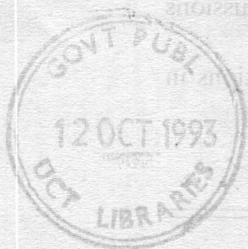


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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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No. 15156

STATE PRESIDENT'S OFFICE

No. 1848.

1 October 1993

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

No. 134 of 1993: Defence Second Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1848.

1 Oktober 1993

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

No. 134 van 1993: Tweede Wysigingswet op Verdediging, 1993.

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Defence Act, 1957, so as to amend a definition and to add a definition; to delete the provision in terms of which persons who are not white persons as defined in the Population Registration Act, 1950, are excluded from the liability to render military service; to make other provision regarding the composition of the Reserve; to replace in the Afrikaans text the expression executive military command; to make further provision in connection with the conditions of service of members of the Permanent Force; to delete the provision in terms of which members of the Citizen Force may be attached to bodies outside the South African Defence Force; to reduce the periods of service in the Citizen Force, and to limit the purposes for which persons serving in the Citizen Force may ordinarily be used; to further provide for training in the Citizen Force in terms of special contracts; to make other provision concerning liability for service and voluntary service in the commandos; to make provision regarding the safe-keeping of arms provided to members of the commandos; to reduce the period of service in the commandos; to provide that certain members of the commandos shall on the termination of their service be transferred to the Controlled Reserve; to regulate the composition of the Controlled Reserve; to further regulate the training of persons in the Controlled Reserve; to further regulate the liability for service of members of the Reserve; to regulate the conditions of service in the Controlled Reserve; to provide that a member of the Controlled Reserve shall give notice of his change of address and supply prescribed information; to make new provision for the manner in which persons shall be registered in terms of the Act; to provide that a citizen may voluntarily enrol for service in the Citizen Force as referred to in section 22 of the Defence Act, 1957; to provide for the preparation of ballot lists, the determination of the number of persons to be newly trained and the balloting of such persons; to make further provision regarding the allotment of persons to the Citizen Force and the commandos; to delete the provisions in terms of which persons may be allotted to the South African Police; to further regulate certain powers of exemption boards; to make further provision regarding applications to exemption boards; to provide that matters concerning military training institutions shall henceforth be determined by the Chief of the South African Defence Force; to provide that persons other than members of the South African Defence Force may study at military training institutions; to further regulate the rights of retired officers; to provide for the making of regulations relating to sport as part of training, and matters concerning labour relations between members of the Permanent Force and the State; to prohibit a member of the Permanent Force from being a member of a trade union or from participating in strikes and protests; to further provide for offences and penalties; and to state more clearly when a person becomes a member of the Citizen Force or the commandos; to delete certain provisions of the Defence Amendment Act, 1982; and to provide for matters connected therewith.

*(Afrikaans text signed by the Acting State President.)
(Assented to 24 September 1993.)*

