



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 1481.

18 Julie 1984

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

No. 87 van 1984: Wysigingswet op Verdediging, 1984.

No. 1481.

18 July 1984

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

No. 87 of 1984: Defence Amendment Act, 1984.

Wet No. 87, 1984

WYSIGINGSWET OP VERDEDIGING, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[**]** Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Verdedigingswet, 1957, ten einde die omskrywings van "aangetekende adres", "militêre" en "offisier" te vervang; te bepaal dat die Suid-Afrikaanse Weermag of 'n deel of lid daarvan terwyl dit of hy vir bepaalde doeleindes in diens gestel is, in verband met sekere polisiewerksaamhede gebruik kan word; met die oog op die verkryging van 'n groter mate van sekerheid en van eenvormigheid, verskeie veranderings, meesal van 'n terminologiese aard, aan te bring in die bepalings van daardie Wet wat handel oor die samestelling en organisasie van die Staande Mag, die Staandemagreserwe, die Burgermag, die Aktiewe Burgermagreserwe en die kommando's, die aanstelling, bevordering en ontslag van hul lede, die verlening van kommissies, die aanstelling van persone in offisiërsrang en die oorpasing van persone na die Staandemagreserwe of die Aktiewe Burgermagreserwe, na gelang van die geval, by beëindiging van hul diens in die Staande Mag of Burgermag; te bepaal dat elke lid van die Staandemagreserwe en die Aktiewe Burgermagreserwe verplig is om sodanige diens te doen as wat voorgeskryf word; in meer besonderhede die omstandighede te reël betreffende die ontslag van lede van kommando's of die beëindiging van hul diens; voorsiening te maak vir die doen van vrywillige diens of die ondergaan van vrywillige opleiding deur lede van die Reserwe; voorsiening te maak vir die toewysing aan die Suid-Afrikaanse Spoorwegpolisiesmag van persone wat onderworpe is aan toewysing vir opleiding of diens; die delegering deur die Minister van Mannekrag van sy bevoegdhede betreffende vrystellingsrade verder te reël; die samestelling van rade vir godsdienstige beswaar verder te reël; die doen van gemeenskapsdiens verder te reël; sekere bepalings wat oorbodig geword het as gevolg van ander wysigings van daardie Wet, te herroep; 'n verwysing na "diens, korps of eenheid" deur 'n verwysing na "hoofkwartier, weermagsdeel, formasie, eenheid of personeelindeling" te vervang; die bevoegdheid van die Staatspresident om regulasies uit te vaardig in verband met die verrigting van polisiewerksaamhede deur lede van die Suid-Afrikaanse Weermag, uit te brei; die indiensstelling van lede van die Suid-Afrikaanse Weermag in 'n besondere landdrostrik waar die dringendheid van omstandighede hul onmiddellike indiensstelling vereis, verder te reël; sekere teksveranderinge aan te bring ten einde verskille wat tussen die Afrikaanse en Engelse teks van die Wet bestaan, te verwyder; en om te bepaal dat 'n voorgeskrewe tydperk waartydens 'n lid van die Suid-Afrikaanse Weermag behandeling ontvang vir 'n wond, besering, of siekte opgedoen terwyl hy op militêre diens is of opleiding ondergaan, by die toepassing van artikels 22 en 44 as diens beskou moet word tensy die wond, besering of siekte aan die lid se wangedrag toegeskryf kan word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1984.)

DEFENCE AMENDMENT ACT, 1984

Act No. 87, 1984

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Defence Act, 1957, so as to substitute the definitions of "registered address", "military" and "officer"; to provide that the South African Defence Force or a portion or member thereof may while employed for certain purposes be used in connection with certain police functions; with a view to obtaining a greater degree of certainty and of uniformity, to effect several alterations, mostly of a terminological nature, to the provisions of that Act dealing with the composition and organization of the Permanent Force, the Permanent Force Reserve, the Citizen Force, the Active Citizen Force Reserve and the commandos, the appointment, promotion and discharge of their members, the conferring of commissions, the appointment of persons to officer's rank and the transfer of persons to the Permanent Force Reserve or the Active Citizen Force Reserve, as the case may be, upon termination of their service in the Permanent Force or the Citizen Force; to provide that every member of the Permanent Force Reserve and the Active Citizen Force Reserve shall be liable to render such service as may be prescribed; to regulate in greater detail the circumstances pertaining to the discharge of members of commandos or the termination of their service; to provide for the undergoing of voluntary training or the rendering of voluntary service by members of the Reserve; to make provision for the allotment to the South African Railways Police Force of persons who are liable to be allotted for training or service; to further regulate the delegation by the Minister of Manpower of his powers relating to exemption boards; to further regulate the constitution of boards for religious objection; to further regulate the rendering of community service; to repeal certain provisions which have become redundant as a result of other amendments to that Act; to substitute a reference to "headquarters, arm of the service, formation, unit or personnel mustering" for the reference to "service, corps or unit"; to extend the power of the State President to make regulations in connection with the carrying out of police functions by members of the South African Defence Force; to further regulate the employment of members of the South African Defence Force in a particular magisterial district where the urgency of circumstances requires their immediate employment; to effect certain textual changes so as to remove differences between the Afrikaans and English texts of the Act; and to provide that a prescribed period during which a member of the South African Defence Force undergoes treatment for a wound or injury received or illness contracted while on military service or undergoing training shall for the purposes of sections 22 and 44 be regarded as duty unless the wound, injury or illness is attributable to the member's misconduct; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 28 June 1984.)

Wet No. 87, 1984

WYSIGINGSWET OP VERDEDIGING, 1984

DAAR WORD BEPAAL deur die Staatspresident 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, artikel 1 van Wet 26 van 1973, artikel 1 van Wet 8 van 1974, artikel 1 van Wet 1 van 1976, artikel 1 van Wet 35 van 1977 en artikel 1 van Wet 103 van 1982.

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

- (a) deur in subartikel (1) die omskrywing van “aangetekende adres” deur die volgende omskrywing te vervang: 5
 “‘aangetekende adres’, met betrekking tot ’n **[burger] persoon**, die adres van daardie **[burger] persoon** soos van tyd tot tyd ooreenkomstig hierdie Wet 10 aan die bevoegde gesag meegedeel;”;
- (b) deur in daardie subartikel die omskrywing van “militêre” deur die volgende omskrywing te vervang: 15
 “‘militêre’, ook leer-, **[lug-] lugmag-** en vloot-, **sowel as geneeskundige diens-**;”;
- (c) deur in daardie subartikel die omskrywing van “offisier” deur die volgende omskrywing te vervang: 20
 “‘offisier’, met betrekking tot die Suid-Afrikaanse Weermag of die Reserwe, iemand **[wat ’n] aan wie** ingevolge artikel 83 **[aan hom verleende offisiërs-rang beklee]** ’n kommissie toegeken is en wat in offisiërsrang aangestel is;”.

Wysiging van artikel 3 van Wet 44 van 1957, soos gewysig deur artikel 2 van Wet 77 van 1963, artikel 3 van Wet 85 van 1967, artikel 2 van Wet 1 van 1976 en artikel 1 van Wet 34 van 1983.

2. Artikel 3 van die Hoofwet word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang: 25
 “(2) Die Suid-Afrikaanse Weermag of enige deel of lid daarvan kan—
(a) te [alle tye] eniger tyd [gebruik] in diens gestel word—
[(a)] (i) in diens ter verdediging van die Republiek; 30
[(aA)] (ii) in diens ter voorkoming of onderdrukking van terrorisme;
[(b)] (iii) in diens ter voorkoming of onderdrukking van binnelandse onluste in die Republiek; en
[(c)] (iv) in diens ter behoud of bewaring van lewens, 35
 gesondheid of eiendom of ter instandhouding van noodsaaklike dienste; en
[(d)] (b) terwyl in diens gestel soos in paragraaf (a) beoog, gebruik word in verband met **[polisiepligte]** daardie polisiewerksaamhede in artikel 5 van die Polisiewet, 1958 (Wet No. 7 van 1958), vermeld wat voorgeskryf word.”; en 40
- (b) deur subartikel (4) deur die volgende subartikel te vervang: 45
 “(4) **[So ’n lid] ’n Lid** wat in verband met **[polisiepligte]** polisiewerksaamhede in subartikel (2) (b) vermeld, gebruik word, het al die voorgeskrewe bevoegdhede en **[werksaamhede] pligte** wat by wet aan ’n lid van die kragtens die Polisiewet, 1958 (Wet No. 7 van 1958), ingestelde Suid-Afrikaanse Polisiemag verleen 50 of **[opgedra] opgelê** word, en is ten opsigte van handeling deur hom gedoen of nagelaat, in dieselfde mate aanspreeklik as wat hy onder dergelike omstandighede aanspreeklik sou gewees het as hy ’n lid van genoemde Mag was, en het die voordeel van al die indemniteite 55 waarop ’n lid van daardie Mag onder dergelike omstandighede geregtig sou gewees het.”.

Wysiging van artikel 9 van Wet 44 van 1957, soos gewysig deur artikel 6 van Wet 85 van 1967.

3. Artikel 9 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 60
 “Die Staande Mag bestaan uit **[offisiere wat daarin aangestel is en manskappe wat hul tot diens daarin verbind het]** persone wat daarin ingeskryf is, hetsy **[aangestel of tot diens verbind]** in ’n permanente of 65

DEFENCE AMENDMENT ACT, 1984

Act No. 87, 1984

BE IT ENACTED by the State President 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—

- 5 (a) by the substitution in subsection (1) for the definition of military” of the following definition:
 “‘military’ includes army, air force and naval, as well as medical service;”;
- 10 (b) by the substitution in that subsection for the definition of “officer” of the following definition:
 “‘officer’, in relation to the South African Defence Force or the Reserve, means a person **[who holds commissioned rank]** on whom a commission has been conferred [upon him] under section 83 and who has been appointed to officer’s rank;”;
- 15 (c) by the substitution in that subsection for the definition of “registered address” of the following definition:
 “‘registered address’, in relation to a **[citizen]** person, means the address of that **[citizen]** person as notified from time to time to the proper authority in terms of this Act;”.
- 20

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, section 1 of Act 1 of 1976, section 1 of Act 35 of 1977 and section 1 of Act 103 of 1982.

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

- 25 (a) by the substitution for subsection (2) of the following subsection:
 “(2) The South African Defence Force or any portion or member thereof may—
 (a) at **[all times]** any time be employed—
[(a)] (i) on service in defence of the Republic;
[(aA)] (ii) on service **[for]** in the prevention or suppression of terrorism;
[(b)] (iii) on service in the prevention or suppression of internal disorder in the Republic;
[(c)] (iv) on service in the preservation of life, health or property or the maintenance of essential services; and
[(d)] (b) while employed as contemplated in paragraph (a), be used on **[such]** those police **[duties]** functions mentioned in section 5 of the Police Act, 1958 (Act No. 7 of 1958), as may be prescribed.”; and
- 30 (b) by the substitution for subsection (4) of the following subsection:
 “(4) Any **[such]** member who is used on police **[duties]** functions referred to in subsection (2) (b), shall have all **[such]** the prescribed powers and **[functions]** duties as are by law conferred or imposed upon **[or entrusted to]** a member of the South African Police Force established under the Police Act, 1958 (Act No. 7 of 1958), and shall in respect of acts done or omitted to be done by him be liable to the same extent as he would have been liable in like circumstances if he were a member of the said Force, and shall have the benefit of all the indemnities to which a member of that Force would in like circumstances be entitled.”.
- 35
- 40
- 45
- 50

Amendment of section 3 of Act 44 of 1957, as amended by section 2 of Act 77 of 1963, section 3 of Act 85 of 1967, section 2 of Act 1 of 1976 and section 1 of Act 34 of 1983.

3. Section 9 of the principal Act is hereby amended—

- 55 (a) by the substitution in subsection (1) for the words preceding the proviso of the following words:
 “The Permanent Force shall consist of **[officers appointed thereto and other ranks engaged for service]** persons enrolled therein, whether **[appointed or engaged]** in permanent or temporary capacity,
- 60

Amendment of section 9 of Act 44 of 1957, as amended by section 6 of Act 85 of 1967.

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tydelike hoedanigheid, en word georganiseer op die wyse wat voorgeskryf mag word.”;

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

“(2) (a) Die prosedure **[met die aanstelling van offisiere en die indiensneming van manskappe]** vir inskrywing, aanstelling en bevordering in die Staande Mag en, behoudens die bepalings van enige wet met betrekking tot die toekenning van pensioene aan lede van die Staande Mag, die voorwaardes van sodanige **[aanstelling of indiensneming,]** inskrywing, aanstelling en bevordering is soos voorgeskryf **[mag]** word. 5 10

- (b) Bedoelde voorwaardes kan voorsiening maak vir die betaling van gratifikasies by uitdienstreding aan bepaalde kategorieë of soorte van persone wat in ’n tydelike hoedanigheid **[aangestel of tot diens verbind]** ingeskryf is.”; en 15

- (c) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Iemand **[wat hom tot diens]** in die Staande Mag **[verbind]** ingeskryf, **[is verplig om]** dien daarin **[te dien]** totdat hy **[sy amptelike ontslag verkry het]** amptelik daaruit ontslaan word.”. 20

Wysiging van artikel 10 van Wet 44 van 1957, soos vervang deur artikel 7 van Wet 85 van 1967.

