



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

Vol. 141]

KAAPSTAD, 30 MAART 1977

CAPE TOWN, 30 MARCH 1977

[No. 5480

DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 498.

30 Maart 1977.

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

No. 35 van 1977: Wysigingswet op Verdediging, 1977.

No. 498.

30 March 1977.

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

No. 35 of 1977: Defence Amendment Act, 1977.

Act No. 35, 1977

DEFENCE AMENDMENT ACT, 1977.

ACT

To amend the Defence Act, 1957, so as to define the expression "operations in defence of the Republic"; to make different provision with regard to the periods within which members of the Citizen Force shall complete their continuous service; to provide that certain training or service shall in certain circumstances be regarded as service rendered in the Citizen Force; to make different provision with regard to the periods within which members of the commandos shall complete their continuous and non-continuous service; to provide that certain training or service shall in certain circumstances be regarded as service rendered in the commandos; to provide that certain persons who have been released from their undertakings to serve the Government in the Defence Force upon completion of special training, shall be allotted to the Citizen Force for service; to authorize the State President and the Minister to exercise certain powers during operations in defence of the Republic or for the prevention or suppression of terrorism or internal disorder; to provide that the provisions of the Inquests Act, 1959, shall not apply in respect of certain deaths; to prohibit the taking or making of certain photographs or sketches of certain places; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 22 March 1977.)

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

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

Amendment of section 22 of Act 44 of 1957, as substituted by section 12 of Act 85 of 1967

1. Section 1 of the Defence Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "service in defence of the Republic" of the following definition:

"'service in defence of the Republic' means military service and 'operations in defence of the Republic' means military operations—

- (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) for the prevention or suppression of any armed conflict outside the Republic which, in the opinion of the State President, is or may be a threat to the security of the Republic;".

2. 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

WET

Tot wysiging van die Verdedigingswet, 1957, ten einde die uitdrukking „optrede ter verdediging van die Republiek” te omskryf; ander voorsiening te maak met betrekking tot die tydperke waarin lede van die Burgermag hul ononderbroke diens moet voltooi; te bepaal dat sekere opleiding of diens in sekere omstandighede as diens in die Burgermag gedoen, beskou moet word; ander voorsiening te maak met betrekking tot die tydperke waarin lede van die kommando's hul ononderbroke en onderbroke diens moet voltooi; te bepaal dat sekere opleiding of diens in sekere omstandighede as diens in die kommando's gedoen, beskou moet word; te bepaal dat sekere persone wat bevry is van hul ondernemings om die Regering na afloop van spesiale opleiding in die Staande Mag te dien, aan die Burgermag vir diens toegewys moet word; om die Staatspresident en die Minister te magtig om sekere bevoegdhede gedurende optrede ter verdediging van die Republiek of ter voorkoming of onderdrukking van terrorisme of binnelandse onluste uit te oefen; te bepaal dat die bepalings van die Wet op Geregtelike Doodsondersoeke, 1959, nie ten opsigte van sekere sterfgevälle van toepassing is nie; die neem van foto's en die maak van sketse van sekere plekke te verbied; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Maart 1977.)

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

1. Artikel 1 van die Verdedigingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van „diens ter verdediging van die Republiek” deur die volgende omskrywing te vervang:

„diens ter verdediging van die Republiek’ militêre diens en optrede ter verdediging van die Republiek’ militêre optrede—

- (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) ter voorkoming of onderdrukking van enige gewapende konflik buite die Republiek wat, volgens die oordeel van die Staatspresident, die veiligheid van die Republiek bedreig of mag bedreig;”.

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

2. 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

Wysiging van artikel 22 van Wet 44 van 1957, soos vervang deur artikel 12 van Wet 85 van 1967

Act No. 35, 1977

DEFENCE AMENDMENT ACT, 1977.

and amended by
section 2 of
Act 66 of 1972,
section 3 of
Act 8 of 1974
and section 3 of
Act 83 of 1974.

- be liable, shall, subject to the provisions of subsections (4) and (6A) of this section, be completed in—
- (a) a first period of service not exceeding twelve months; and
 - (b) subsequent periods of service of which none shall exceed nineteen days and which shall not exceed ninety-five days in the aggregate.”; and
- (b) 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, the merchant fleet at any time or in the Citizen Force before 31 December 1973 or any other training or service which the Minister may deem suitable, 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.”.