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Verdedigingswet, 1957, ten einde 'n omskrywing te wysig en 'n omskrywing by te voeg; die bepaling te skrap waarvolgens persone wat nie blankes is nie soos in die Bevolkingsregistrasiewet, 1950, omskryf, van die verpligting om militêre diens te doen, uitgesluit word; ander voorsiening te maak in verband met die samestelling van die Reserwe; die uitdrukking militêre uitvoerende gesag te vervang; verdere voorsiening te maak in verband met die diensvoorwaardes van lede van die Staande Mag; die bepaling te skrap waarvolgens lede van die Burgermag opgeneem kan word in liggame buite die Suid-Afrikaanse Weermag; die tydperke van diens in die Burgermag te verminder, en die doeleindes waarvoor persone wat in die Burgermag dien gewoonlik aangewend kan word, te beperk; verdere voorsiening te maak vir opleiding in die Burgermag onder spesiale kontrakte; ander voorsiening te maak in verband met diensplig en vrywillige diens in die kommando's; voorsiening te maak aangaande die veilige bewaring van wapens wat aan lede van die kommando's voorsien is; die tydperk van diens in die kommando's te verkort; voorsiening te maak dat sekere lede van die kommando's by die beëindiging van hul diens na die Beheerde Reserwe oorgeplaas word; die samestelling van die Beheerde Reserwe te reël; die opleiding van persone in die Beheerde Reserwe verder te reël; die dienspligtigheid van lede van die Reserwe verder te reël; die diensvoorwaardes in die Beheerde Reserwe te reël; te bepaal dat 'n lid van die Beheerde Reserwe kennis van verandering van sy adres moet gee en voorgeskrewe inligting moet verstrek; nuwe voorsiening te maak vir die wyse waarop persone kragtens die Wet geregistreer moet word; voorsiening te maak dat 'n burger vrywillig vir diens in die Burgermag soos bedoel in artikel 22 van die Verdedigingswet, 1957, kan inskryf; voorsiening te maak vir die opstel van lotingslyste, die bepaling van die getal persone wat nuut opgelei moet word en die loting van sodanige persone; verdere voorsiening te maak aangaande die toewysing van persone aan die Burgermag en die kommando's; die bepalings waarvolgens persone aan die Suid-Afrikaanse Polisie toegewys kan word, te skrap; sekere bevoegdhede van vrystellingsrade verder te reël; verdere voorsiening te maak ten opsigte van aansoeke by vrystellingsrade; voorsiening te maak dat aangeleenthede betreffende militêre opleidingsinrigtings voortaan deur die Hoof van die Suid-Afrikaanse Weermag bepaal word; voorsiening te maak dat ander persone as lede van die Suid-Afrikaanse Weermag aan militêre opleidingsinrigtings kan studeer; die regte van afgetrede offisiere verder te reël; voorsiening te maak vir die uitvaardiging van regulasies met betrekking tot sport as deel van opleiding, en sake rakende arbeidsverhoudinge tussen lede van die Staande Mag en die Staat; 'n lid van die Staande Mag te verbied om lid te wees van 'n vakvereniging of deel te neem aan stakings en proteste; verdere voorsiening aangaande misdrywe en strawwe te maak; en duideliker te bepaal wanneer 'n persoon lid word van die Burgermag of die kommando's; om sekere bepalings van die Wysigingswet op Verdediging, 1982, te skrap; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 24 September 1993.)

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

Amendment of section 1 of Act 44 of 1957, as amended by section 1 of Act 12 of 1961, section 1 of Act 42 of 1961, section 1 of Act 77 of 1963, section 20 of Act 39 of 1966, section 1 of Act 85 of 1967, section 1 of Act 26 of 1973, section 1 of Act 8 of 1974, section 1 of Act 1 of 1976, section 1 of Act 35 of 1977, section 1 of Act 103 of 1982, section 1 of Act 87 of 1984 and section 1 of Act 132 of 1992 5

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

(a) by the substitution in subsection (1) for the definition of “registered address” of the following definition: 10

“‘registered address’, in relation to a person, means the address of that person as notified from time to time to the proper authority in terms of this Act and, in respect of a pupil as contemplated in section 63, also the address of the school, college or institution attended by such pupil for the duration of such attendance;” 15

(b) by the insertion in subsection (1) after the definition of “regulation” of the following definition:

“‘senior certificate’ means a school-leaving certificate issued by the South African Certification Council under section 9 of the South African Certification Council Act, 1986 (Act No. 85 of 1986), or a senior certificate issued by any person or authority under any law which was in force before the commencement of the said Act;” 20

Amendment of section 2 of Act 44 of 1957, as amended by section 20 of Act 39 of 1966, section 2 of Act 85 of 1967, section 1 of Act 49 of 1978 and section 36 of Act 132 of 1992 25

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

(a) by the substitution for subsection (1) of the following subsection: 30

“(1) This Act shall not apply,

[(a)] in so far as it relates to any liability regarding registration under this Act or to liability for service in the Citizen Force, the commandos or the Reserve— 30

(a) to any citizen who is a member of Parliament or of any regional government of any state, region or province into which the Republic may be divided; or 35

(b) [except in so far as it relates to any auxiliary or nursing service established under this Act] to females [or persons who are not white persons as defined in section 1 of the Population Registration Act, 1950 (Act No. 30 of 1950)]; 40

