande Mag, die Burgermag, 'n Opleidingskorps vir Kadetoffisiere, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie, die Gevangenisdiens of die handelsvloot as diens in 'n kommando beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of klas van persone waartoe bedoelde persoon behoort.”.

DEFENCE AMENDMENT ACT, 1974.

Act No. 8, 1974

(d) The conditions contemplated in paragraph (b) may provide for the payment of a gratuity on completion of service, and different conditions may be prescribed under that paragraph in respect of different categories of members or different circumstances.”; and

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

“(9) Any training undergone or service rendered by any person in the Permanent Force, the commandos, the South African Police, the Railways and Harbours Police, the Prisons Service or the merchant fleet at any time, or in the Citizen Force before 31 December 1973, shall, if the Minister or any person acting under his authority so directs, but subject to the provisions of section 3 (3) of the Defence Amendment Act, 1974, be regarded as service for the purposes of this section to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or class of persons to which such person belongs.”.

(2) Subsection (1) (b) shall be deemed to have come into operation on 1 January 1973.

(3) Any service rendered in the Citizen Force by virtue of subsection (3) of section 22 of the principal Act at any time before the commencement of this Act, shall for the purposes of that section be regarded as service rendered by virtue of that subsection as substituted by subsection (1) of this section.

4. Section 35 of the principal Act is hereby amended—

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

“(1) Every person allotted to the commandos in terms of Chapter VIII and every person who, on 31 December 1973, was a member of a commando (other than a member referred to in section 36 or 37 or an officer) shall, subject to the provisions of this Act, be liable to serve in a commando over a period of ten years reckoned from 1 January of the year in which he commenced or commences service or training in a commando for the first time, unless he has completed or completes the service to which he is liable in terms of section 44 in a shorter period, in which case his liability by virtue of this subsection to serve in a commando shall be limited to such shorter period.”; and

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

“(2) For the purposes of determining the date of expiration of the period referred to in subsection (1), any service in the Permanent Force, the Citizen Force, a Cadet Officers Training Corps, the South African Police, the Railways and Harbours Police, the Prisons Service or the merchant fleet by any person shall be regarded as service in a commando to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or class of persons to which such person belongs.”.

Amendment of section 35 of Act 44 of 1957, as substituted by section 18 of Act 85 of 1967 and amended by section 3 of Act 66 of 1972.

Wet No. 8, 1974

WYSIGINGSWET OP VERDEDIGING, 1974.

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

5. (1) Artikel 44 van die Hoofwet word hierby gewysig—

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

„(3) 'n Lid wat ingevolge artikel 35 verplig is om in 'n kommando te dien, is verplig om die ononderbroke of onderbroke voorgeskrewe diens te doen vir 'n tydperk van hoogstens twaalf maande of tydperke van hoogstens twaalf maande altesaam gedurende sy eerste diensperiode en vir 'n tydperk van hoogstens negentien dae in elk van nie meer as vyf latere diensperiodes nie.”;

- (b) deur na subartikel (5) die volgende subartikel in te voeg:

„(5A) (a) 'n Lid wat ingevolge artikel 35 verplig is om in 'n kommando te dien, kan hom, met die goedkeuring van die Minister of 'n persoon wat op die Minister se gesag handel, en, in die geval van 'n minderjarige, met die toestemming van sy voog, verbind om in die kommando's diens te doen vir 'n enkele tydperk wat, tesame met die ononderbroke diens (indien daar is) wat hy ingevolge subartikel (1) gedoen het, nie minder as agtien of meer as vier-en-twintig maande is nie.

- (b) 'n Lid wat hom aldus verbind het, is verplig om, op die voorwaardes wat van tyd tot tyd voorgeskryf word, ononderbroke diens in die kommando's te doen vir die tydperk waarvoor hy hom verbind het, maar is na voltooiing van daardie diens nie tot die kragtens subartikel (1) voorgeskrewe diens verplig nie.

- (c) Indien 'n lid wat hom aldus verbind het, om die een of ander rede nie die diens voltooi waartoe hy ingevolge paragraaf (b) verplig is nie, is hy, tensy die Minister of 'n persoon wat op sy gesag handel anders gelas, verplig om die kragtens subartikel (1) voorgeskrewe diens te doen wat die Minister of 'n persoon wat aldus handel in die geval van daardie lid gelas.