Amendment of
section 44 of
Act 44 of 1957,
as substituted by
section 21 of
Act 85 of 1967,
and amended by
section 2 of
Act 28 of 1970,
section 4 of
Act 66 of 1972,
section 5 of
Act 8 of 1974
and section 5 of
Act 83 of 1974.

3. Section 44 of the principal Act is hereby amended—

- (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 periods not exceeding nineteen days in each subsequent period of service and which shall not exceed ninety-five days in the aggregate.”; and

- (b) 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, the merchant fleet at any time, or in a commando before 31 December 1973, or any other training or service which the Minister may deem suitable, 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.”.

Amendment of
section 67 of
Act 44 of 1957,
as substituted by
section 24 of
Act 57 of 1975.

4. Section 67 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

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

Amendment of
section 99 of
Act 44 of 1957.

5. Section 99 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“(1) The State President may during operations in defence of the Republic or for the prevention or suppression of

WYSIGINGSWET OP VERDEDIGING, 1977.

Wet No. 35, 1977

te dien, word, behoudens die bepalings van subartikels (4) en (6A) van hierdie artikel, voltooi in—

- (a) 'n eerste dien tydperk van hoogstens twaalf maande; en
 - (b) latere dien tydperke waarvan geeneen langer as negentien dae duur nie en wat altesaam nie vyf-en-negentig dae oorskry nie.”; en
- (b) deur subartikel (9) deur die volgende subartikel te vervang:

en gewysig deur artikel 2 van Wet 66 van 1972, artikel 3 van Wet 8 van 1974 en artikel 3 van Wet 83 van 1974.

„(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, die handelsvloot te eniger tyd of in die Burgermag voor 31 Desember 1973 of enige ander opleiding of diens wat die Minister geskik ag, 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.”.

3. 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 tydperke van hoogstens negentien dae in elke latere diensperiode en wat altesaam nie vyf-en-negentig dae oorskry nie.”; en

- (b) 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, die handelsvloot te eniger tyd, of in 'n kommando voor 31 Desember 1973, of enige ander opleiding of diens wat die Minister geskik ag, word, indien die Minister of 'n persoon wat op sy gesag handel aldus gelas, maar behoudens die bepalings 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.”.

Wysiging van artikel 44 van Wet 44 van 1957, soos vervang deur artikel 21 van Wet 85 van 1967, en gewysig deur artikel 2 van Wet 28 van 1970, artikel 4 van Wet 66 van 1972, artikel 5 van Wet 8 van 1974 en artikel 5 van Wet 83 van 1974.

4. Artikel 67 van die Hoofwet word hierby gewysig deur na subartikel (2) die volgende subartikel in te voeg:

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

Wysiging van artikel 67 van Wet 44 van 1957, soos vervang deur artikel 24 van Wet 57 van 1975.

5. Artikel 99 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

„(1) Die Staatspresident kan gedurende optrede ter verdediging van die Republiek of ter voorkoming of onderdruk-

Wysiging van artikel 99 van Wet 44 van 1957.

Act No. 35, 1977

DEFENCE AMENDMENT ACT, 1977.

terrorism or for the prevention or suppression of internal disorder in the Republic issue orders and instructions, which may be made known in such manner as he deems most suitable in the circumstances—”.

Amendment of section 100 of Act 44 of 1957, as amended by section 16 of Act 12 of 1961.

6. Section 100 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The State President may during operations in defence of the Republic or for the prevention or suppression of terrorism or for the prevention or suppression of internal disorder in the Republic authorize and appoint officers of the South African Defence Force or of the public service to obtain in the manner and subject to the conditions prescribed, from any person or any public or other body, corporate or unincorporate, and, without the consent of such person or body, to take possession of buildings and other premises, vehicles, aircraft, vessels, machinery, equipment, animals, foodstuffs, forage, fuels, oils and any other materials, articles or things necessary for the mobilization or the maintenance of the South African Defence Force or any portion thereof or of other forces acting in co-operation therewith.”.

Amendment of section 101 of Act 44 of 1957.