Provided that the State President may with the approval, by resolution, of Parliament, by proclamation in the *Gazette* apply any provision of this Act to females or any class of females [or to such persons who are not white persons, as so defined, or any class of such persons]: Provided further that nothing in this section shall be construed as preventing any female [or any person who is not a white person as so defined] (subject in the case of a minor to the consent of her parent or guardian) from engaging voluntarily and in accordance with regulations for service in any portion of the South African Defence Force, including service contemplated in section 22, if so prescribed, in such capacity and subject to such conditions as may be prescribed.”; and 45

(b) by the substitution for subsection (3) of the following subsection: 50

“(3) Subject to the provisions of subsection (4) the State President may by proclamation in the *Gazette* declare that any provision of this Act specified in the proclamation, other than a 55

DAAR WORD BEPAAL deur die Staatspresident en die Parlement 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, artikel 1 van Wet 103 van 1982, artikel 1 van Wet 87 van 1984 en artikel 1 van Wet 132 van 1992

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:

“ ‘aangetekende adres’, met betrekking tot ’n persoon, die adres van daardie persoon soos van tyd tot tyd ooreenkomstig hierdie Wet aan die bevoegde gesag meegedeel en, ten opsigte van ’n leerling soos bedoel in artikel 63, ook die adres van die skool, kollege of inrigting wat deur die leerling bygewoon word vir die duur van sodanige bywoning;” en

(b) deur in subartikel (1) na die omskrywing van “regulasie” die volgende omskrywing in te voeg:

“ ‘senior sertifikaat’ ’n skoolverlatingssertifikaat uitgereik deur die Suid-Afrikaanse Sertifiseringsraad kragtens artikel 9 van die Wet op die Suid-Afrikaanse Sertifiseringsraad, 1986 (Wet No. 85 van 1986), of ’n senior sertifikaat deur ’n persoon of instansie uitgereik kragtens enige wet wat voor die inwerkingtreding van genoemde Wet van krag was;”.

Wysiging van artikel 2 van Wet 44 van 1957, soos gewysig deur artikel 20 van Wet 39 van 1966, artikel 2 van Wet 85 van 1967, artikel 1 van Wet 49 van 1978 en artikel 36 van Wet 132 van 1992

2. Artikel 2 van die Hoofwet word hierby gewysig—

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

“(1) Hierdie Wet is nie van toepassing nie,
[(a)] vir sover dit op enige verpligting met betrekking tot registrasie ingevolge hierdie Wet of op diensplig in die Burgermag, die kommando’s of die Reserwe betrekking het—
 (a) op ’n burger wat lid is van die Parlement of van enige streeksregering van ’n staat, streek of provinsie waarin die Republiek verdeel mag word; of

(b) **[behalwe vir sover dit op enige kragtens hierdie Wet ingestelde hulp- of verpleegdiens betrekking het]** op vrouspersone **[of persone wat nie blankes, soos in artikel 1 van die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), omskryf, is nie]**:

Met dien verstande dat die Staatspresident met goedkeuring, by besluit, van die Parlement, by proklamasie in die *Staatskoerant* enige bepaling van hierdie Wet op vrouspersone of enige kategorie van vrouspersone **[of op persone wat nie blankes, soos aldus omskryf, is nie of enige kategorie van sulke persone]** van toepassing kan maak: Met dien verstande voorts dat hierdie artikel nie uitgelê word asof dit ’n vrouspersoon **[of iemand wat nie ’n blanke, soos aldus omskryf, is nie]** belet om (onderworpe in die geval van ’n minderjarige aan die toestemming van haar ouer of voog) **[sig]** haar vrywilliglik en ooreenkomstig regulasies tot diens **[by]** in enige deel van die Suid-Afrikaanse Weermag, met inbegrip van diens soos bedoel in artikel 22, indien aldus voorgeskryf, in die hoedanigheid en onderworpe aan die voorwaardes wat voorgeskryf mag word, te verbind nie.”; en

(b) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Behoudens die bepalings van subartikel (4) kan die Staatspresident by proklamasie in die *Staatskoerant* verklaar dat ’n bepaling van hierdie Wet in die proklamasie vermeld, behalwe ’n

provision applicable in time of war only, shall to the extent so specified apply to persons who **[are white persons as defined in the Population Registration Act, 1950 (Act No. 30 of 1950), and]** are not citizens but have been domiciled in the Republic for not less than five years, as if they were citizens.”.