- (d) Die voorwaardes in paragraaf (b) beoog, kan voorsiening maak vir die betaling van 'n gratifikasie by diensvoltooiing, en verskillende voorwaardes kan kragtens daardie paragraaf met betrekking tot verskillende kategorieë van lede of verskillende omstandighede voorgeskryf word.”; en

- (c) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Opleiding ondergaan of diens gedoen deur 'n persoon in die Staande Mag, die Burgermag, 'n Opleidingskorps vir Kadetoffisiere, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie, die Gevangenisdiens of die handelsvloot te eniger tyd, of in 'n kommando voor 31 Desember 1973, word, indien die Minister of 'n persoon wat op sy gesag handel aldus gelas, maar behoudens die bepalinge van artikel 5 (3) van die Wysigingswet op Verdediging, 1974, by die toepassing van hierdie artikel as diens beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of klas van persone waartoe bedoelde persoon behoort.”.

(2) Subartikel (1) (b) word geag op 1 Januarie 1973 in werking te getree het.

DEFENCE AMENDMENT ACT, 1974.

Act No. 8, 1974

5. (1) Section 44 of the principal Act is hereby amended—

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

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

“(3) A member liable to serve in a commando in terms of section 35 shall be liable to render such continuous or non-continuous service as may be prescribed, for a period not exceeding twelve months or periods not exceeding twelve months in the aggregate during his first period of service and for a period not exceeding nineteen days in each of not more than five subsequent periods of service.”;

- (b) by the insertion after subsection (5) of the following subsection:

“(5A) (a) A member liable to serve in a commando in terms of section 35 may bind himself, with the approval of the Minister or a person acting under the authority of the Minister, and, in the case of a minor, with the consent of his guardian, to render service in the commandos for a single period which, together with the continuous service (if any) rendered by him in terms of subsection (1), shall not be less than eighteen or more than twenty-four months.

- (b) A member who has so bound himself shall be liable to render continuous service in the commandos, on such conditions as may be prescribed from time to time, for the period for which he has bound himself, but shall after completion of such service not be liable to the service prescribed under subsection (1).

- (c) If a member who has so bound himself, for any reason fails to complete the service to which he is liable under paragraph (b), he shall, unless the Minister or a person acting under his authority otherwise directs, be liable to render such service prescribed under subsection (1) as the Minister or a person so acting may in the case of that member direct.

- (d) The conditions contemplated in paragraph (b) may provide for the payment of a gratuity on completion of service, and different conditions may be prescribed under that paragraph in respect of different categories of members or different circumstances.”; and

- (c) by the substitution for subsection (7) of the following subsection:

“(7) Any training undergone or service rendered by any person in the Permanent Force, the Citizen Force, a Cadet Officers Training Corps, the South African Police, the Railways and Harbours Police, the Prisons Service or the merchant fleet at any time, or in a commando before 31 December 1973, shall, if the Minister or any person acting under his authority so directs, but subject to the provisions of section 5 (3) of the Defence Amendment Act, 1974, be regarded as service rendered for the purposes of this section, to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or class of persons to which such person belongs.”.

- (2) Subsection (1) (b) shall be deemed to have come into operation on 1 January 1973.

Wet No. 8, 1974

WYSIGINGSWET OP VERDEDIGING, 1974.

(3) Diens wat te eniger tyd voor die inwerkingtreding van hierdie Wet in 'n kommando gedoen is uit hoofde van subartikel (3) van artikel 44 van die Hoofwet, word by die toepassing van daardie artikel beskou as diens wat gedoen is uit hoofde van daardie subartikel soos vervang deur subartikel (1) van hierdie artikel.

Wysiging van artikel 83A van Wet 44 van 1957, soos ingevoeg deur artikel 7 van Wet 3 van 1969.

6. Artikel 83A van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat die eerste voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„(1) Ondanks andersluidende wetsbepalings op die Staatsdiens, word die offisier wat aangestel is of wettiglik waarneem as Hoof 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 bekleed met al die pligte en werksaamhede wat aan die hoof van daardie departement by of kragtens enige wetsbepaling verleen of opgelê of toevertrou word;”;

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

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

Wysiging van artikel 92bis van Wet 44 van 1957, soos ingevoeg deur artikel 14 van Wet 12 van 1961 en gewysig deur artikel 16 van Wet 77 van 1963.

7. Artikel 92bis van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Lid van die Burgermag of die Reserwe of 'n kommando wat ingevolge artikel 91 of artikel 92 (1) of (2) vir mobilisering vir diens of ingevolge artikel 92 (3) vir diens opgeroep is, kan deur die Hoof van die Suid-Afrikaanse Weermag of 'n deur hom daartoe gemagtigde offisier, deur middel van die radio of telekommunikasie of die pers of per brief of mondelings of by openbare kennisgewing of op die ander wyse wat die Hoof van die Suid-Afrikaanse Weermag of bedoelde offisier goedvind, van die tyd wanneer en plek waar hy hom moet aanmeld in kennis gestel word.”.

Vervanging van artikel 145 van Wet 44 van 1957, soos gewysig deur artikel 18 van Wet 80 van 1959, artikel 23 van Wet 12 van 1961, artikel 27 van Wet 77 van 1963 en artikel 64 van Wet 85 van 1967.