7. Section 101 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The State President may during operations in defence of the Republic or for the prevention or suppression of terrorism or for the prevention or suppression of internal disorder in the Republic by proclamation in the *Gazette*, or in such other manner as he deems expedient in the circumstances, establish and provide for the doing of all things necessary to enforce a censorship over all or any description of postal, telegraphic, telephonic or radio matter or communications passing within, into or from the Republic, and over all or any description of letters, written or printed matter, parcels, pictures, drawings, sketches, photographs or gramophone records (including any article, apparatus or device upon which or by means of which intelligence or sounds of any kind have been recorded and can be reproduced) addressed or intended to be delivered or conveyed to any person, and prescribe the conditions under which the postal, telegraph, telephone or radio services may be used.”.

Substitution of section 102 of Act 44 of 1957, as substituted by section 54 of Act 85 of 1967.

8. The following section is hereby substituted for section 102 of the principal Act:

“Control and use of transport systems.

102. (1) The State President may during operations in defence of the Republic or for the prevention or suppression of terrorism or for the prevention or suppression of internal disorder in the Republic, authorize any officer of the South African Defence Force to assume control over any railway, road, inland water or sea transport system or any air service, or any portion thereof, within the Republic.

(2) The Minister may during operations in defence of the Republic or for the prevention or suppression of terrorism or for the prevention or suppression of internal disorder in the Republic, requisition the authorities controlling any transport system or air service referred to in subsection (1), to supply suitable engines and rolling stock, vehicles, vessels or aircraft for the conveyance of members of the South African Defence Force or other forces acting in co-operation therewith, or any auxiliary or voluntary nursing service established under this Act, and their guns, armament, ammunition, baggage, stores, supplies,

WYSIGINGSWET OP VERDEDIGING, 1977.

Wet No. 35, 1977

king van terrorisme of ter voorkoming of onderdrukking van binnelandse onluste in die Republiek, orders en instruksies uitvaardig wat bekendgemaak kan word op die wyse wat hy onder die omstandighede die geskikste ag—”.

6. Artikel 100 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 100 van Wet 44 van 1957, soos gewysig deur artikel 16 van Wet 12 van 1961.

„(1) Die Staatspresident kan gedurende optrede ter verdediging van die Republiek of ter voorkoming of onderdrukking van terrorisme of ter voorkoming of onderdrukking van binnelandse onluste in die Republiek offisiere van die Suid-Afrikaanse Weermag of amptenare in die Staatsdiens magtig en aanstel om op die voorgeskrewe wyse en onderworpe aan die voorgeskrewe voorwaardes van enigiemand of enige openbare of ander liggaam, hetsy met regspersoonlikheid bekleed al dan nie, geboue en ander persele, voertuie, vliegtuie, vaartuie, masjinerie, uitrusting, diere, eetware, voer, brandstof, olie en enige ander materiaal, artikel of enigiets wat nodig is vir die mobilisasie of die instandhouding van die Suid-Afrikaanse Weermag of enige deel daarvan of van ander magte wat in samewerking daarmee optree, te verkry en sonder toestemming van daardie persoon of liggaam daarvan besit te neem.”.

7. Artikel 101 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 101 van Wet 44 van 1957.

„(1) Die Staatspresident kan gedurende optrede ter verdediging van die Republiek of ter voorkoming of onderdrukking van terrorisme of ter voorkoming of onderdrukking van binnelandse onluste in die Republiek by proklamasie in die *Staatskoerant*, of op so 'n ander wyse as wat hy onder die omstandighede dienstig ag, 'n sensorskap instel oor alle of enige soorte pos-, telegraaf-, telefoon-, en radiostukke of kommunikasies wat binne die Republiek, daarin of daaruit gestuur word, en oor alle of enige soorte briewe, geskrewe stukke of drukwerk, pakkette, prente, tekenings, sketse, foto's of grammofoonplate (met inbegrip van enige artikel, apparaat of toestel waarop of deur middel waarvan inligting of klanke van enige aard opgeneem is en weer voortgebring kan word) wat aan enigiemand geadresseer is of bedoel is om aan iemand afgelewer of oorgebring te word, en om voorsiening te maak om enigiets te doen wat nodig is om so 'n sensorskap toe te pas, en die voorwaardes voorskryf waaronder van pos-, telegraaf-, telefoon-, of radiodienste gebruik gemaak mag word.”.

8. Artikel 102 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 102 van Wet 44 van 1957 soos vervang deur artikel 54 van Wet 85 van 1967.