5

Substitution of section 6 of Act 44 of 1957, as substituted by section 2 of Act 103 of 1982

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

“Composition of Reserve

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6. The Reserve shall consist of—

- (a) the **[Permanent Force Reserve;**
- (b) **the Active Citizen Force]** Controlled Reserve; and
- [(c)](b)** the National Reserve.”.

Substitution of section 8 of Act 44 of 1957

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

“Executive military command

8. The executive military command of the South African Defence Force and the Reserve, or of any portion thereof, shall, subject to the provisions of this Act, be vested in such officer or officers of the South African Defence Force as the Minister may determine.”.

Amendment of section 9 of Act 44 of 1957, as amended by section 6 of Act 85 of 1967 and section 3 of Act 87 of 1984

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

“(a) **[The]** Subject to the provisions of the Public Service Act, 1984 (Act No. 111 of 1984), or the Commission for Administration Act, 1984 (Act No. 65 of 1984), the procedure for enrolment, appointment and promotion in the Permanent Force and, subject to the provisions of any law relating to the grant of pensions or any other benefit under such law to members of the Permanent Force, the conditions of such enrolment, appointment and promotion as well as other conditions of service, shall be as may be prescribed or as may, subject to the above provisions, be authorized by the Minister.”.

Substitution of section 15 of Act 44 of 1957, as substituted by section 6 of Act 87 of 1984

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

“Transfer from Permanent Force to Controlled Reserve

15. Any person who has served in the Permanent Force **[may]** shall, on termination of his service therein, be transferred to the **[Permanent Force]** Controlled Reserve for service subject to the conditions provided in Chapter VI.”.

Amendment of section 16 of Act 44 of 1957, as amended by section 1 of Act 66 of 1972, section 3 of Act 34 of 1983 and section 7 of Act 87 of 1984

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7. Section 16 of the principal Act is hereby amended—

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

bepaling wat slegs in oorlogstyd van toepassing is, in die mate aldus vermeld van toepassing is op persone wat **[blankes is, soos in die Bevolkingsregistrasiewet, 1950 (Wet No. 30 van 1950), omskryf, en]** nie burgers is nie maar minstens vyf jaar in die Republiek gedomisileer is, asof hulle burgers is.”.

Vervanging van artikel 6 van Wet 44 van 1957, soos vervang deur artikel 2 van Wet 103 van 1982

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

“Samestelling van Reserwe

6. Die Reserwe bestaan uit—

- (a) die **[Staandemagreserwe;**
- (b) die **Aktiewe Burgermagreserwe]** Beheerde Reserwe; en
- [(c)] (b)** die Nasionale Reserwe.”.

Vervanging van artikel 8 van Wet 44 van 1957

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

“Uitvoerende militêre gesag

8. Die [militêre] uitvoerende militêre gesag oor die Suid-Afrikaanse Weermag en die Reserwe, of oor enige deel daarvan, berus, behoudens die bepalings van hierdie Wet, by die offisier of offisiere van die Suid-Afrikaanse Weermag wat die Minister mag bepaal.”.

Wysiging van artikel 9 van Wet 44 van 1957, soos gewysig deur artikel 6 van Wet 85 van 1967 en artikel 3 van Wet 87 van 1984

5. Artikel 9 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) [Die] Behoudens die bepalings van die Staatsdienswet, 1984 (Wet No. 111 van 1984), of die Wet op die Kommissie vir Administrasie, 1984 (Wet No. 65 van 1984), is die prosedure vir inskrywing, aanstelling en bevordering in die Staande Mag en, behoudens die bepalings van enige wet met betrekking tot die toekenning van pensioene of enige ander voordeel kragtens sodanige wet aan lede van die Staande Mag, die voorwaardes van sodanige inskrywing, aanstelling en bevordering asook ander diensvoorwaardes, [is] soos voorgeskryf word of soos, behoudens die voorgaande bepalings, deur die Minister gemagtig.”.

35 Vervanging van artikel 15 van Wet 44 van 1957, soos vervang deur artikel 6 van Wet 87 van 1984

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

“Oorplasing uit Staande Mag na Beheerde Reserwe

15. 'n Persoon wat in die Staande Mag gedien het, [kan] word by die beëindiging van sy diens daarin na die [Staandemagreserwe] Beheerde Reserwe oorgeplaas [word] vir diens onderworpe aan die voorwaardes in Hoofstuk VI bepaal.”.