8. Artikel 145 van die Hoofwet word hierby deur die volgende artikel vervang:

„Dood of ongeskiktheid deur militêre diens veroorsaak.

145. (1) Die bepalinge van hierdie artikel is van toepassing—

- (a) op 'n lid van die Burgermag, 'n kommando of die Reserwe wat ly aan ongeskiktheid deur sy militêre diens of opleiding veroorsaak of vererger, ongeag die datum waarop die ongeskiktheid ontstaan het of aldus vererger is, mits daardie ongeskiktheid nie aan die lid se eie ernstige wangedrag te wyte is nie;
- (b) op 'n lid van die Staande Mag wat ly aan ongeskiktheid veroorsaak of vererger deur militêre diens soos in paragraaf (c) van die omskrywing van „diens ter verdediging van die Republiek” in artikel 1 (1) bedoel en te eniger tyd na 10 April 1973 deur daardie lid gedoen, ongeag die datum waarop die ongeskiktheid ontstaan het

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(3) Any service rendered in a commando by virtue of subsection (3) of section 44 of the principal Act at any time before the commencement of this Act, shall for the purposes of that section be regarded as service rendered by virtue of that subsection as substituted by subsection (1) of this section.

6. Section 83A of the principal Act is hereby amended—

Amendment of section 83A of Act 44 of 1957, as inserted by section 7 of Act 3 of 1969.

- (a) by the substitution in subsection (1) for the words preceding the first proviso of the following words:

“(1) Notwithstanding anything to the contrary contained in the laws governing the Public Service, the officer appointed or lawfully acting as Chief 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;” and

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

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

7. Section 92bis of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection—

Amendment of section 92bis of Act 44 of 1957, as inserted by section 14 of Act 12 of 1961 and amended by section 16 of Act 77 of 1963.

“(1) Any member of the Citizen Force or the Reserve or a commando who has been called out for mobilization for service under section 91 or section 92 (1) or (2) or called out for service under section 92 (3), may be notified by the Chief of the South African Defence Force or an officer authorized thereto by him, by radio or telecommunication or through the press or by letter or by word of mouth or by public notice or in such other manner as the Chief of the South African Defence Force or such officer may deem fit, of the time and place at which he is to present himself.”

8. The following section is hereby substituted for section 145 of the principal Act:

Substitution of section 145 of Act 44 of 1957, as amended by section 18 of Act 80 of 1959, section 23 of Act 12 of 1961, section 27 of Act 77 of 1963 and section 64 of Act 85 of 1967.

“Death or disablement caused by military service.

145. (1) The provisions of this section shall apply—

- (a) to a member of the Citizen Force, a commando or the Reserve who is suffering from disablement caused or aggravated by his military service or training, irrespective of the date on which such disablement arose or was so aggravated, provided such disablement is not due to the member's own serious misconduct;
- (b) to a member of the Permanent Force who is suffering from disablement caused or aggravated by military service as contemplated in paragraph (c) of the definition of ‘service in defence of the Republic’ in section 1 (1) and rendered by such member at any time after 10 April 1973, irrespective of the date on which

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of aldus vererger is, mits daardie ongeskiktheid nie aan die lid se eie ernstige wangedrag te wyte is nie; en

- (c) op 'n weduwee, kind, ouer of ander afhanklike van 'n lid in paragraaf (a) bedoel wat sterf as gevolg van 'n wond, besering of siekte wat deur sy militêre diens of opleiding veroorsaak of vererger is, of van 'n lid in paragraaf (b) bedoel wat sterf as gevolg van 'n wond, besering of siekte wat deur sy militêre diens in laasgenoemde paragraaf bedoel, veroorsaak of vererger is, ongeag die datum waarop daardie wond of besering veroorsaak of daardie siekte opgedoen of aldus vererger is.

(2) Die bepalings van die Oorlogspensioenwet, 1967 (Wet No. 82 van 1967), is *mutatis mutandis* van toepassing op of ten opsigte van 'n lid wie se ongeskiktheid onder die omstandighede in subartikel (1) (a) of (b) beskryf, ontstaan het.

(3) 'n Lid wie se ongeskiktheid onder die omstandighede in subartikel (1) (a) beskryf, ontstaan het, maar wat nie as gevolg van daardie ongeskiktheid uit die Suid-Afrikaanse Weermag of die Reserwe, na gelang van die geval, ontslaan word nie, kan die nodige geneeskundige of ander behandeling vir daardie ongeskiktheid ontvang, en die Hoof van die Suid-Afrikaanse Weermag kan met goedkeuring van die Tesourie aan so 'n lid 'n toelaag volgens 'n tarief van hoogstens vyf rand per dag, benewens sy rangsoldy, toeken vir die tydperk waarin hy behandeling ondergaan of waarin sy ongeskiktheid hom volgens die oordeel van die Hoof van die Suid-Afrikaanse Weermag onbekwaam maak om sy gewone beroep te beoefen.