4. Artikel 10 van die Hoofwet word hierby gewysig deur die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang: 25

“Niemand word **[vir diens]** in die Staande Mag ingeskryf nie, tensy hy ’n burger is en, behalwe waar die Minister of iemand wat op sy gesag handel anders gelas, in beide offisiële tale van die Republiek geslaag het in die eksamen waarin hy ingevolge die vereistes kragtens artikel 9 (2) voorgeskryf, as ’n voorvereiste vir **[aanstelling of indiensneming]** inskrywing ingevolge daardie artikel moet slaag.”. 30

Vervanging van artikel 12 van Wet 44 van 1957.

5. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang: 35

“Ontslag van offisiere en manskappe uit Staande Mag.

12. (1) Behoudens die bepalings van subartikel (2) van hierdie artikel, en artikels 86 en 96, word ’n lid van die Staande Mag uit daardie Mag ontslaan— 40
- (a) in die geval van ’n offisier, na ontvangs van ’n skriftelike kennisgewing van sy bedanking, ooreenkomstig die bepalings van hierdie Wet;
- (b) in die geval van ’n manskap, deur uitkoop op die voorwaardes wat voorgeskryf word;
- (c) by bereiking van die voorgeskrewe ouderdom; 45
- (d) indien hy aansoek gedoen het om vir ’n bepaalde tydperk in daardie Mag te dien, by verstryking van die tydperk van inskrywing;
- (e) uit hoofde van ’n vonnis opgelê kragtens die Reglement van Dissipline; of 50
- (f) op die ander gronde wat voorgeskryf word.

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and shall be organized in such manner as may be prescribed.”;

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

5 “(2) (a) The procedure **[in connection with the ap-**
pointment of officers and the engagement of other
ranks] for enrolment, appointment and promotion in
 10 the Permanent Force and, subject to the provisions
 of any law relating to the grant of pensions to mem-
 bers of the Permanent Force, the conditions of such
[appointment or engagement] enrolment, appoint-
 ment and promotion shall be as may be prescribed.

- 15 (b) The said conditions may provide for the payment of
 gratuities upon discharge, to specified categories or
 kinds of persons **[appointed or engaged]** enrolled
 in a temporary capacity.”; and

- (c) by the substitution for subsection (4) of the following
 subsection:

20 “(4) Any person **[engaging for service]** enrolled in
 the Permanent Force shall **[be bound to serve]** serve
 therein until he has **[obtained his official discharge]**
 been officially discharged therefrom.”

4. Section 10 of the principal Act is hereby amended by the
 25 substitution for the words preceding the proviso of the following
 words:

Amendment of
 section 10 of
 Act 44 of 1957,
 as substituted by
 section 7 of
 Act 85 of 1967.

30 “No person shall be enrolled **[for service]** in the Permanent
 Force unless he is a citizen and, except where the Minister
 or any person acting under his authority otherwise directs,
 has passed in both official languages of the Republic in the
 examination which he is in terms of the conditions prescrib-
 ed under section 9 (2) required to pass as a condition pre-
 cedent to **[appointment or engagement]** enrolment in terms
 of that section.”

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

Substitution of
 section 12 of
 Act 44 of 1957.

“Discharge of
 officers and
 other ranks
 from Per-
 manent
 40 Force.”

12. (1) Subject to the provisions of subsection (2)
 of this section, and sections 86 and 96, a member of
 the Permanent Force shall be discharged from that
 Force—

45 (a) in the case of an officer, upon receipt of written
 notice of his resignation, in accordance with the
 provisions of this Act;

(b) in the case of an other rank, by purchase on
 such conditions as may be prescribed;

50 (c) on attaining the prescribed age;

(d) if he applied to serve in that Force for a deter-
 mined period of time, on the expiration of the
 period of enrolment;

(e) by virtue of a sentence imposed under the Mili-
 tary Discipline Code; or

(f) on such other grounds as may be prescribed.

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(2) 'n Offisier of manskap wat spesiale opleiding ondergaan het uit hoofde van 'n onderneming deur hom om die Regering vir 'n bepaalde tydperk na afloop van daardie opleiding te dien, is nie geregtig om van sy pligte onthef of ontslaan te word nie tot- 5
dat hy vir daardie tydperk gedien het of aan die Re-
gering 'n in die onderneming bepaalde bedrag betaal
het by wyse van vergoeding vir enige uitgawes by die
verskaffing van daardie spesiale opleiding deur die 10
Regering aangegaan."

Vervanging van
artikel 15 van
Wet 44 van 1957,
soos vervang deur
artikel 3 van
Wet 103 van 1982.

6. Artikel 15 van die Hoofwet word hierby deur die volgende artikel vervang:

"Oorplasing na Staandemagreserwe. 15. 'n **[Burger]** Persoon wat in die Staande Mag gedien het, kan by die beëindiging van sy diens daar- in **[verplig word om in die Staandemagreserwe te dien]** 15 **[vir die tydperk en]** na die Staandemagreserwe oorge- plaas word vir diens onderworpe aan die voor- waardes in Hoofstuk VI bepaal."

Wysiging van
artikel 16 van
Wet 44 van 1957,
soos gewysig deur
artikel 1 van
Wet 66 van 1972
en artikel 3 van
Wet 34 van 1983.

7. Artikel 16 van die Hoofwet word hierby gewysig deur sub- artikel (1) deur die volgende subartikel te vervang: 20

"(1) Die Burgermag bestaan uit—
(a) **[offisiere kragtens hierdie Wet daarin aangestel]** per-
sone ingevolge Hoofstuk VIII daaraan toegewys;
(b) persone **[ooreenkomstig Hoofstuk VIII daarby ingedeel]**
wat aansoek gedoen het om in daardie Mag te dien en 25
wat daarin ingeskryf is;
**[(c) burgers wat tot diens ter verdediging van die Republiek
verplig kan word, en hulle tot diens in daardie Mag ver-
bind:]** en
[(d)](c) [burgers] persone wat opgeroep is om ooreenkomstig 30
Hoofstuk X **[opgeroep word om]** diens te doen en by
daardie Mag ingedeel **[word]** is."

Wysiging van
artikel 17 van
Wet 44 van 1957,
soos gewysig deur
artikel 8 van
Wet 85 van 1967.

8. Artikel 17 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a)
vooraangaan deur die volgende woorde te vervang: 35
"Offisiere van die Burgermag word sover doenlik uit
die geledere van daardie Mag aangestel, maar behalwe
soos in subartikel (4) bepaal, kan geen lid van daardie
Mag **[met kommissierang]** in **[offisierrang]** aangestel
word nie, tensy—"; en 40
(b) deur die Engelse teks van subartikel (2) deur die vol-
gende subartikel te vervang:
"(2) Any person who holds a permanent appoint-
ment with **[commissioned]** officer's rank in the Citizen
Force shall serve as an officer in that Force for a period 45
expiring not before the expiration of any period he is in
terms of section 21 required to serve in that Force, un-
less he has otherwise been released from service."

Vervanging van
artikel 19 van
Wet 44 van 1957,
soos gewysig deur
artikel 9 van
Wet 85 van 1967.

9. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang: 50

"Vrywillige diens in Burgermag. 19. (1) Enige burger **[wat tot diens ter verdediging
van die Republiek verplig kan word]** in artikel 3 (1)
(b) bedoel, behalwe 'n burger **[wat ooreenkomstig
Hoofstuk VIII aan inskrywing onderhewig is]** ten op-
sigte van wie artikel 21 (1) van toepassing is, of 'n 55
persoon (behalwe 'n burger) wat in die Republiek
gedomisileer is, kan aansoek doen om in die Burger-
mag te dien en kan op die voorwaardes en op die
wyse wat voorgeskryf **[mag]** word **[vir sodanige diens
aangeneem]** daarin ingeskryf word. 60

(2) 'n Burger of persoon **[wat hom tot diens in die
Burgermag verbind, of weer daartoe verbind]** in sub-

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(2) An officer or other rank who has undergone special training in pursuance of an undertaking by him to serve the Government for a specified period after the completion of such training, shall not be entitled to be relieved of his duties or to be discharged until he has served for such period or has paid to the Government an amount specified in the undertaking by way of compensation for any expenditure incurred by the Government in providing such special training."

6. The following section is hereby substituted for section 15 of the principal Act:

Substitution of section 15 of Act 44 of 1957, as substituted by section 3 of Act 103 of 1982.

15 "Transfer to Permanent Force Reserve. 15. Any **[citizen]** person who has served in the Permanent Force **[shall]** may on termination of his service therein be **[liable to serve in]** transferred to the Permanent Force Reserve for **[the period and]** service subject to the conditions provided in Chapter VI."

7. Section 16 of the principal Act is hereby amended by the 20 substitution for subsection (1) of the following subsection:

Amendment of section 16 of Act 44 of 1957, as amended by section 1 of Act 66 of 1972 and section 3 of Act 34 of 1983.

"(1) The Citizen Force shall consist of—
(a) **[officers appointed thereto under this Act]** persons allotted thereto in terms of Chapter VIII;
(b) persons **[allotted thereto in terms of Chapter VIII]** who have applied to serve in that Force and who have been enrolled therein;
25 **[(c) citizens liable to render service in defence of the Republic who engage to serve in that Force;]** and
30 **[(d)](c) [citizens]** persons who **[are]** have been called up to render service in terms of Chapter X and **[are]** have been posted to that Force."

8. Section 17 of the principal Act is hereby amended—

Amendment of section 17 of Act 44 of 1957, as amended by section 8 of Act 85 of 1967.

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:
35 "(1) Officers of the Citizen Force shall as far as practicable be appointed from the ranks of that Force, but save as provided in subsection (4), no member of that Force shall be **[eligible for appointment to commissioned]** appointed to officer's rank unless—"; and
40 (b) by the substitution for subsection (2) of the following subsection:
45 "(2) Any person who holds a permanent appointment with **[commissioned]** officer's rank in the Citizen Force shall serve as an officer in that Force for a period expiring not before the expiration of any period he is in terms of section 21 required to serve in that Force, unless he has otherwise been released from service."

9. The following section is hereby substituted for section 19 of the principal Act:

Substitution of section 19 of Act 44 of 1957, as amended by section 9 of Act 85 of 1967.

50 "Voluntary service in Citizen Force. 19. (1) Any citizen **[liable to render service in defence of the Republic]** referred to in section 3 (1) (b), other than a citizen **[liable to be enrolled in terms of Chapter VIII]** in respect of whom section 21 (1) applies, or any person (other than a citizen) domiciled in the Republic, may apply to serve in the Citizen Force and may be **[engaged]** enrolled **[for such service under]** on such conditions and in such manner as may be prescribed.
55 (2) A citizen or person **[engaging or re-engaging for service in the Citizen Force]** referred to in subsection

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artikel (1) bedoel, [word op die voorgeskrewe wyse ingeskryf en is verplig om daarin te dien totdat hy sy amptelike ontslag verkry het] moet die voorgeskrewe diens doen totdat hy amptelik ontslaan word.”.

Vervanging van artikel 20 van Wet 44 van 1957, soos gewysig deur artikel 10 van Wet 85 van 1967.

10. Artikel 20 van die Hoofwet word hierby deur die volgende 5 artikel vervang:

“Vrywillige tydelike voltydse diens.

20. (1) 'n Offisier of ander burger [wat tot diens ter verdediging van die Republiek verplig kan word] in artikel 3 (1) (b) bedoel, kan aansoek doen om vir tydelike voltydse diens in die Burgermag [aangestel of aangeneem] ingeskryf te word en kan op die voorwaardes wat voorgeskryf [mag] word aldus [aangestel of aangeneem] ingeskryf word.

(2) [’n Offisier of ander burger] Iemand in subartikel (1) bedoel, word, behalwe in oorlogstyd, nie vir ’n 15 tydperk van meer as twee jaar aldus [aangestel of aangeneem] ingeskryf nie, maar kan by verstryking van enige tydperk waarvoor hy aldus [aangestel of aangeneem] ingeskryf is, vir verdere tydperke van hoogstens twee jaar op ’n keer [heraangestel of her- 20 aangeneem] heringeskryf word.