„Beheer oor en gebruik van vervoerstelsels.

102. (1) Die Staatspresident kan gedurende optrede ter verdediging van die Republiek of ter voorkoming of onderdrukking van terrorisme of ter voorkoming of onderdrukking van binnelandse onluste in die Republiek, enige offisier van die Suid-Afrikaanse Weermag magtig om beheer te neem oor enige spoorweg-, pad-, binnelandse water- of seevervoerstelsel of enige lugdiens, of enige deel daarvan, binne die Republiek.

(2) Die Minister kan gedurende optrede ter verdediging van die Republiek of ter voorkoming of onderdrukking van terrorisme of ter voorkoming of onderdrukking van binnelandse onluste in die Republiek, die owerheid wat enige in subartikel (1) bedoelde vervoerstelsel of lugdiens beheer, aansê om geskikte lokomotiewe en rollende materiaal, voertuie, vaartuie of vliegtuie te verskaf vir die vervoer van lede van die Suid-Afrikaanse Weermag of ander magte wat in samewerking daarmee optree, of enige kragtens hierdie Wet ingestelde hulpdiens of vrywillige verpleegdiens, en hul gewere, bewapening, ammunisie, bagasie, voorrade, kommissariaat, voer-

Act No. 35, 1977

DEFENCE AMENDMENT ACT, 1977.

vehicles, vessels and animals, and to convey the same by rail, road, water or air to or from any point within or outside the Republic, as may be necessary."

Substitution of section 103*bis* of Act 44 of 1957, as inserted by section 18 of Act 12 of 1961.

9. The following section is hereby substituted for section 103*bis* of the principal Act:

"Evacuation or concentration of persons.

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

Amendment of section 103*ter* of Act 44 of 1957, as inserted by section 8 of Act 1 of 1976.

10. Section 103*ter* of the principal Act is hereby amended by the addition of the following subsection:

"(8) (a) The provisions of section 5 of the Inquests Act, 1959 (Act No. 58 of 1959), shall not apply with regard to any death in respect of which the Minister issues a certificate stating that such death was caused by an act referred to in subsection (2).

(b) Such certificate shall state the—

- (i) identity of the deceased person,
- (ii) cause of death, and
- (iii) date of death,

and when the Minister issues such a certificate with regard to a death in respect of which the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963), applies, it shall be deemed for the purposes of that Act that an inquest was held and completed in respect of the death.

(c) The person to whom the Minister delivers such certificate shall comply with the provisions of section 13 of the Births, Marriages and Deaths Registration Act, 1963, as if he were the person referred to in that section.

(d) The provisions of subsection (7) of this section shall apply *mutatis mutandis* in respect of a certificate referred to in paragraph (a)."

Amendment of section 104 of Act 44 of 1957, as amended by section 19 of Act 12 of 1961, section 56 of Act 85 of 1967 and section 10 of Act 28 of 1970.

11. Section 104 of the principal Act is hereby amended by the substitution in subsection (5) for the proviso to paragraph (b) of the following proviso:

"Provided that no such member shall, except when employed in defence of the Republic or for the prevention or suppression of terrorism or for the prevention or suppression of internal disorder in the Republic, or, in the case of members of the Citizen Force, when engaged for temporary whole-time service in terms of section 20 or in pursuance of a sentence imposed by a competent court, other than a military court, be subject under the Military Discipline Code to any punishment other than—

- (i) cashiering;
- (ii) dismissal from the South African Defence Force;
- (iii) discharge with ignominy from the South African Defence Force;
- (iv) reduction in seniority in rank;

WYSIGINGSWET OP VERDEDIGING, 1977.

Wet No. 35, 1977

tuie, vaartuie en diere, en om dit per spoor, pad, water of lug na of van enige plek binne of buite die Republiek te vervoer soos nodig mag wees.”.

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

„Ontruiming of sametrekking van persone.

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

Vervanging van artikel 103*bis* van Wet 44 van 1957, soos ingevoeg deur artikel 18 van Wet 12 van 1961.

10. Artikel 103*ter* van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

„(8) (a) Die bepalings van artikel 5 van die Wet op Geregte Doodsondersoeke, 1959 (Wet No. 58 van 1959), is nie van toepassing nie met betrekking tot 'n sterfgeval ten opsigte waarvan die Minister 'n sertifikaat uitreik waarin verklaar word dat daardie sterfgeval deur 'n handeling in subartikel (2) bedoel, veroorsaak is.