Wysiging van artikel 16 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 66 van 1972, artikel 3 van Wet 34 van 1983 en artikel 7 van Wet 87 van 1984

45 7. Artikel 16 van die Hoofwet word hierby gewysig—

(a) deur in die Engelse teks paragraaf (c) van subartikel (1) deur die volgende paragraaf te vervang:

“(c) persons who have been called **[up]** out to render service in terms of Chapter X and have been posted to that Force.”; and

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

“(2) Subject to the provisions of subsection (3), the Citizen Force shall as far as may be expedient be organized in such headquarters, arms of the service, formations, units and personnel musters as may be determined by the Minister or as may be prescribed, but nothing in this or any other section in this Act shall be deemed to preclude the training of any member of that Force in any **[depot or establishment]** military or other training institution which is not a unit of that Force or the attachment of any such member to any other portion of the South African Defence Force for training or service **[or the attachment, on such conditions as may be prescribed, of any such member who belongs to any category of professionally qualified members whose services are not required in their mustering in that Force, to a Government Department, other Government service or another authority which the Minister may approve for that purpose, or to an undertaking which manufactures, repairs or maintains armaments as defined in the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), or which carries out any function of the Armaments Development and Production Corporation of South Africa, Limited, established under that Act or to an institution for research in connection with armaments, for training, service and experience in his profession, or the attachment, on such conditions as may be prescribed, of any such member who does not belong to any such category, to an undertaking which carries out any functions of the said Corporation, for training, service and experience].”**

Substitution of section 21 of Act 44 of 1957, as substituted by section 4 of Act 132 of 1992

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

“Liability to serve in Citizen Force

21. (1) Every—

- (a) person allotted to the Citizen Force in terms of Chapter VIII;
- (b) person who has on account of his application in terms of section 65 been unconditionally accepted for enrolment and who, after having been called up and having reported for such service, is enrolled in the Citizen Force;
- (c) female who has, in terms of section 2(1), engaged for service referred to in section 22(1);
- (d) person who fails to render service in the South African Police or the Permanent Force for at least two years after having been enrolled in such Force in lieu of service in the Citizen Force on account of his name having been selected by ballot for that purpose in terms of section 66B; and
- (e) **[every]** person who was or is a member of that Force on or after **[31 December 1982]** a date eight years and nine months prior to the commencement of section 8 of the Defence Second Amendment Act, 1993 (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]** nine 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, irrespective of whether or not the said period of **[14]** nine years has elapsed and notwithstanding the provisions of section 22, remain liable to render such service over such period and in such period or periods of service as the

“(c) persons who have been called **[up]** out to render service in terms of Chapter X and have been posted to that Force.”; en

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

“(2) Behoudens die bepalings van subartikel (3), word die Burgermag vir sover dienstig ingedeel in die hoofkwartiere, weermagsdele, formasies, eenhede en personeelindelings wat die Minister bepaal of wat voorgeskryf mag word, maar geen bepaling van hierdie of enige ander artikel van hierdie Wet word geag die opleiding van ’n lid van daardie Mag in ’n **[depot of inrigting]** militêre of ander opleidingsinrigting wat nie ’n eenheid van daardie Mag is nie, of die opname van so ’n lid vir opleiding of diens in ’n ander deel van die Suid-Afrikaanse Weermag **[of die opname, op die voorwaardes wat voorgeskryf mag word, van so ’n lid wat behoort tot ’n kategorie van professioneel gekwalifiseerde lede vir wie se dienste daar nie ’n behoefte in hul indeling in daardie Mag is nie, in ’n Staatsdepartement, ander Regeringsdiens of ’n ander owerheid wat die Minister vir dié doel goedkeur, of in ’n onderneming wat krygstuig soos omskryf in die Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968), vervaardig, herstel of in stand hou of wat ’n werksaamheid van die Krygstuigontwikkelings- en vervaardigingskorporasie van Suid-Afrika Beperk, ingestel kragtens daardie Wet, uitvoer, of in ’n inrigting vir navorsing in verband met krygstuig, vir opleiding, diens en ondervinding in sy professie, of die opname, op die voorwaardes wat voorgeskryf mag word, van so ’n lid wat nie tot so ’n kategorie behoort nie, in ’n onderneming wat ’n werksaamheid van bedoelde Korporasie uitvoer, vir opleiding, diens en ondervinding]**, te belet nie.”.