[(4)] (3) Offisiere of burgers ooreenkomstig hierdie artikel [aangestel of aangeneem] ingeskryf [is aan]—

(a) moet dieselfde opleiding [onderhewig] onder- 25 gaan, dieselfde diensvoordele ontvang en [kan] op dieselfde wyse in diens gestel word as lede van die Staande Mag; en

(b) is aan die Reglement van Dissipline onderworpe asof hulle lede van [daardie] die Staande Mag 30 was.

(4) Behoudens die bepalinge van subartikel (9) van artikel 22 onthef inskrywing ingevolge hierdie artikel nie ’n persoon van die verpligting om ingevolge artikel 21 of 35 diens te doen nie.”. 35

Wysiging van artikel 21 van Wet 44 van 1957, soos vervang deur artikel 11 van Wet 85 van 1967 en gewysig deur artikel 2 van Wet 8 van 1974, artikel 2 van Wet 83 van 1974 en artikel 4 van Wet 103 van 1982.

11. Artikel 21 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

“(1) Elke persoon wat ingevolge Hoofstuk VIII aan die Burgermag toegewys is en elke persoon wat op of na 31 Desember 1982 lid van daardie mag was of is (behalwe ’n 40 artikel 19 bedoelde lid), is, behoudens die bepalinge van hierdie Wet, verplig om in daardie Mag te dien oor ’n tydperk van 14 jaar bereken vanaf die datum waarop hy vir die eerste keer diens of opleiding in daardie Mag begin het of begin: Met dien verstande dat so ’n persoon wat weens 45 enige handeling of versuim hoegenaamd van sy kant nie diens gedoen het waartoe hy ingevolge artikel 22 verplig is nie, verplig bly om, ongeag daardie artikel, die [in die Burgermag te dien totdat hy bedoelde] diens [gedoen het, tensy die Minister of ’n persoon wat op sy gesag handel, anders 50 gelas] te doen oor die tydperk en in die tydperk of tydperke soos deur die Minister of ’n persoon wat op sy gesag handel, gelas.”.

12. Artikel 22 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikel te ver- 55 vang:

“(1) ’n [Ander lid van die Burgermag as ’n lid wat ingevolge artikel 20 of 24 vir diens daarin ingeskryf is,] Persoon in artikel 21 bedoel, is, behoudens die bepalinge van hierdie Wet, verplig om die diens te doen wat 60 die Minister of ’n persoon wat op sy gesag handel, binne die perke in hierdie artikel neergelê, bepaal.”; en

(b) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan deur die volgende woorde te vervang:

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, artikel 3 van Wet 8 van 1974, artikel 2 van Wet 35 van 1977, artikel 1 van

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tion (1), [shall be enrolled in the manner prescribed and shall be bound to serve therein until he has obtained his official discharge] shall render the prescribed service until he has been officially discharged.”

5 10. The following section is hereby substituted for section 20 of the principal Act:

Substitution of section 20 of Act 44 of 1957, as amended by section 10 of Act 85 of 1967.

“Voluntary temporary whole-time service.

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20. (1) Any officer or other citizen [liable to render service in defence of the Republic] referred to in section 3 (1) (b), may apply to be [appointed or engaged] enrolled for temporary whole-time service in the Citizen Force and may be so [appointed or engaged] enrolled on such conditions as may be prescribed.

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(2) [An officer or other citizen] Any person referred to in subsection (1), shall not, except in time of war, be so [appointed or engaged] enrolled for a period in excess of two years, but may, on the expiry of any period for which he has been so [appointed or engaged] enrolled, be [re-appointed or re-engaged] re-enrolled for further periods not exceeding two years at a time.

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[(4)] (3) Officers or citizens [appointed or engaged] enrolled in terms of this section—

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(a) shall [be liable to] undergo the same training, be entitled to the same service benefits and [to] be employed in the same manner as members of the Permanent Force; and

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(b) shall be subject to the Military Discipline Code as if they were members of [that] the Permanent Force.

(4) Subject to the provisions of subsection (9) of section 22, enrolment in terms of this section shall not relieve a person of the liability to serve in terms of section 21 or 35.”

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11. Section 21 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 21 of Act 44 of 1957, as substituted by section 11 of Act 85 of 1967 and amended by section 2 of Act 8 of 1974, section 2 of Act 83 of 1974 and section 4 of Act 103 of 1982.

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“(1) Every person allotted to the Citizen Force in terms of Chapter VIII and every person who was or is a member of that Force on or after 31 December 1982 (other than a member referred to in section 19), shall, subject to the provisions of this Act, be liable to serve in that Force over a period of 14 years reckoned from the date upon which he commenced or commences service or training in that Force for the first time: Provided that any such person who due to any act or omission whatever on his part has not rendered any service to which he is liable in terms of section 22, shall, notwithstanding that section, remain liable to [serve in the Citizen Force until he has rendered such] render service [unless] over such period and in such period or periods as the Minister or any person acting under his authority [otherwise directs] may direct.”

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12. Section 22 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

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“(1) [A member of the Citizen Force, other than a member enrolled for service therein in terms of section 20 or 24,] Any person referred to in section 21 shall, subject to the provisions of this Act, be liable to render such service as the Minister or any person acting under his authority may, within the limits laid down in this section, determine.”; and

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(b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

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, section 3 of Act 8 of 1974, section 2 of Act 35 of 1977, section 1 of

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Wet 68 van 1977
en artikel 5 van
Wet 103 van 1982.

“’n **[Lid]** Persoon wat verplig is om in die Burger-
mag te dien, doen, behoudens artikel 146 (3), diens wat
voltooi word in —”.

Vervanging van
artikel 30 van
Wet 44 van 1957.

13. Artikel 30 van die Hoofwet word hierby deur die volgende
artikel vervang:

“Ontslag van lede van Burgermag. 30. (1) Behoudens **[die bepalings van artikel]** arti-
kels 86 en 96, **[is]** word ’n lid van die Burgermag **[ge-
regtig om sy ontslag daaruit te verkry]** uit daardie
Mag ontslaan by verstryking van die dienstermyn
[waarvoor hy hom tot diens verbind het of] waartoe 10
hy verplig kan word, of, in die geval van ’n lid in arti-
kel 19 bedoel, by bereiking van die voorgeskrewe
ouderdom of by vroeëre bedanking ooreenkomstig
die regulasies **[en kan hy om ander voorgeskrewe
redes daaruit ontslaan word]**. 15
(2) Behoudens subartikel (1), word lede van die
Burgermag daaruit ontslaan op die ander gronde wat
voorgeskryf word.”

Vervanging van
artikel 31 van
Wet 44 van 1957,
soos vervang deur
artikel 8 van
Wet 103 van 1982.

14. Artikel 31 van die Hoofwet word hierby deur die volgende
artikel vervang:

“Oorplasing na Aktiewe Burgermagreserwe. 31. ’n **[Burger]** Persoon wat in die Burgermag ge-
dien het, kan by die beëindiging van sy diens daarin
**[verplig word om in die Aktiewe Burgermagreserwe
te dien vir die tydperk en]** na die Aktiewe Burger-
magreserwe oorgeplaas word vir diens onderworpe 25
aan die voorwaardes in Hoofstuk VI bepaal.”.

Vervanging van
artikel 32 van
Wet 44 van 1957,
soos vervang deur
artikel 5 van
Wet 34 van 1983.

15. Artikel 32 van die Hoofwet word hierby deur die volgende
artikel vervang:

“Samestelling van kommando’s. 32. **[(1)]** Die kommando’s bestaan uit—
(a) **[offisiere kragtens hierdie Wet daarin aangestel]** 30
persone ingevolge Hoofstuk VIII daaraan toege-
wys;
(b) persone **[ooreenkomstig Hoofstuk VIII daaraan
toegewys]** wat aansoek gedoen het om in die
kommando’s te dien en wat daarin ingeskryf is; 35
[(c)] burgers wat tot diens ter verdediging van die Re-
publiek verplig kan word, en hulle tot diens
daarin verbind;] en
[(d)] (c) **[burgers]** persone wat opgeroep is om oor-
eenkomstig Hoofstuk X **[opgeroep word om]** 40
diens te doen en **[aan]** by die kommando’s **[toe-
gewys word]** ingedeel is.
[(2)] Die in subartikel (1) genoemde kommando’s
kan lugkommando’s ter voorsiening van lugonder-
steuning insluit.”. 45

Wysiging van
artikel 33 van
Wet 44 van 1957,
soos gewysig deur
artikel 6 van
Wet 77 van 1963
en artikel 17 van
Wet 85 van 1967.

16. Artikel 33 van die Hoofwet word hierby gewysig deur sub-
artikel (1) deur die volgende subartikel te vervang:

“(1) Die organisasie van en bevel oor kommando’s, **[en]**
die range daarin, die wyse van inskrywing, aanstelling en
bevordering daarin en die voorwaardes van toepassing in 50
verband met enige sodanige inskrywing, aanstelling en be-
vordering, is soos voorgeskryf **[Met dien verstande dat**
verskillende regulasies ten opsigte van kommando’s en lug-
kommando’s uitgevaardig kan word].”.

17. Artikel 35 van die Hoofwet word hierby deur die volgende 55
artikel vervang:

“Diensplig in kommando’s. 35. Elke persoon aan die kommando’s toegewys
ingevolge Hoofstuk VIII en elke persoon wat na 31
Desember 1982 ’n lid van ’n kommando was en nie

Vervanging van
artikel 35 van
Wet 44 van 1957,
soos vervang deur
artikel 10 van
Wet 103 van 1982.

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“(3) A **[member]** person liable to serve in the Citizen Force shall, subject to section 146 (3), render service which shall be completed in —”.

Act 68 of 1977
and section 5 of
Act 103 of 1982.

13. The following section is hereby substituted for section 30 of the principal Act:

Substitution of
section 30 of
Act 44 of 1957.

“Discharge of
members of
Citizen
Force.

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30. (1) Subject to **[the provisions of section]** sections 86 and 96, a member of the Citizen Force shall be **[entitled to receive his discharge therefrom]** discharged from that Force on the expiration of the period of service [for which he engaged or] for which he is liable, or, in the case of a member referred to in section 19, on attaining the prescribed age or on earlier resignation in accordance with the regulations [and may be discharged therefrom for other prescribed reasons].

(2) Subject to subsection (1), members of the Citizen Force shall be discharged therefrom on such other grounds as may be prescribed.”.

14. The following section is hereby substituted for section 31 of the principal Act:

Substitution of
section 31 of
Act 44 of 1957,
as substituted by
section 8 of
Act 103 of 1982.

“Transfer to
Active Citi-
zen Force
Reserve:

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31. A **[citizen]** person who has served in the Citizen Force **[shall]** may, on the termination of his service therein, be [liable to serve in] transferred to the Active Citizen Force Reserve for [the period and] service subject to the conditions provided in Chapter VI.”.

15. The following section is hereby substituted for section 32 of the principal Act:

Substitution of
section 32 of
Act 44 of 1957,
as substituted by
section 5 of
Act 34 of 1983.

“Composi-
tion of com-
mandos.

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32. **[(1)]** The commandos shall consist of—
(a) **[officers appointed thereto under this Act]** persons allotted thereto in terms of Chapter VIII;
(b) persons **[allotted thereto in terms of Chapter VIII]** who have applied to serve in the commandos and who have been enrolled therein;
(c) **[citizens liable to render service in defence of the Republic and who engage to serve therein;]** and
(d) **[(c) [citizens] persons who [are] have been called up to render service in terms of Chapter X [to render service] and [are] have been [al-
lotted] posted to the commandos.**

[(2)] The commandos mentioned in subsection (1) may include air commandos for providing air support.”.

16. Section 33 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 33 of
Act 44 of 1957,
as amended by
section 6 of
Act 77 of 1963
and section 17 of
Act 85 of 1967.

“(1) The organization and command of commandos, **[and]** the ranks therein, the manner of enrolment, appointment **[thereto]** and promotion therein and the conditions applicable in connection with any such enrolment, appointment and promotion, shall be as prescribed **[; Provided that different regulations may be made in respect of commandos and air commandos].”.**

17. The following section is hereby substituted for section 35 of the principal Act:

Substitution of
section 35 of
Act 44 of 1957,
as substituted by
section 10 of
Act 103 of 1982.

“Liability to
serve in com-
mandos.

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35. Every person allotted to the commandos in terms of Chapter VIII and every person who, after 31 December 1982, was a member of a commando

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aan die Burgermag hertoegewys is nie (behalwe 'n in artikel 36 of 37 bedoelde lid), is, behoudens die bepaling van hierdie Wet, verplig om in 'n kommando te dien totdat hy die ouderdom van 55 jaar bereik of amptelik daaruit ontslaan word: Met dien verstande 5 dat so 'n persoon wat weens enige handeling of versuim hoegenaamd van sy kant nie diens gedoen het waartoe hy ingevolge artikel 44 verplig is nie, verplig bly om, ongeag daardie artikel, **[in 'n kommando te dien totdat hy bedoelde diens gedoen het, tensy]** die 10 diens te doen oor die tydperk en in die tydperk of tydperke soos deur die Minister of 'n persoon wat op sy gesag handel, **[anders]** gelas."