(b) Sodanige sertifikaat moet die—

- (i) identiteit van die oorledene,
- (ii) oorsaak van die dood, en
- (iii) datum van die sterfgeval,

vermeld en wanneer die Minister so 'n sertifikaat uitreik met betrekking tot 'n sterfgeval ten opsigte waarvan die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963 (Wet No. 81 van 1963), van toepassing is, dan word daar by die toepassing van daardie Wet geag dat 'n geregte doodsondersoek ten opsigte van die sterfgeval ingestel en afgehandel is.

(c) Die persoon aan wie die Minister sodanige sertifikaat oorhandig, moet aan die bepalings van artikel 13 van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevalle, 1963, voldoen asof hy die persoon is wat in daardie artikel bedoel word.

(d) Die bepalings van subartikel (7) van hierdie artikel is *mutatis mutandis* van toepassing ten opsigte van 'n sertifikaat in paragraaf (a) bedoel.”.

Wysiging van artikel 103*ter* van Wet 44 van 1957, soos ingevoeg deur artikel 8 van Wet 1 van 1976.

11. Artikel 104 van die Hoofwet word hierby gewysig deur in subartikel (5) die voorbehoudsbepaling by paragraaf (b) deur die volgende voorbehoudsbepaling te vervang:

„Met dien verstande dat so 'n lid nie, behalwe wanneer hy in diens gestel word ter verdediging van die Republiek of ter voorkoming of onderdrukking van terrorisme of ter voorkoming of onderdrukking van binnelandse onluste in die Republiek, of (in die geval van lede van die Burgermag) wanneer hy ooreenkomstig artikel 20 vir tydelike voltydse diens aangeneem is, of ingevolge 'n vonnis deur 'n ander bevoegde hof as 'n militêre hof opgelê, aan 'n ander straf ingevolge die Reglement van Disipline onderhewig is nie, as—

- (i) kassering;
- (ii) afdanking uit die Suid-Afrikaanse Weermag;
- (iii) ontslag met oneer uit die Suid-Afrikaanse Weermag;
- (iv) degradering in rangsansiënniteit;

Wysiging van artikel 104 van Wet 44 van 1957, soos gewysig deur artikel 19 van Wet 12 van 1961, artikel 56 van Wet 85 van 1967 en artikel 10 van Wet 28 van 1970.

Act No. 35, 1977

DEFENCE AMENDMENT ACT, 1977.

- (v) reduction to any lower commissioned rank;
- (vi) reduction to a lower rank, to non-commissioned rank or to the ranks;
- (vii) detention not extending beyond the date of expiration of the period of service, training or duty upon which he is engaged;
- (viii) fines and deprivations of pay and allowances;
- (ix) extra duties;
- (x) reprimand; or
- (xi) confinement to barracks."

Substitution of section 119 of Act 44 of 1957, as amended by section 58 of Act 85 of 1967.

12. The following section is hereby substituted for section 119 of the principal Act:

"Prohibition on taking of photographs or making of sketches, etc., of military premises or installations.

119. (1) No person shall unless authorized thereto by the Minister or on his authority—

(a) take any photograph or make any sketch, plan, model or note of any military camp, barracks, dockyard, installation or other premises or any land or area of water used for military or defence purposes or which is under military control, or of any part thereof or any object therein; or

(b) have in his possession in or on such camp, barracks, dockyard, installation, premises, land or area any camera or other apparatus which may be used for the taking of photographs.

(2) Any photograph taken or sketch, plan, model or note made in contravention of subsection (1) (a), any camera or other apparatus in the possession of any person in contravention of subsection 1 (b), and any film or negative used or prepared in connection with a photograph taken in contravention of subsection 1 (a), may be seized by any member of the South African Defence Force and may after investigation by and on the authority of the Chief of the South African Defence Force be declared by him to be confiscated to the State."

Amendment of section 146 of Act 44 of 1957, as amended by section 24 of Act 12 of 1961, section 28 of Act 77 of 1963, and section 14 of Act 83 of 1974.