Vervanging van artikel 21 van Wet 44 van 1957, soos vervang deur artikel 4 van Wet 132 van 1992

8. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

“Diensplig in Burgermag

21. (1) Elke—

- (a) persoon wat ingevolge Hoofstuk VIII aan die Burgermag toegewys is;
- (b) persoon wat op grond van sy aansoek ingevolge artikel 65 onvoorwaardelik aanvaar is vir inskrywing en wat, nadat hy tot sodanige diens aangesê is en daarvoor aangemeld het, ingeskryf is in die Burgermag;
- (c) vrouspersoon wat ingevolge artikel 2(1) verbind is vir diens soos bedoel in artikel 22(1);
- (d) persoon wat nalaat om vir ten minste twee jaar in die Suid-Afrikaanse Polisie of die Staande Mag te dien nadat hy in sodanige Mag ingeskryf is, in plaas daarvan om in die Burgermag te dien vanweë die feit dat sy naam vir daardie doel ingevolge artikel 66B deur loting aangewys is; en
- (e) **[elke]** persoon wat op of na **[31 Desember 1982]** ’n datum agt jaar en nege maande voor die inwerkingtreding van artikel 8 van die Tweede Wysigingswet op Verdediging, 1993, ’n lid van daardie Mag was of is (behalwe ’n in artikel 19 bedoelde lid), is, behoudens die bepalings van hierdie Wet, verplig om in daardie Mag te dien oor ’n tydperk van **[14]** nege 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 enige handeling of versuim hoegenaamd van sy kant nie diens gedoen het waartoe hy ingevolge artikel 22 verplig is nie, verplig bly om, ongeag of genoemde tydperk van **[14]** nege jaar verstryk het al dan nie en ongeag die bepalings van artikel 22, dié diens te doen oor die tydperk en in die dienstydperk of dienstydperke soos die Minister

Minister or any person acting under his authority may determine, and shall render such service as he may be called up to do.

(2) Service rendered or training undergone which in terms of section 22(9) is regarded as service by the person concerned in the Citizen Force shall be deemed to have been so rendered by him as from the commencement of the period of **[14] nine** years referred to in subsection (1).

(3) Unless the Minister directs otherwise, members of the Citizen Force shall during the period of service contemplated in section 22(3)(a), only—

- (a) undergo training;
- (b) be used for service referred to in section 3(2)(a)(iv) or for service in the maintenance of essential services (other than the maintenance of law and order and the prevention of crime in co-operation with the South African Police) referred to in section 3(2)(a)(v); or
- (c) render service of a professional nature as may be determined by the Chief of the South African Defence Force, in the South African Defence Force.”.

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 Act 68 of 1977, section 5 of Act 103 of 1982, section 12 of Act 87 of 1984 and section 5 of Act 132 of 1992

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

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

“(3) A person liable to serve in the Citizen Force in terms of section 21 shall subject to section 146(3) render service which shall be completed in—

- (a) a first period of service not exceeding **[24] 12** months;
- (b) subsequent periods of service during **[six cycles of two] eight** years **[each of which none shall exceed 90 days and] being the remainder of the period of nine years referred to in section 21(1) which shall [per cycle] not exceed in the aggregate [120] 30 days [in the aggregate] per year.”; and**

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

“(9) Service rendered or training undergone by any person in the Permanent Force, the commandos, the South African Police, the South African Railways Police Force before the commencement of the Transfer of the South African Railways Police Force to the South African Police Act, 1986 (Act No. 83 of 1986), the former Prisons Service, the Department of Correctional Services or the Citizen Force before **[31 December 1982] the commencement of the Defence Second Amendment Act, 1993**, or any other service or training which the Minister may deem suitable, shall be regarded as service in the Citizen Force for the purpose of this section to such extent as the Minister or any person acting under his authority may determine in respect of the first-mentioned person or in respect of the category or class of persons to which he belongs.”.