Vervanging van artikel 36 van Wet 44 van 1957, soos vervang deur artikel 1 van Wet 3 van 1969 en artikel 2 van Wet 42 van 1979.

18. Artikel 36 van die Hoofwet word hierby deur die volgende artikel vervang: 15

"Vrywillige diens in kommando's.

36. (1) **['n] Enige burger [wat ooreenkomstig hierdie Wet dienspligtig is]** in artikel 3 (1) (b) bedoel, behalwe 'n burger ten opsigte van wie artikel 21 (1) of 35 van toepassing is, of 'n persoon (behalwe 'n burger) wat in die Republiek gedomisileer is **[en wat, in 20 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 25 nie]**, kan aansoek doen om in die kommando's te dien, en kan op die voorwaardes en op die wyse wat voorgeskryf **[mag]** word **[vir sodanige diens aange- neem]** daarin ingeskryf word.

(2) 'n Burger of **[sodanige]** persoon **[wat hom tot 30 diens in die kommando's verbind of weer daartoe verbind]** in subartikel (1) bedoel, **[word op die voorgeskrewe wyse ingeskryf en is verplig om daarin te dien totdat hy sy amptelike ontslag verkry het]** moet die diens in artikel 44 (3) (a) vermeld, doen totdat hy 35 amptelik ontslaan word."

Herroeping van artikel 38 van Wet 44 van 1957, soos vervang deur artikel 19 van Wet 85 van 1967.

19. Artikel 38 van die Hoofwet word hierby herroep.

Wysiging van artikel 40 van Wet 44 van 1957, soos gewysig deur artikel 20 van Wet 85 van 1967.

20. Artikel 40 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

"(4) Indien so iemand enige bepaling van hierdie artikel 40 oortree of versuim om daaraan te voldoen of versuim om die voorwaardes van aankoop na te kom of versuim om in enige jaar gedurende voormelde tydperk van vyf jaar **[, op die voorgeskrewe minimum getal geleenthede soos ingevolge artikel 44 (2) bepaal,]** die diens in artikel 44 (3) (a) bedoel, 45 te doen, word die geweer aan die Regering verbeur en kan dit sonder betaling van vergoeding of terugbetaling van die koopprys, deur 'n voorgeskrewe offisier in besit geneem word."

Vervanging van artikel 42bis van Wet 44 van 1957, soos ingevoeg deur artikel 10 van Wet 77 van 1963.

21. Artikel 42bis van die Hoofwet word hierby deur die volgende artikel vervang: 50

"Vliegtuie vir opleiding van lugkommando's.

42bis. Die gebruik van vliegtuie **[benodig]** wat nodig is vir die opleiding van lugkommando's kan van die eienaars daarvan verkry word by ooreenkoms en teen die vergoeding en onderworpe aan die 55 voorwaardes wat die **[Sekretaris van Verdediging]** Hoof van die Suid-Afrikaanse Weermag in oorleg met die Tesourie bepaal."

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(other than a member referred to in section 36 or 37) and was not re-allotted to the Citizen Force, shall, subject to the provisions of this Act, be liable to serve in a commando until he attains the age of 55 years or until he has been officially discharged therefrom: Provided that any such person who due to any act or omission whatever on his part has not rendered any service to which he is liable in terms of section 44, shall, notwithstanding that section, remain liable **[to serve in a commando until he has rendered such service, unless]** to render such service over such period and in such period or periods as the Minister or any person acting under his authority **[otherwise directs]** may direct.”

15 18. The following section is hereby substituted for section 36 of the principal Act:

Substitution of section 36 of Act 44 of 1957, as substituted by section 1 of Act 3 of 1969 and section 2 of Act 42 of 1979.

“Voluntary service in commandos. 36. (1) Any citizen **[liable to render service in terms of this Act]** referred to in section 3 (1) (b), other than a citizen in respect of whom section 21 (1) or 35 applies, 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 Harbour 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 apply to serve in the commandos, and may be **[engaged for such service under]** enrolled therein on such conditions and in such manner as may be prescribed.

(2) A citizen or **[such]** person **[engaging or re-engaging for service in the commandos]** referred to in subsection (1) **[shall be enrolled in the manner prescribed and shall be bound to serve therein until he has obtained his official discharge]**, shall render the service mentioned in section 44 (3) (a) until he has been officially discharged.”

19. Section 38 of the principal Act is hereby repealed.

Repeal of section 38 of Act 44 of 1957, as substituted by section 19 of Act 85 of 1967.

20. Section 40 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 40 of Act 44 of 1957, as amended by section 20 of Act 85 of 1967.

“(4) If any such person contravenes or fails to comply with any provision of this section, or fails to comply with the conditions of purchase, or fails to render the service referred to in section 44 (3) (a) in any year during the aforesaid period of five years, **[on the minimum number of occasions prescribed as provided in section 44 (2),]** the rifle shall be forfeited to the Government and may be taken possession of by a prescribed officer without payment of compensation or refund of the purchase price.”

21. The following section is hereby substituted for section 42bis of the principal Act:

Substitution of section 42bis of Act 44 of 1957, as inserted by section 10 of Act 77 of 1963.

“Aircraft for training of air commandos. 42bis. The use of aircraft necessary for the training of air commandos may be obtained from the owners thereof by agreement and against such compensation and subject to such conditions as the **[Secretary for Defence]** Chief of the South African Defence Force in consultation with the Treasury may determine.”

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Herroeping van
artikel 43 van
Wet 44 van 1957,
soos gewysig deur
artikel 11 van
Wet 77 van 1963.

22. Artikel 43 van die Hoofwet word hierby herroep.

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,
artikel 3 van
Wet 35 van 1977,
artikel 3 van
Wet 68 van 1977
en artikel 11 van
Wet 103 van 1982.

23. Artikel 44 van die Hoofwet word hierby gewysig deur in subartikel (3) (b) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“(b) ’n **[Lid] Persoon** wat verplig is om in ’n kommando te dien nadat hy ingevolge artikel 67 (1) (b) (iv) aan ’n kommando toegewys is, doen behoudens artikel 146 (3) diens—”.

Invoeging van
artikel 45 in
Wet 44 van 1957,
soos herroep deur
artikel 6 van
Wet 34 van 1983.

24. Die volgende artikel word hierby na artikel 44 in die Hoofwet ingevoeg:

“Ontslag van
offisiere en
manskappe
uit komman-
do's.

45. (1) Behoudens artikels 86 en 96 word ’n lid van die kommando's daaruit ontslaan—

(a) in die geval van ’n persoon in artikel 35 bedoel, uitgesonderd in die voorbehoudsbepaling by daardie artikel, by bereiking van die ouderdom van 55 jaar of sodanige vroeëre ouderdom as wat die Minister of ’n persoon wat op sy gesag handel, bepaal; of

(b) in die geval van ’n persoon in die voorbehoudsbepaling by daardie artikel bedoel, by voltooiing van die tydperk wat ten opsigte van sodanige persoon gelas mag word; en

(c) in die geval van ’n persoon in artikel 36 bedoel, by bereiking van die voorgeskrewe ouderdom of by vroeëre bedanking ooreenkomstig die regulasies.

(2) Behoudens subartikel (1) word lede van die kommando's daaruit ontslaan op die ander gronde wat voorgeskryf word.”.

Vervanging van
artikel 47 van
Wet 44 van 1957,
soos vervang deur
artikel 13 van
Wet 103 van 1982.

25. Artikel 47 van die Hoofwet word hierby deur die volgende artikel vervang:

“Samestelling
van Staande-
magreserwe.

47. Die Staandemagreserwe bestaan uit **[burgers]** persone wat, nadat hulle vir ’n tydperk van 10 jaar of sodanige korter tydperk as wat die Minister of iemand wat op sy gesag handel, bepaal in die Staande Mag gedien het, by die beëindiging van hul diens daarin met goedkeuring van die Minister of sodanige persoon, en in ooreenstemming met die regulasies, **[verplig word om ’n tydperk van diens in]** na die Staandemagreserwe **[te. voltooi]** oorgeplaas is vir diens soos voorgeskryf **[mag]** word: Met dien verstande dat niemand, behalwe ’n offisier wat ingevolge artikel 86 die bedanking van sy kommissie en van sy aanstelling ingedien het, **[verplig word om]** in ’n laer rang in bedoelde Reserwe dien as wat hy by beëindiging van sy diens in die Staande Mag daarin beklee het **[in bedoelde Reserwe te dien]** nie, en dat niemand na sy vyf-en-sestigste jaar in bedoelde Reserwe dien nie.”.

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22. Section 43 of the principal Act is hereby repealed.

Repeal of
section 43 of
Act 44 of 1957,
as amended by
section 11 of
Act 77 of 1963.

23. Section 44 of the principal Act is hereby amended by the substitution in subsection (3) (b) for the words preceding subparagraph (i) of the following words:

- 5 “(b) A **[member]** person liable to serve in a commando after having been allotted to a commando in terms of section 67 (1) (b) (iv), shall, subject to section 146 (3), render service—”.

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,
section 3 of
Act 35 of 1977,
section 3 of
Act 68 of 1977
and section 11 of
Act 103 of 1982.

24. The following section is hereby inserted in the principal Act after section 44:

“Discharge of
officers and
other ranks
from com-
mandos.

45. (1) Subject to sections 86 and 96, a member of the commandos shall be discharged therefrom—

- 15 (a) in the case of a person referred to in section 35, excluding in the proviso to that section, on attaining the age of 55 years or such earlier age as the Minister or a person acting under his authority may determine; or
- 20 (b) in the case of a person referred to in the proviso to that section, upon completion of such period as may be directed in respect of such person; and
- 25 (c) in the case of persons referred to in section 36, on attaining the prescribed age or on earlier resignation in accordance with the regulations.

(2) Subject to subsection (1), members of the commandos shall be discharged therefrom on such other grounds as may be prescribed.”.

Insertion of
section 45 in
Act 44 of 1957,
as repealed by
section 6 of
Act 34 of 1983.

25. The following section is hereby substituted for section 47 of the principal Act:

30 “Composition of Permanent Force Reserve.

47. The Permanent Force Reserve shall consist of **[citizens]** persons who, having served in the Permanent Force for a period of 10 years or such lesser period as the Minister or a person acting under his authority may determine, are, on the termination of their service therein, **[required]** with the approval of the Minister or such person and in accordance with the regulations, **[to complete a period of service in]** transferred to the Permanent Force Reserve for service as may be prescribed: Provided that no person, other than an officer who has in terms of section 86 tendered the resignation of his commission and of his appointment shall **[be required to]** serve in the said Reserve in a rank lower than that which he held in the Permanent Force at the termination of his service therein, and that no person shall serve in the said Reserve beyond his sixty-fifth year.”.

Substitution of
section 47 of
Act 44 of 1957,
as substituted by
section 13 of
Act 103 of 1982.

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WYSIGINGSWET OP VERDEDIGING, 1984

Vervanging van
artikel 48 van
Wet 44 van 1957,
soos vervang deur
artikel 14 van
Wet 103 van 1982.

26. Artikel 48 van die Hoofwet word hierby deur die volgende artikel vervang:

“Samestelling 48. Die Aktiewe Burgermagreserwe bestaan uit
van Aktiewe **[burgers] persone** wat, nadat hulle **[hul diens in die**
Burgermag **voltooi het]** in die Burgermag gedien het, 5
met goedkeuring van die Minister of iemand wat op
sy gesag handel, en in ooreenstemming met die regu-
lasies **[verplig word om 'n tydperk van diens van**
hoogstens vyf jaar in], na die Aktiewe Burgermagre-
serwe **[te voltooi]** oorgeplaas is vir die diens **[soos]** 10
wat voorgeskryf **[mag]** word, vir 'n tydperk van
hoogstens vyf jaar: Met dien verstande dat so 'n
[burger] persoon nie **[verplig word om]** na sy vyf-en-
vyftigste jaar in bedoelde Reserwe **[te]** dien nie.”.

Wysiging van
artikel 51 van
Wet 44 van 1957,
soos vervang deur
artikel 18 van
Wet 103 van 1982.