(4) Die bepalings van die Oorlogspensioenwet, 1967, is *mutatis mutandis* van toepassing op of ten opsigte van 'n weduwee, kind, ouer of ander afhanklike van 'n lid wie se dood onder die omstandighede in subartikel (1) (c) beskryf, plaasgevind het.

(5) By die toepassing van die Oorlogspensioenwet, 1967, soos toegepas deur subartikel (2) of (4), beteken 'beëindiging van militêre diens'—

- (a) in die geval van 'n in subartikel (1) (a) bedoelde ongeskiktheid wat veroorsaak of vererger word gedurende enige tydperk van voltydse militêre diens of opleiding ingevolge hierdie Wet, die datum gedurende bedoelde tydperk waarop die betrokke lid laas werklike sodanige opleiding ondergaan of sodanige diens verrig het;
- (b) in die geval van bedoelde ongeskiktheid wat gedurende enige deelydse of onderbroke opleiding of diens ingevolge hierdie Wet veroorsaak of vererger word, die datum waarop dit veroorsaak of vererger word;
- (c) in die geval van 'n ongeskiktheid wat veroorsaak of vererger word soos in subartikel (1) (b) bedoel, die datum waarop dit aldus veroorsaak of vererger word;
- (d) in die geval van 'n in paragraaf (a) van subartikel (1) bedoelde lid wat sterf terwyl hy ingevolge hierdie Wet militêre diens doen of opleiding ondergaan, of van 'n in paragraaf (b) van daardie subartikel bedoelde lid wat sterf

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such disablement arose or was so aggravated, provided such disablement is not due to the member's own serious misconduct; and

- (c) to a widow, child, parent or other dependant of a member referred to in paragraph (a) who dies as a result of a wound, injury or disease which was caused or aggravated by his military service or training, or of a member referred to in paragraph (b) who dies as a result of a wound, injury or disease which was caused or aggravated by his military service referred to in the last-mentioned paragraph, irrespective of the date on which such wound or injury was received or such disease was contracted or was so aggravated.

(2) The provisions of the War Pensions Act, 1967 (Act No. 82 of 1967), shall *mutatis mutandis* apply to or in respect of a member whose disablement arose in the circumstances described in subsection (1) (a) or (b).

(3) A member whose disablement arose in the circumstances described in subsection (1) (a), but who is not as a result of such disablement discharged from the South African Defence Force or the Reserve, as the case may be, may be provided with any medical or other treatment necessary for such disablement, and the Chief of the South African Defence Force may with the approval of the Treasury grant to such member for any period during which he is undergoing treatment or during which, in the opinion of the Chief of the South African Defence Force, his disablement renders him incapable of pursuing his normal occupation, an allowance not exceeding five rand per day, in addition to the emoluments of his rank.

(4) The provisions of the War Pensions Act, 1967, shall *mutatis mutandis* apply to or in respect of a widow, child, parent or other dependant of a member whose death occurred in the circumstances described in subsection (1) (c).

(5) For the purposes of the War Pensions Act, 1967, as applied by subsection (2) or (4), 'termination of military service' means—

- (a) in the case of a disablement referred to in subsection (1) (a) which is caused or aggravated during a period of full-time military service or training in terms of this Act, the date during such period on which the member concerned last actually underwent such training or rendered such service;
- (b) in the case of such disablement which is caused or aggravated during any part-time or non-continuous training or service in terms of this Act, the date on which it is caused or aggravated;
- (c) in the case of a disablement caused or aggravated as contemplated in subsection (1) (b), the date on which it is so caused or aggravated;
- (d) in the case of a member referred to in paragraph (a) of subsection (1) who dies while rendering military service or undergoing training in terms of this Act, or of a member referred to in paragraph (b) of that subsection who dies while

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terwyl hy militêre diens soos in genoemde paragraaf (b) bedoel, doen, die datum van sy dood.

(6) Die bepalings van subartikel (3) is nie van toepassing nie ten opsigte van 'n lid aan wie daar vergoeding toegeken is kragtens die bepalings van die Oorlogspensioenwet, 1967, soos deur subartikel (2) toegepas."

Kort titel.

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rendering military service as contemplated in the said paragraph (b), the date of his death.

(6) The provisions of subsection (3) shall not apply in respect of a member to whom compensation has been awarded in terms of the provisions of the War Pensions Act, 1967, as applied by subsection (2).”.

9. This Act shall be called the Defence Amendment Act, 1974. Short title.