13. Section 146 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) A member of the South African Defence Force (other than a member of the Permanent Force), or the Reserve or the Cadet Corps who receives a wound or injury or contracts an illness while on military service or undergoing training, may under such conditions and for such period as may be prescribed, be provided with any medical or other treatment necessary for such wound, injury or illness, notwithstanding that the duration of such treatment may extend beyond the period of the service, camp, course, parade or other training on which he was engaged when he received the wound or injury or contracted the illness."

Amendment of section 146A of Act 44 of 1957, as inserted by section 65 of Act 85 of 1967 and amended by section 15 of Act 83 of 1974.

14. Section 146A of the principal Act is hereby amended by the substitution for paragraph (b) of the proviso of the following paragraph:

"(b) for the purposes of section 146, from the date upon which he commences his journey to the said place."

Short title.

15. This Act shall be called the Defence Amendment Act, 1977.

WYSIGINGSWET OP VERDEDIGING, 1977.

Wet No. 35, 1977

- (v) degradering na 'n laer kommissierang;
- (vi) degradering na 'n laer rang, na onderoffisiersrang of na die geleedere;
- (vii) detensie wat nie langer duur as tot die datum waarop die tydperk van die diens, opleiding of plig waarmee hy besig is, verstryk nie;
- (viii) boetes en onthoudings van soldy en toelaes;
- (ix) ekstra dienste;
- (x) berisping; of
- (xi) kaserne-arres."

12. Artikel 119 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 119 van Wet 44 van 1957, soos gewysig deur artikel 58 van Wet 85 van 1967.

„Verbod op neem van foto's of maak van sketse, ens., van militêre persele of installasies.

119. (1) Niemand mag tensy hy deur of op gesag van die Minister daartoe gemagtig is—

- (a) 'n foto neem of 'n skets, plan, model of aantekening maak nie van enige militêre kamp, kaserne, skeepswerf, installasie of ander perseel of grond of wateroppervlakte wat vir militêre of verdedigingsdoeleindes gebruik word of onder militêre beheer is, of van enige deel daarvan of enige voorwerp daarin; of
- (b) in of op sodanige kamp, kaserne, skeepswerf, installasie, perseel, grond of gebied 'n kamera of ander apparaat wat vir die neem van foto's gebruik kan word, in sy besit hê nie.

(2) Enige foto, skets, plan, model of aantekening wat in stryd met subartikel (1) (a) geneem of gemaak is, enige kamera of ander apparaat wat in stryd met subartikel (1) (b) in iemand se besit is, en enige film of negatief wat gebruik of voorberei is in verband met 'n foto in stryd met subartikel (1) (a) geneem, kan deur enige lid van die Suid-Afrikaanse Weermag in beslag geneem word, en kan na ondersoek deur en op gesag van die Hoof van die Suid-Afrikaanse Weermag deur hom aan die Staat verbeurd verklaar word."

13. Artikel 146 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

Wysiging van artikel 146 van Wet 44 van 1957, soos gewysig deur artikel 24 van Wet 12 van 1961, artikel 28 van Wet 77 van 1963, en artikel 14 van Wet 83 van 1974.

„(1) 'n Lid van die Suid-Afrikaanse Weermag (uitgesonderd 'n lid van die Staande Mag) of die Reserwe of die Kadetkorps wat terwyl hy op militêre diens is of opleiding ondergaan 'n wond, besering of siekte opdoen kan onder die voorwaardes en vir die tydperk wat voorgeskryf mag word, die nodige geneeskundige en ander behandeling vir daardie wond, besering of siekte ontvang, al duur daardie behandeling ook tot na die verstryking van die tydperk van die diens, kamp, kursus, parade of ander opleiding waarmee hy besig was toe hy die wond, besering of siekte opgedoen het."

14. Artikel 146A van die Hoofwet word hierby gewysig deur paragraaf (b) van die voorbehoudsbepaling deur die volgende paragraaf te vervang:

Wysiging van artikel 146A van Wet 44 van 1957, soos ingevoeg deur artikel 65 van Wet 85 van 1967 en gewysig deur artikel 15 van Wet 83 van 1974.

„(b) by die toepassing van artikel 146, vanaf die datum waarop hy sy reis na bedoelde plek begin."

15. Hierdie Wet heet die Wysigingswet op Verdediging, 1977. Kort titel.