27. Artikel 51 van die Hoofwet word hierby gewysig deur sub- 15
artikel (2) deur die volgende subartikel te vervang:

“(2) **[’n Lid van die Reserwe kan toegelaat word om**
vrywilliglik enige instruksiekursus by te woon wat
kragtens hierdie Wet voorsien word] Die oproeping
van iemand ingevolge subartikel (1) moet geskied 20
deur middel van 'n aangetekende brief deur 'n voor-
geskrewe offisier aan hom by sy aangetekende adres
gerig, en sodanige brief moet die datum waarop en
plek waar met opleiding begin moet word, vermeld,
en moet só geënskrif word dat dit hom nie minder as die 25
voorgeskrewe getal dae voor sodanige datum sal be-
reik nie, as sodanige brief in die gewone loop van die
posdiens afgelewer word.”.

Wysiging van
artikel 52 van
Wet 44 van 1957,
soos gewysig deur
artikel 1 van
Wet 83 van 1962,
artikel 27 van
Wet 85 van 1967,
artikel 4 van
Wet 3 van 1969
en artikel 6 van
Wet 83 van 1974.

28. Artikel 52 van die Hoofwet word hierby gewysig—
(a) deur subartikel (1) deur die volgende subartikel te ver- 30
vang:

“(1) 'n **[Ander lid]** Lid van die Reserwe **[as 'n lid van**
die Staandemagreserwe]—
(a) kan verplig word om diens ingevolge Hoofstuk X 35
te doen; en
(b) kan daarbenewens te eniger tyd, op las van die
Minister **[en deur middel van 'n aangetekende brief**
deur 'n voorgeskrewe offisier aan hom by sy aange-
tekening adres gerig], opgeroep word om enige an-
der diens te doen wat voorgeskryf word 40

[in enige deel van die Suid-Afrikaanse Weermag, al na
die openbare belang vereis, en so 'n lid word, terwyl hy
die betrokke diens doen, geag lid van die Burgermag te
wees tensy hy by 'n kommando diens doen en ingevolge
die regulasies geag word lid van 'n kommando te 45
wees].”;

(b) deur subartikel (1A) deur die volgende subartikel te
vervang:

“**[1A] (2) 'n [In subartikel (1) bedoelde lid]** Lid van
die **[Reserwe]** Nasionale Reserwe of die Aktiewe Bur- 50
germagreserwe kan ooreenkomstig die regulasies ver-
plig word om diens te doen soos in **[daardie]** subartikel
(1) beoog, in enige deel van die Suid-Afrikaanse Weer-
mag, al na die openbare belang vereis, in 'n laer rang

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26. The following section is hereby substituted for section 48 of the principal Act:

Substitution of section 48 of Act 44 of 1957, as substituted by section 14 of Act 103 of 1982.

“Composition of Active Citizen Force Reserve.”

48. The Active Citizen Force Reserve shall consist of **[citizens]** persons who, having **[completed their service in the Citizen Force]** served in the Citizen Force, are, with the approval of the Minister or a person acting under his authority, and in accordance with the regulations, **[required to complete a period of service not exceeding five years in]** transferred to the Active Citizen Force Reserve for such service as may be prescribed, for a period not exceeding five years: Provided that no such **[citizen]** person shall **[be required to]** serve in the said Reserve beyond his fifty-fifth year.”

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

Amendment of section 51 of Act 44 of 1957, as substituted by section 18 of Act 103 of 1982.

“(2) **[Any member of the Reserve may be permitted to attend voluntarily any course of training provided under this Act]** The calling up of a person in terms of subsection (1) shall be effected by means of a registered letter addressed to him at his registered address by a prescribed officer, and such letter shall state the date on which and the place where training is to be commenced, and shall be so posted that it will reach him not less than the prescribed number of days before such date, if such letter is delivered in the ordinary course of post.”

28. Section 52 of the principal Act is hereby amended—

Amendment of section 52 of Act 44 of 1957, as amended by section 1 of Act 83 of 1962, section 27 of Act 85 of 1967, section 4 of Act 3 of 1969 and section 6 of Act 83 of 1974.

(a) by the substitution for subsection (1) of the following subsection:

“(1) A member of the Reserve **[other than a member of the Permanent Force Reserve]**—

(a) shall be liable to render service in terms of Chapter X; and

(b) may in addition be called **[out]** up at any time, on the instructions of the Minister **[and by means of a registered letter addressed to him at his registered address by a prescribed officer]**, to render any other service as may be prescribed

[in any portion of the South African Defence Force, as the public interest may require, and any such member shall while rendering the service in question be deemed to be a member of the Citizen Force unless he is rendering service in a commando and is in terms of the regulations deemed to be a member of a commando].”;

(b) by the substitution for subsection (1A) of the following subsection:

“**[(1A)] (2)** Any member of the **[Reserve referred to in subsection (1)]** National Reserve or the Active Citizen Force Reserve may be required in accordance with regulations to render service as contemplated in **[that]** subsection (1), in any portion of the South African Defence Force, as the public interest may require, in a

as dié wat hy in die betrokke Reserwe beklee, en so 'n lid word, terwyl hy aldus diens doen, geag lid van die Burgermag te wees, tensy hy in 'n kommando diens doen en ingevolge die regulasies geag word lid van 'n kommando te wees.”;

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

“**[(2)] (3) [Lede van die Staandemagreserwe]** 'n Lid van die Reserwe wie se dienste na die oordeel van die Minister nodig is vir enige diens in artikel 3 (2) bedoel, moet ingevolge subartikel (1) (b) tot diens opgeroep word en kan [verplig word om diens ingevolge Hoofstuk X in die Staande mag te doen], terwyl hy diens ingevolge daardie subartikel doen, kragtens artikel 92ter in diens gestel word soos in artikel 3 (2) bepaal en hy kan, in die geval van 'n lid van die Staandemagreserwe, 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.”;

- (d) deur subartikel (3) te skrap;

- (e) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Geen lid van die Reserwe wat ooreenkomstig subartikel (1) (b) **[of (3)]** tot diens opgeroep is, word verplig om te eniger tyd vir 'n ononderbroke tydperk van meer as [twaalf] drie maande gedurende 'n kalenderjaar in enige deel of dele van die Suid-Afrikaanse Weermag te dien nie.”;

- (f) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Indien 'n [lid van die Reserwe] persoon ingevolge die bepalinge van subartikel (1) **[(b)]** of (3) **[tot diens of pligte]** opgeroep is, moet die Minister, binne veertien dae na sodanige oproeping, die redes daarvoor aan [beide Huise van] die Parlement meedeel, indien die Parlement dan in sessie is, of, indien die Parlement nie dan in sessie is nie, binne veertien dae na die begin van sy eersvolgende sessie.”;

- (g) deur subartikel (5)bis te skrap; en

- (h) deur subartikel (5)ter deur die volgende subartikel te vervang:

“**[(5)ter] (6) (a)** Die oproeping van iemand **[tot diens]** ingevolge [subartikel (5)bis] subartikels (1) en (3) moet geskied deur middel van 'n aangetekende brief **[wat]** deur 'n voorgeskrewe offisier aan hom by sy [geregistreerde] aangetekende adres gerig **[is deur 'n voorgeskrewe offisier, en waarin ook die datum waarop sodanige diens 'n aanvang moet neem, vermeld word]**, en wat só gepos moet word **[sodat]** dat dit hom nie minder as die voorgeskrewe getal dae voor die datum waarop sy diens 'n aanvang sal neem, sal bereik nie, as sodanige brief in die gewone loop van die posdiens afgelewer word **[minstens 30 dae voor genoemde datum sal bereik]**.”

- (b) Die brief in paragraaf (a) bedoel, moet vermeld—

- (i) die datum waarop en die plek waar die diens 'n aanvang sal neem;
- (ii) wanneer van toepassing, die diens bedoel in artikel 3 (2) waarvoor die betrokke persoon gedurende sy diens ingevolge artikel 92ter in diens gestel sal word; en
- (iii) die duur van enige diens.”.

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rank lower than that which he holds in the Reserve concerned, and such a member shall, while thus rendering service, be deemed to be a member of the Citizen Force, unless he is rendering service in a commando and is in terms of the regulations deemed to be a member of a commando.”;

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

“**[(2)] (3) [Members of the Permanent Force Reserve]** Any member of the Reserve whose services are in the opinion of the Minister required for any service mentioned in section 3 (2), shall be **[liable to render service in terms of Chapter X in the Permanent Force]** called up for service in terms of subsection (1) (b) and may, while he is rendering service in terms of that subsection, be employed in terms of section 92ter as provided for in section 3 (2) and he may in the case of a member of the Permanent Force Reserve, 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.”;

- (d) by the deletion of subsection (3);

- (e) by the substitution for subsection (4) of the following subsection:

“(4) No member of the Reserve called **[out]** up for service in terms of subsection (1) (b) **[or (3)]** shall be required at any time to serve in any portion or portions of the South African Defence Force for a continuous period exceeding **[twelve]** three months during a calendar year.”;

- (f) by the substitution for subsection (5) of the following subsection:

“(5) If **[any member of the Reserve]** a person has been called **[out for service or duty]** up under the provisions of subsection (1) **[(b)]** or (3) the Minister shall within fourteen days of such calling **[out]** up communicate the reasons therefor to **[both Houses of]** Parliament, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.”;

- (g) by the deletion of subsection (5)bis; and

- (h) by the substitution for subsection (5)ter of the following subsection:

“**[(5)ter] (6) (a)** The calling **[out]** up of a person **[for service]** in terms of **[subsection (5)bis]** subsections (1) and (3) shall be effected by means of a registered letter addressed to him at his registered address by a prescribed officer **[and also stating the date on which such service is to be commenced]** and shall be so posted **[so as to]** that it will reach him not less than the prescribed number of days before the date on which his service will commence, if such letter is delivered in the ordinary course of post **[not less than 30 days before such date]**.”

- (b) The letter referred to in paragraph (a) shall state—

- (i) the date on which and the place where the service is to be commenced;
- (ii) when applicable, the service referred to in section 3 (2) for which the person during his service is to be employed in terms of section 92ter; and
- (iii) the duration of any service.”

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WYSIGINGSWET OP VERDEDIGING, 1984

Invoeging van
artikel 52A in
Wet 44 van 1957.

29. Die volgende artikel word hierby na artikel 52 in die Hoofwet ingevoeg:

“Vrywillige
opleiding en
diens in Re-
serwe.

52A. 'n Lid van die Reserwe kan op die voor-
waardes wat voorgeskryf word, toegelaat word om
vrywillig opleiding te ondergaan of diens te doen be-
newens die opleiding of diens waartoe hy verplig kan
word of waarvoor in hierdie Wet voorsiening gemaak
word.”

Vervanging van
opskrif by
Hoofstuk VIII,
soos vervang deur
artikel 23 van
Wet 57 van 1975.

30. Die opskrif by Hoofstuk VIII van die Hoofwet word hier-
by deur die volgende opskrif vervang: 10

“REGISTRASIE EN KEUSE VAN PERSONE VIR
TOEWYSING AAN BURGERMAG, KOMMANDO'S,
SUID-AFRIKAANSE POLISIE OF SUID-AFRI-
KAANSE SPOORWEGPOLISIEMAG”.

Herroeping van
artikel 65 van
Wet 44 van 1957,
soos vervang deur
artikel 37 van
Wet 85 van 1967.

31. Artikel 65 van die Hoofwet word hierby herroep. 15

Wysiging van
artikel 66 van
Wet 44 van 1957,
soos vervang deur
artikel 7 van
Wet 34 van 1983.

32. Artikel 66 van die Hoofwet word hierby gewysig deur sub-
paragraaf (v) van paragraaf (a) van subartikel (2) deur die vol-
gende subparagraaf te vervang:

“(v) nie vir opleiding of diens ingevolge hierdie Wet, be-
halwe artikel 20 of 24, ingeskryf is nie; of”. 20

Wysiging van
artikel 67 van
Wet 44 van 1957,
soos vervang deur
artikel 24 van
Wet 103 van 1982
en gewysig deur
artikel 8 van
Wet 34 van 1983.

33. Artikel 67 van die Hoofwet word hierby gewysig—

(a) deur subparagraaf (iii) van paragraaf (a) van subartikel
(1) te skrap;

(b) deur subparagraaf (iv) van paragraaf (a) van subartikel
(1) deur die volgende subparagraaf te vervang: 25

“(iv) wat onder die ouderdom van 55 jaar is en by be-
eindiging van diens in die Staande Mag [**minder as
10 jaar daarin gedien het**] nie ingevolge artikel 47
na die Staandemagreserwe oorgeplaas is nie; of”;

(c) deur subparagraaf (v) van paragraaf (a) van subartikel 30
(1) deur die volgende subparagraaf te vervang:

“(v) wat onder die ouderdom van 55 jaar is, 'n perma-
nente aanstelling in die Suid-Afrikaanse Polisie,
die Suid-Afrikaanse Spoorwegpolisiemag of die
Gevangenisdiens beklee het en by beëindiging van 35
daardie aanstelling minder as 10 jaar daarin gedien
het [**itsy hulle lede van 'n Reserwe is wat inge-
volge 'n Wet van die Parlement ingestel is**];”;

(d) deur subparagraaf (iii) van paragraaf (b) van subartikel 30
(1) te skrap; 40

(e) deur by subartikel (1) die volgende voorbehoudsbepa-
ling te voeg:

“Met dien verstande dat iemand wat 'n lid is van die
Polisiereserwe of 'n reserwemag wat ingevolge 'n
Wet van die Parlement ten opsigte van die Suid-Afri- 45
kaanse Polisie, die Suid-Afrikaanse Spoorwegpolisie-
mag of die Gevangenisdiens ingestel is, nie ingevolge
hierdie subartikel toegewys word nie.”; en

(f) deur subartikel (2) deur die volgende subartikel te ver-
vang: 50

“(2) Ondanks die bepalings van subartikel (1) moet
die registrasiebeampte jaarliks uit die persone in daar-
die subartikel vermeld, die getal of kategorie persone
wat die Minister bepaal, met hul instemming aan die
Suid-Afrikaanse Polisie of die Suid-Afrikaanse Spoor- 55
wegpolisiemag toewys.”.

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29. The following section is hereby inserted in the principal Act after section 52:

Insertion of section 52A in Act 44 of 1957.

“Voluntary training and service in Reserve.”

52A. Any member of the Reserve may, on such conditions as may be prescribed, be permitted voluntarily to undergo training or to render service in addition to the training or service for which he may be liable or which is provided for in this Act.”.

30. The following heading is hereby substituted for the heading to Chapter VIII of the principal Act:

Substitution of heading to Chapter VIII, as substituted by section 23 of Act 57 of 1975.

“REGISTRATION AND SELECTION OF PERSONS FOR ALLOTMENT TO CITIZEN FORCE, COMMANDOS, SOUTH AFRICAN POLICE OR SOUTH AFRICAN RAILWAYS POLICE FORCE”.

31. Section 65 of the principal Act is hereby repealed.

Repeal of section 65 of Act 44 of 1957, as substituted by section 37 of Act 85 of 1967.

32. Section 66 of the principal Act is hereby amended by the substitution for subparagraph (v) of paragraph (a) of subsection (2) of the following subparagraph:

Amendment of section 66 of Act 44 of 1957, as substituted by section 7 of Act 34 of 1983.

“(v) has not been enrolled for training or service under this Act, except section 20 or 24; or”.

33. Section 67 of the principal Act is hereby amended—

Amendment of section 67 of Act 44 of 1957, as substituted by section 24 of Act 103 of 1982 and amended by section 8 of Act 34 of 1983.

(a) by the deletion of subparagraph (iii) of paragraph (a) of subsection (1);

(b) by the substitution for subparagraph (iv) of paragraph (a) of subsection (1) of the following subparagraph:

“(iv) who are under the age of 55 years and have not on termination of service in the Permanent Force [served therein for less than 10 years] been transferred to the Permanent Force Reserve in terms of section 47;”;

(c) by the substitution for subparagraph (v) of paragraph (a) of subsection (1) of the following subparagraph:

“(v) who are under the age of 55 years, have held a permanent appointment in the South African Police, the South African Railways Police Force or the Prisons Service and have on termination of such appointment served therein for less than 10 years [unless they are members of any Reserve established in terms of any Act of Parliament];”;

(d) by the deletion of subparagraph (iii) of paragraph (b) of subsection (1);

(e) by the addition to subsection (1) of the following proviso:

“Provided that any person who is a member of the Police Reserve or a reserve force established in terms of an Act of Parliament in respect of the South African Police, the South African Railways Police Force or the Prisons Service, shall not be allotted in terms of this subsection.”; and

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

“(2) Notwithstanding the provisions of subsection (1), the registering officer shall annually from the persons referred to in that subsection, with their consent allot to the South African Police or to the South African Railways Police Force such number or category of persons as may be determined by the Minister.”.

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WYSIGINGSWET OP VERDEDIGING, 1984

Vervanging van artikel 67A van Wet 44 van 1957, soos ingevoeg deur artikel 25 van Wet 57 van 1975.

34. Artikel 67A van die Hoofwet word hierby deur die volgende artikel vervang:

“Persone aan Suid-Afrikaanse Polisie of Suid-Afrikaanse Spoorwegpolisie mag toegewys.

67A. (1) Die registrasiebeampte stel die Kommissaris van die Suid-Afrikaanse Polisie of van die Suid-Afrikaanse Spoorwegpolisie in kennis van die naam en adres van elke persoon wat kragtens artikel 67 aan die Suid-Afrikaanse Polisie of die Suid-Afrikaanse Spoorwegpolisie onderskeidelik toegewys is.

(2) Iemand aldus aan die Suid-Afrikaanse Polisie of die Suid-Afrikaanse Spoorwegpolisie toegewys wat kragtens die bepalings van—

(a) die Polisiewet, 1958 (Wet No. 7 van 1958), uit die Suid-Afrikaanse Polisie ontslaan of afgedank word voordat hy die diens voltooi het waartoe hy ingevolge artikel 34A (10) van daardie Wet verplig is; of

(b) die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), uit die Suid-Afrikaanse Spoorwegpolisie ontslaan of afgedank word voordat hy die diens voltooi het waartoe hy ingevolge daardie Wet verplig is.

na gelang van die geval, kan aan die Burgermag of die kommando's toegewys word vir diens ingevolge hierdie Wet.”.

Wysiging van artikel 68 van Wet 44 van 1957, soos vervang deur artikel 25 van Wet 103 van 1982.

35. Artikel 68 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Die Minister van Mannekrag kan van tyd tot tyd skriftelik sy bevoegdhede ingevolge subartikel (1) (c) aan enige beampte in die [Staatsdiens] Departement van Mannekrag oordra om deur daardie beampte in oorleg met 'n [ander beampte in die Staatsdiens] offisier van die Suid-Afrikaanse Weermag, deur die Minister aangewys, uitgeoefen te word, en die Minister van Mannekrag kan te eniger tyd sodanige oordrag intrek.”.

Wysiging van artikel 72A van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983.

36. Artikel 72A van die Hoofwet word hierby gewysig deur paragraaf (d) van subartikel (2) deur die volgende paragraaf te vervang:

“(d) indien die aansoeker in artikel 72B vermeld aan 'n kerkgenootskap behoort en geeneen van die teoloë of die kapelaan wat tydens die [ondersoek] oorweging van sy aansoek in die raad dien 'n lid van daardie kerkgenootskap is nie, 'n [lid wat 'n] teoloog [is] wat aan daardie kerkgenootskap behoort [en] wat, nadat die raad op die wyse wat hy goedgevind persone wat sodanige teoloë is, uitgenooi het om vir die oorweging van sodanige aansoek in die raad te dien, die raad binne 'n tyd wat die raad as redelik beskou van sy bereidwilligheid om aldus te dien, verwittig het, deur die raad gekoöpteer is: Met dien verstande dat indien geen sodanige teoloog die raad binne bedoelde tyd van sy bereidwilligheid om in die raad te dien, verwittig het nie, die raad die betrokke aansoek kan oorweeg sonder dat so 'n teoloog aldus gekoöpteer is.”.

Wysiging van artikel 72E van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983.

37. Artikel 72E van die Hoofwet word hierby gewysig deur by subartikel (4) die volgende voorbehoudsbepaling te voeg:

“Met dien verstande voorts—

(i) dat die Minister van Mannekrag of 'n beampte deur hom daartoe gemagtig, te eniger tyd gedurende die verrigting van gemeenskapsdiens soos bevel ingevolge hierdie subartikel, na goedvinde

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34. The following section is hereby substituted for section 67A of the principal Act:

“Persons allotted to South African Police or South African Railways Police Force.”

67A. (1) The registering officer shall notify the Commissioner of the South African Police or of the South African Railways Police Force in writing of the name and address of every person allotted under section 67 to the South African Police or the South African Railways Police Force, respectively **[under section 67]**.

Substitution of section 67A of Act 44 of 1957, as inserted by section 25 of Act 57 of 1975.

(2) Any person so allotted to the South African Police or the South African Railways Police Force who—

(a) is discharged or dismissed from the South African Police under the provisions of the Police Act, 1958 (Act No. 7 of 1958), before he has completed the service to which he is liable in terms of section 34A (10) of that Act; or

(b) is discharged or dismissed from the South African Railways Police Force under the provisions of the South African Transport Services Act, 1981 (Act No. 65 of 1981), before he has completed the service to which he is liable in terms of that Act,

as the case may be, may be allotted to the Citizen Force or the commandos for service in terms of this Act.”

35. Section 68 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

“(5) The Minister of Manpower may from time to time in writing delegate his powers under subsection (1) (c) to an officer in the **[public service]** Department of Manpower to be exercised by such officer in consultation with **[another]** an officer **[in the public service]** of the South African Defence Force designated by the Minister **[of Manpower]**, and the Minister of Manpower may at any time withdraw such delegation.”

Amendment of section 68 of Act 44 of 1957, as substituted by section 25 of Act 103 of 1982.

36. Section 72A of the principal Act is hereby amended by the substitution for paragraph (d) of subsection (2) of the following paragraph:

“(d) if the applicant referred to in section 72B belongs to a religious denomination and none of the theologians or the chaplain serving on the board during the **[investigation]** consideration of his application is a member of that religious denomination, **[a member who is]** a theologian who belongs to that religious denomination **[and]** who after the board has in such manner as it may deem fit invited persons who are such theologians to serve on the board for the consideration of such application, has informed the board, within a period which the board may regard as reasonable, of his willingness so to serve, **[shall be]** has been co-opted by the board: Provided that if no such theologian has informed the board within such time of his willingness to serve on the board, the board may consider such application without a theologian having been thus co-opted.”

Amendment of section 72A of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983.

37. Section 72E of the principal Act is hereby amended by the addition to subsection (4) of the following proviso:

“Provided further—

(i) that the Minister of Manpower or an officer authorized thereto by him may, if he deems fit, at any time while community service is being rendered as ordered in terms of this subsection, order that such

Amendment of section 72E of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983.

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kan gelas dat daardie gemeenskapsdiens verrig moet word in 'n ander pos deur hom bepaal, hetsy in dieselfde of 'n ander sodanige departement, instelling of liggaam; en

- (ii) dat indien gemeenskapsdiens ingevolge hierdie artikel deur 'n persoon in meer as een pos verrig is, die tydperk van diens wat in elke sodanige pos verrig is in aanmerking geneem moet word ten einde die duur van die gemeenskapsdiens wat deur daardie persoon verrig is, te bepaal.”

Wysiging van artikel 80 van Wet 44 van 1957, soos gewysig deur artikel 7 van Wet 28 van 1970 en artikel 6 van Wet 68 van 1977.

38. Artikel 80 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die organisasie en diensvoorwaardes in sulke hulpdienste, met inbegrip van indiensneming, inswering, ontslag, range, **[soldy en toelaes,]** verlof, pligte en uniforms en ander aangeleenthede wat gerieflik of nodig is vir die instelling of beheer van sulke hulpdienste, is soos voorgeskryf.”

Vervanging van artikel 83 van Wet 44 van 1957, soos gewysig deur artikel 8 van Wet 28 van 1970.

39. Artikel 83 van die Hoofwet word hierby deur die volgende artikel vervang:

- “Kommissie. 83. (1) (a) Die Staatspresident kan **[ander kommissierang as tydelike kommissierang]** 'n kommissie, behalwe 'n tydelike kommissie, **[in die Suid-Afrikaanse Weermag toeken]** aan 'n burger toeken wat lid **[van daardie Mag]** is van die Suid-Afrikaanse Weermag **[of geskik is om lid daarvan te word]** en wat die voorgeskrewe proeftydperk met welslae deurloop het, en kan aan so 'n burger 'n Akte van Kommissie **[met]** onder sy handtekening of **[met]** 'n replika van sy handtekening daarop uitreik.
- (b) Die Minister kan 'n tydelike **[kommissierang]** kommissie in **[bedoelde Mag]** die Suid-Afrikaanse Weermag toeken aan 'n burger of 'n ander persoon wat lid van daardie Mag is of geskik is om lid daarvan te word **[en kan aan so 'n burger of persoon 'n tydelike kommissie met sy handtekening of 'n replika van sy handtekening daarop uitreik]**.
- (2) Behoudens die bepalings van subartikel (3), behou 'n burger aan wie **[kommissierang]** 'n kommissie **[behalwe tydelike kommissierang]** ooreenkomstig subartikel (1) (a) toegeken is sy kommissie wanneer hy na die Reserwe oorgeplaas word.
- (3) (a) Behoudens die bepalings van paragraaf (c) behou alle offisiere van die Suid-Afrikaanse Weermag of die Reserwe aan wie **[kommissierang]** kommissies deur die Staatspresident toegeken is, hul kommissies solank dit die Staatspresident behaag, maar die kommissie van 'n offisier word nie ingetrek sonder dat die houer daarvan skriftelik in kennis gestel is van enige klagte of aanklag wat teen hom ingebring is en van enige stappe wat ten opsigte daarvan oorweeg word nie, of sonder dat hy aangesê is om met betrekking daartoe verantwoording te doen nie: Met dien verstande dat geen kennisgewing nodig is in die geval van 'n offisier wat vir 'n tydperk van drie maande of meer, sonder verlof van diens afwesig is **[of versuim om die pligte aan sy aanstelling verbonde, te verrig]**, of 'n offisier van die Reserwe wat versuim het om die voorgeskrewe offisier ooreenkomstig 'n vereiste van hierdie Wet, van 'n verandering van sy adres in kennis te stel nie.
- (b) Behoudens die bepalings van paragraaf (c) behou alle offisiere van die Suid-Afrikaanse Weer-

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- service shall be rendered in a different post, determined by him, whether in the same or another such department, institution or body; and
- (ii) that if community service has in terms of this section been rendered by a person in more than one post, the period of service rendered in every such post shall be taken into account for the purpose of determining the duration of community service rendered by such person."

38. Section 80 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 80 of Act 44 of 1957, as amended by section 7 of Act 28 of 1970 and section 6 of Act 68 of 1977.

- "(2) The organization and conditions of employment in such auxiliary services, including engagement, attestation, discharge, ranks, **[pay and allowances,]** leave, duties and uniforms, and any other matters convenient or necessary for the establishment or control of such auxiliary services, shall be as prescribed."

39. The following section is hereby substituted for section 83 of the principal Act:

Substitution of section 83 of Act 44 of 1957, as amended by section 8 of Act 28 of 1970.

83. (1) (a) The State President may confer **[commissioned rank, other than temporary commissioned rank, in the South African Defence Force]** a commission, other than a temporary commission, on any citizen who is **[or is eligible to become]** a member of **[such Force]** the South African Defence Force and who has successfully completed the prescribed period of probation, and may issue to such citizen a Deed of Commission bearing his signature or a replica thereof.
- (b) The Minister may confer a temporary **[commissioned rank]** commission in the **[said Force]** South African Defence Force on any citizen or any other person who is or who is eligible to become a member of such Force **[, and may issue to such citizen or person a temporary commission bearing his signature or a replica thereof].**
- (2) Subject to the provisions of subsection (3), a citizen on whom **[commissioned rank, other than temporary commissioned rank,]** a commission has been conferred in terms of subsection (1) (a), shall retain his commission on being transferred to the Reserve.
- (3) (a) Subject to the provisions of paragraph (c), all officers of the South African Defence Force or the Reserve on whom **[commissioned rank]** commissions **[has]** have been conferred by the State President shall hold their commissions during the pleasure of the State President, but the commission of an officer shall not be cancelled without the holder thereof being notified in writing of any complaint or charge made against him and of any action proposed to be taken in respect thereof, nor without his being called upon to show cause in relation thereto: Provided that no notification shall be necessary in the case of an officer absent from duty without leave **[or failing to perform the duties of his appointment,]** for a period of three months or more, or an officer of the Reserve who has failed to advise the prescribed officer of any change in his address in accordance with any requirement of this Act.
- (b) Subject to the provisions of paragraph (c), all officers of the South African Defence Force on

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mag aan wie tydelike kommissies toegeken is, hul kommissies solank dit die Minister behaag.
 (c) Die kommissie van 'n offisier word geag ingetrek te gewees het op die datum waarop 'n hom opgelegde straf van die doodvonnis, **[kassiering]** 5 **kassering** of **[ontslag]** **afanking** uit die Suid-Afrikaanse Weermag, kragtens die Eerste Bylae **[bekragtig]** goedgekeur of onderskryf word, na gelang van die geval.

(4) 'n Persoon wie se kommissie ingevolge hierdie 10 artikel ingetrek is of wat sy kommissie ingevolge artikel 86 bedank het, moet binne 14 dae na ontvangs van kennis te dien effekte aan hom per aangetekende pos aan sy aangetekende adres gerig, sy Akte van Kommissie aan die offisier in die kennisgewing vermeld, oorhandig of laat oorhandig. 15

(5) 'n Persoon wat nalaat om aan die bepalings van subartikel (4) te voldoen, is aan 'n misdryf skuldig.

(6) Die aanstelling in die Suid-Afrikaanse Weermag van enige persoon wie se kommissie ingevolge hierdie artikel ingetrek is, behalwe 'n persoon wat tot diens in die Burgermag, die kommando's of die Reserwe verplig is, word gelyktydig met sodanige in- 20 trekking beëindig, maar geen burger word daardeur 25 onthef van die verpligting om ingevolge Hoofstuk X diens te doen nie."

Wysiging van artikel 86 van Wet 44 van 1957, soos gewysig deur artikel 8 van Wet 12 van 1961, artikel 50 van Wet 85 van 1967 en artikel 9 van Wet 3 van 1969.

40. Artikel 86 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

"(1) 'n Offisier kan by skriftelike kennisgewing die be- 30 danking van sy kommissie **[of sy]** **en aanstelling of van sy aanstelling** indien: Met dien verstande dat 'n offisier wat in die Burgermag of 'n kommando dien, behalwe so 'n offisier wat vrywilliglik dien, die bedanking van sy kommissie **[of sy]** **en aanstelling of van sy aanstelling** aldus kan indien 35 slegs met goedkeuring van die Minister of 'n persoon wat op sy gesag handel."

Wysiging van artikel 87 van Wet 44 van 1957.

41. Artikel 87 van die Hoofwet word hierby gewysig deur paragrafe (d), (dA), (e) en (g) van subartikel (1) deur onder- 40 skeidelik die volgende paragrafe te vervang:

"(d) die beheer van gelde wat deur 'n komitee of ander soortgelyke liggaam onder voorsitterskap van 'n lid van die Suid-Afrikaanse Weermag geadministreer word, en wat ingesamel of ontvang is deur of van lede van daardie Mag of enige **[diens, korps of eenheid]** 45 **hoofkwartier, weermagsdeel, formasie, eenheid of personeelindeling** daarin, of deur of van lede van 'n mag wat voor die inwerkingtreding van hierdie Wet deel van die verdedigingsmagte van die Republiek uitgemaak het, vir voordeel van bedoelde lede of hul afhank- 50 likes;"

"(dA) die stigting, bestuur en beheer van fondse en nie-handeldrywende inrigtings van die Suid-Afrikaanse Weermag waarvan die doelstellings of sommige van die doelstellings is die verkryging en besit van eiendom, sowel 55 roerende as onroerende, vir die verskaffing van ontspanningsfasiliteite binne die Republiek uitsluitlik vir,

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whom temporary **[commissioned rank]** commissions **[has]** have been conferred, shall hold their commissions during the pleasure of the Minister.

(c) The commission of any officer shall be deemed to have been cancelled on the date on which any sentence of death, cashiering or dismissal from the South African Defence Force which may have been imposed upon him, is **[confirmed]** approved or endorsed, as the case may be, under the First Schedule.

(4) Any person whose commission has been cancelled under this section or who has resigned his commission in terms of section 86, shall within 14 days after receipt of notice to that effect addressed to him by registered post to his registered address, deliver or cause to be delivered his Deed of Commission to the officer mentioned in such notice.

(5) Any person who fails to comply with the provisions of subsection (4), shall be guilty of an offence.

(6) The appointment in the South African Defence Force of any person whose commission has been cancelled under this section, other than a person liable for service in the Citizen Force, the commandos or the Reserve, shall be terminated simultaneously with such cancellation, but no citizen shall thereby become exempt from the liability to render service in terms of Chapter X.”

40. Section 86 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) An officer may by notice in writing tender the resignation of his commission and appointment or of his appointment: Provided that an officer serving in the Citizen Force or a commando, other than any such officer serving voluntarily, may so tender the resignation of his commission and appointment or of his appointment only with the approval of the Minister or **[any]** a person acting under his authority.”

Amendment of section 86 of Act 44 of 1957, as amended by section 8 of Act 12 of 1961, section 50 of Act 85 of 1967 and section 9 of Act 3 of 1969.

41. Section 87 of the principal Act is hereby amended by the substitution for paragraphs (d), (dA), (e) and (g) of subsection (1) of the following paragraphs, respectively:

Amendment of section 87 of Act 44 of 1957.

“(d) the control of funds which are administered by a committee or other like body under the chairmanship of a member of the South African Defence Force and have been collected or accepted by or from members of that Force or any **[service, corps or unit]** headquarters, arm of the service, formation, unit or personnel mustering therein, or by or from members of a force which prior to the commencement of this Act formed part of the defence forces of the Republic, for the benefit of such members or their dependants;”

“(dA) the establishment, management and control of funds and non-trading institutions of the South African Defence Force the aims or some of the aims of which are the acquisition and possession of property, movable as well as immovable, for the provision of recreational facilities within the Republic exclusively for the benefit of

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- die voordeel van lede en oudlede van daardie Mag of enige **[diens, korps of eenheid]** hoofkwartier, weermagsdeel, formasie, eenheid of personeelindeling daarin en hul afhanklikes en ander voorgeskrewe persone of kategorieë van persone;";
- “(e) die ansiënniteit en voorrang van **[dienste, korpse en eenhede]** hoofkwartiere, weermagsdele, formasies, eenhede en personeelindelings en van lede van die Suid-Afrikaanse Weermag, die Reserwe, die Kadetkorps en enige ingevolge hierdie Wet ingestelde hulp- of verpleegdiens;";
- “(g) (i) die verrigting van **[polisiepligte]** polisiewerksaamhede deur daardie lede van die Suid-Afrikaanse Weermag wat daartoe gemagtig is deur die Hoof van die Suid-Afrikaanse Weermag of deur enige offisier wat deur hom aangewys is, ten einde enige bepaling van hierdie Wet of, in soverre dit van toepassing is ten opsigte van die Suid-Afrikaanse Weermag of enige lid daarvan of enige goed wat daaraan behoort of enige grond of perseel onder die beheer daarvan, van enige ander Wet, toe te pas;
- (ii) die bevoegdhede en pligte wat uitgeoefen of verrig kan of moet word deur sodanige lede in verband met die verrigting van sodanige polisiewerksaamhede, met inbegrip van enige bevoegdhede en pligte wat ingevolge enige wet uitgeoefen of verrig kan of moet word deur 'n lid van die Suid-Afrikaanse Polisie ingestel kragtens die Polisiewet, 1958 (Wet No. 7 van 1958), of deur enige funksionaris wat, ingevolge 'n omskrywing in sodanige wet vervat, 'n lid van die Suid-Afrikaanse Polisie is of insluit;
- (iii) die toelaatbaarheid en bewyswaarde in geregtelike verrigtinge van enige verklaring deur 'n persoon ten opsigte van wie sodanige bevoegdhede of pligte uitgeoefen of verrig is of wat daardeur geraak is, ongeag of sodanige verklaring teenoor of in die teenwoordigheid van enige van sodanige lede gemaak is, al dan nie.”

Vervanging van artikel 89A van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 66 van 1972.

42. Artikel 89A van die Hoofwet word hierby deur die volgende artikel vervang:

“Diens in Burgermag of kommando's. 89A. Die Minister of iemand wat op sy gesag handel, kan te eniger tyd, in belang van die Suid-Afrikaanse Weermag, op die voorgeskrewe voorwaardes gelas dat 'n lid van die Burgermag [oorplaas na] die diens waartoe hy ingevolge hierdie Wet verplig is in die kommando's moet doen of omgekeerd, en so 'n lid word, terwyl hy die betrokke diens doen, geag lid van die kommando's of die Burgermag te wees, na gelang van die geval.”

Vervanging van artikel 90 van Wet 44 van 1957, soos gewysig deur artikel 11 van Wet 12 van 1961 en artikel 14 van Wet 77 van 1963.

43. Artikel 90 van die Hoofwet word hierby deur die volgende artikel vervang:

“Indiensstelling van Staande Mag. 90. Behoudens die bepalings van hierdie Wet, kan die geheel of enige deel of enige lid van die Staande Mag en **[die geheel of]** enige **[deel of]** lid van die Burgermag wat ooreenkomstig artikel 20 vir tydelike voltydse diens **[aangestel of aangeneem]** ingeskryf is, te eniger tyd in diens gestel word soos in subartikel (2) van artikel 3 bepaal.”

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members and ex-members of that Force or any **[service, corps or unit]** headquarters, arm of the service, formation, unit or personnel mustering therein and their dependants and other prescribed persons or classes of persons;"

“(e) the seniority and precedence of **[services, corps and units]** headquarters, arms of the service, formations, units and personnel musterings and of members of the South African Defence Force, the Reserve, the Cadet Corps and any auxiliary or nursing service established under this Act;"

“(g) (i) the **[execution]** performance of police **[duties]** functions by those members of the South African Defence Force authorized thereto by the Chief of the South African Defence Force, or by any officer designated by him, for the purpose of enforcing any provision of this Act or, in so far as it applies in respect of the South African Defence Force or any member or any property thereof or any land or premises under its control, of any other law;

(ii) the powers and duties which may or shall be exercised or executed by such members in connection with the performance of such police functions, including any powers and duties which in terms of any law may or shall be exercised or executed by any member of the South African Police established under the Police Act, 1958 (Act No. 7 of 1958), or by any functionary who, in terms of a definition contained in such law, is or includes a member of the South African Police;

(iii) the admissibility and evidential value in legal proceedings of any statement by a person in respect of whom such powers or duties have been exercised or executed or who has been affected thereby, irrespective of whether or not such statement was made to or in the presence of any of such members;"

42. The following section is hereby substituted for section 89A of the principal Act:

Substitution of section 89A of Act 44 of 1957, as inserted by section 9 of Act 66 of 1972.

40 “Service in Citizen Force or commandos.

89A. The Minister or a person acting under his authority may at any time, in the interest of the South African Defence Force, **[transfer]** on the prescribed conditions direct that a member of the Citizen Force shall render the service for which he is liable in terms of this Act **[to]** in the commandos or vice versa, and such member shall, while rendering the service in question, be deemed to be a member of the commandos or the Citizen Force, as the case may be.”

50 43. The following section is hereby substituted for section 90 of the principal Act:

Substitution of section 90 of Act 44 of 1957, as amended by section 11 of Act 12 of 1961 and section 14 of Act 77 of 1963.

“Employment of Permanent Force.

90. Subject to the provisions of this Act, the whole or any portion or any member of the Permanent Force and **[the whole or any portion or]** any member of the Citizen Force **[appointed or engaged]** enrolled for temporary whole-time service in terms of section 20 may at any time be employed on service as provided in subsection (2) of section 3.”

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Wysiging van
artikel 92 van
Wet 44 van 1957,
soos vervang deur
artikel 4 van
Wet 1 van 1976.

44. Artikel 92 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Waar die omstandighede in ’n landdrosdistrik van die Republiek sodanig is dat dit dringend nodig is om lede van die Suid-Afrikaanse Weermag onmiddellik in die in subartikel (1) vermelde diens in diens te stel voordat ingevolge subartikel (1) of (2) opgetree kan word, kan al of sommige van die lede van die Burgermag of die kommando's wat in die betrokke landdrosdistrik woonagtig is, in afwagting van sodanige optrede en op die wyse wat dienstig geag word, op gesag van die Hoof van die Suid-Afrikaanse Weermag of enige offisier deur hom daartoe gemagtig, opgeroep word vir genoemde diens, en enige optrede kragtens hierdie subartikel het dieselfde krag en uitwerking as ooreenstemmende optrede deur die Staatspresident kragtens subartikel (1), maar dit bly in iedere geval nie vir langer as 24 uur van krag nie.”.

Wysiging van
artikel 96 van
Wet 44 van 1957,
soos gewysig deur
artikel 18 van
Wet 77 van 1963
en artikel 7 van
Wet 1 van 1976.

45. Artikel 96 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Ondanks andersluidende bepalings van hierdie Wet, en ondanks die verstryking van die tydperk van enige **[aanstelling, indiensneming]** inskrywing of verpligte diens, is geen lid van die Suid-Afrikaanse Weermag wat in diens ter verdediging van die Republiek of ter voorkoming of onderdrukking van terrorisme of ter voorkoming of onderdrukking van binnelandse onluste in die Republiek of ter behoud of bewaring van lewens, gesondheid of eiendom of ter instandhouding van noodsaaklike dienste, in diens gestel word, geregtig om solank daardie diens duur, sy vrylating of ontslag uit daardie Mag te verkry nie.”.

Wysiging van
artikel 103^{quat} van
Wet 44 van 1957,
soos ingevoeg deur
artikel 8 van
Wet 1 van 1976.

46. Artikel 103^{quat} van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) skade gelyk het as gevolg van ’n handeling of versuim ten opsigte waarvan ingevolge artikel 103 **[bis]** ter geen geding ingestel mag word nie of enige geding verval het; of”.

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,
artikel 10 van
Wet 28 van 1970,
artikel 11 van
Wet 35 van 1977,
artikel 4 van
Wet 49 van 1978,
artikel 4 van
Wet 42 van 1979
en artikel 2 van
Wet 77 van 1980.

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

“(b) op lede van die Burgermag, kommando's en die Reserve, **[met betrekking tot]** terwyl hulle enige diens, opleiding of plig [wat] uit hoofde van hierdie Wet doen, ondergaan of verrig [deur hulle onderneem word] of [moet word], wanneer hulle daartoe verplig of opgeroep is, nalaat om dit te doen, te ondergaan of te verrig;”.

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,
artikel 14 van
Wet 83 van 1974
en artikel 13 van
Wet 35 van 1977.

48. Artikel 146 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

“(3) ’n Tydperk in subartikel (1) bedoel, word, tensy die wond, besering of siekte aan ’n lid se eie wangedrag te wyte is, vir die doeleindes van artikels 22 en 44 as diens beskou.”.

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44. Section 92 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 92 of Act 44 of 1957, as substituted by section 4 of Act 1 of 1976.

5 “(3) Where the urgency of the circumstances in a magisterial district of the Republic requires the immediate employment of members of the South African Defence Force in the service mentioned in subsection (1) before action can be taken in terms of subsection (1) or (2), all or some of the members of the Citizen Force or the commandos who are resident in the magisterial district concerned, may, in anticipation of such action, on the authority of the Chief of the South African Defence Force or any officer authorized thereto by him, in such manner as may be deemed expedient, be called **[out] up** for the said service, and any action under this subsection shall have the same effect as any corresponding action by the State President under subsection (1) but shall not remain in force in any case for longer than 24 hours.”

45. Section 96 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

Amendment of section 96 of Act 44 of 1957, as amended by section 18 of Act 77 of 1963 and section 7 of Act 1 of 1976.

20 “(2) Notwithstanding anything to the contrary contained in this Act, and notwithstanding the expiration of the period of any **[appointment, engagement]** enrolment or compulsory service, no member of the South African Defence Force employed on service in defence of the Republic or in the prevention or suppression of terrorism or in the prevention or suppression of internal disorder in the Republic or in the preservation of life, health or property or in the maintenance of essential services, shall be entitled to obtain his release or discharge from that Force during the continuance of such service.”

46. Section 103^{quat} of the principal Act is hereby amended in the Afrikaans text by the substitution for paragraph (a) of subsection (1) of the following paragraph:

Amendment of section 103^{quat} of Act 44 of 1957, as inserted by section 8 of Act 1 of 1976.

35 “(a) skade gely het as gevolg van ’n handling of versuim ten opsigte waarvan ingevolge artikel 103 **[(bis)]ter** geen geding ingestel mag word nie of enige geding verval het; of”.

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

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, section 10 of Act 28 of 1970, section 11 of Act 35 of 1977, section 4 of Act 49 of 1978, section 4 of Act 42 of 1979 and section 2 of Act 77 of 1980.

40 “(b) to members of the Citizen Force, commandos and the Reserve **[in relation to]**, while they are rendering any service, undergoing any training or doing any duty [undertaken or to be undertaken by them] in pursuance of this Act or, when liable or called up therefor, fail to render such service or to undergo such training or to do such duty;”

48. Section 146 of the principal Act is hereby amended by the addition of the following subsection:

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, section 14 of Act 83 of 1974 and section 13 of Act 35 of 1977.

50 “(3) A period referred to in subsection (1) shall, unless the wound, injury or illness is attributable to the member's own misconduct, be regarded as duty for the purposes of sections 22 and 44.”

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WYSIGINGSWET OP VERDEDIGING, 1984

Wysiging van artikel 146A van Wet 44 van 1957, soos vervang deur artikel 15 van Wet 83 van 1974 en artikel 14 van Wet 35 van 1977.

49. Artikel 146A van die Hoofwet word hierby gewysig deur die uitdrukking "67 (4)" deur die uitdrukking "67 (5)" te vervang.

Herroeping van artikel 146B van Wet 44 van 1957, soos ingevoeg deur artikel 65 van Wet 85 van 1967.

50. Artikel 146B van die Hoofwet word hierby herroep.

Wysiging van artikel 149 van Wet 44 van 1957, soos gewysig deur artikel 12 van Wet 66 van 1972, artikel 16 van Wet 83 van 1974 en artikel 34 van Wet 94 van 1974.

51. Artikel 149 van die Hoofwet word hierby gewysig— 5

(a) deur subartikel (1A) deur die volgende subartikel te vervang:

"(1A) By die toepassing van subartikel (1) word 'n fonds of nie-handeldrywende inrigting wat op 1 November 1958 bestaan het en waarvan die doelstel- 10 lings of sommige van die doelstellings **[waarvan]** die verkryging en besit is van eiendom vir die verskaffing van ontspanningsfasiliteite binne die Republiek vir die voordeel van lede en oudlede van die Suid-Afrikaanse Weermag of enige **[diens, korps of eenheid]** hoofkwartier, weermagsdeel, formasie, eenheid of personeelin- 15 deling daarin of deel daarvan en hul afhanklikes, geag gestig te gewees het volgens voorskrif van regulasies kragtens artikel 87 (1) (dA) uitgevaardig, hetsy sodanige regulasies te eniger relevante tyd bestaan of be- 20 staan het, of nie."

(b) deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

"(c) dat 'n fonds of nie-handeldrywende inrigting daarin vermeld op 1 November 1958 bestaan het en dat 25 die doelstellings of sommige van die doelstellings daarvan die verkryging en besit is van eiendom vir die verskaffing van ontspanningsfasiliteite binne die Republiek vir die voordeel van lede en oudlede van die Suid-Afrikaanse Weermag of enige **[diens, 30 korps of eenheid]** hoofkwartier, weermagsdeel, formasie, eenheid of personeelindeling daarin of deel daarvan en hul afhanklikes."

Wysiging van Engelse teks van artikel 149ter van Wet 44 van 1957, soos ingevoeg deur artikel 17 van Wet 34 van 1983.

52. Artikel 149ter van die Hoofwet word hierby gewysig deur die Engelse teks van subartikel (3) deur die volgende subartikel 35 te vervang:

"(3) The right of recourse referred to in subsection (1) may be exercised by the institution of an action therefor or by intervention in an action instituted by the member or his estate against the other person referred to." 40

Kort titel.

53. Hierdie Wet heet die Wysigingswet op Verdediging, 1984.

DEFENCE AMENDMENT ACT, 1984

Act No. 87, 1984

49. Section 146A of the principal Act is hereby amended by the substitution for the expression "67 (4)" of the expression "67 (5)".

Amendment of section 146A of Act 44 of 1957, as substituted by section 15 of Act 83 of 1974 and section 14 of Act 35 of 1977.

50. Section 146B of the principal Act is hereby repealed.

Repeal of section 146B of Act 44 of 1957, as inserted by section 65 of Act 85 of 1967.

5 51. Section 149 of the principal Act is hereby amended—

(a) by the substitution for subsection (1A) of the following subsection:

Amendment of section 149 of Act 44 of 1957, as amended by section 12 of Act 66 of 1972, section 16 of Act 83 of 1974 and section 34 of Act 94 of 1974.

10 " (1A) For the purpose of subsection (1) any fund or non-trading institution which existed on 1 November 1958 and the aims or some of the aims of which are the acquisition and possession of property for the provision of recreational facilities within the Republic for the benefit of members and ex-members of the South African Defence Force or any [service, corps or unit] head-

15 quarters, arm of the service, formation, unit or person-
nel mustering therein or any portion thereof and their dependants, shall be deemed to have been established in accordance with regulations made under section 87 (1) (dA), whether or not such regulations exist or existed at any relevant time.";

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

25 "(c) that a fund or non-trading institution specified therein existed on 1 November 1958 and that its aims or some of its aims are the acquisition and possession of property for the provision of recreational facilities within the Republic for the benefit of members and ex-members of the South African Defence Force or any [service, corps or unit] head-

30 quarters, arm of the service, formation, unit or personnel mustering therein or any portion thereof and their dependants,".

52. Section 149ter of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection:

Amendment of section 149ter of Act 44 of 1957, as inserted by section 17 of Act 34 of 1983.

35 "(3) The right of recourse referred to in subsection (1) may be exercised by the institution of an action therefor or by intervention in an action instituted by the member or his estate against the other person referred to."

40 53. This Act shall be called the Defence Amendment Act, Short title.
1984.