Amendment of section 24 of Act 44 of 1957, as amended by section 1 of Act 28 of 1970 and section 6 of Act 103 of 1982

10. Section 24 of the principal Act is hereby amended—

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

“(1) **[A citizen] Any member of the Citizen Force** who desires to undergo any prescribed specialized training which cannot be provided **[under] during any period of service** referred to in section **[21 or] 22** may, **[upon enrolment] under special contract [in the manner prescribed], be allowed to undergo such specialized training in the South African Defence Force as a member of the Citizen Force.”; and**

of 'n persoon wat op sy gesag handel, bepaal, en doen dié diens soos hy aangesê word om te doen.

(2) Diens gedoen of opleiding ondergaan wat ingevolge artikel 22(9) beskou word as diens deur die betrokke persoon in die Burgermag, word geag deur hom aldus gedoen te gewees het vanaf die aanvang van die tydperk van **[14]** nege jaar in subartikel (1) bedoel.

(3) Tensy die Minister anders gelas, moet lede van die Burgermag tydens die dienstydyperk in artikel 22(3)(a) bedoel, slegs—

(a) opleiding ondergaan;

(b) gebruik word vir diens bedoel in artikel 3(2)(a)(iv) of vir diens ter instandhouding van noodsaaklike dienste (uitgesonderd die handhawing van wet en orde en die voorkoming van misdaad in samewerking met die Suid-Afrikaanse Polisie) bedoel in artikel 3(2)(a)(v); of

(c) diens van 'n professionele aard soos bepaal deur die Hoof van die Suid-Afrikaanse Weermag, in die Suid-Afrikaanse Weermag verrig.”.

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 Wet 68 van 1977, artikel 5 van Wet 103 van 1982, artikel 12 van Wet 87 van 1984 en artikel 5 van Wet 132 van 1992

9. Artikel 22 van die Hoofwet word hierby gewysig—

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

“(3) 'n Persoon wat ingevolge artikel 21 verplig is om in die Burgermag te dien, doen, behoudens artikel 146(3), diens wat voltooi word in—

(a) 'n eerste dienstydyperk van hoogstens **[24]** 12 maande;

(b) latere dienstydyperke gedurende **[ses siklusse van twee]** agt jaar **[elk waarvan geen een langer as 90 dae duur nie]** synde die oorblywende deel van die tydperk van nege jaar soos bedoel in artikel 21(1) en wat **[per siklus]** altesaam nie **[120]** 30 dae per jaar oorskry nie.”; en

(b) deur subartikel (9) deur die volgende subartikel te vervang:

“(9) Diens gedoen of opleiding ondergaan deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die Suid-Afrikaanse Spoorwegpolisiemag voor die inwerkingtreding van die Wet op die Oorplasing van die Suid-Afrikaanse Spoorwegpolisiemag na die Suid-Afrikaanse Polisie, 1986 (Wet No. 83 van 1986), die gewese Gevangenisdiens, die Departement van Korrektiewe Dienste of die Burgermag voor **[31 Desember 1982]** die inwerkingtreding van die Tweede Wysigingswet op Verdediging, 1993, of enige ander diens of opleiding wat die Minister geskik ag, word by die toepassing van hierdie artikel as diens in die Burgermag beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van eersgenoemde persoon of ten opsigte van die kategorie of klas of groep persone waartoe hy behoort.”.

Wysiging van artikel 24 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 28 van 1970 en artikel 6 van Wet 103 van 1982

10. Artikel 24 van die Hoofwet word hierby gewysig—

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

“(1) 'n **[Burger]** Lid van die Burgermag wat begeer om enige voorgeskrewe gespesialiseerde opleiding wat nie **[kragtens]** gedurende enige dienstydyperk bedoel in artikel **[21 of]** 22 verstrekk kan word nie, te ondergaan, kan **[by inskrywing op die voorgeskrewe wyse]** toegelaat word om onder spesiale kontrak sodanige gespesialiseerde opleiding in die Suid-Afrikaanse Weermag as 'n lid van die Burgermag te ondergaan.”; en

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

“(c) the re-imbursement by the **[citizen] member** of the whole or any part of the cost of the training in the event of his failure for reasons within his own control to carry out the terms of the contract.”.

Substitution of section 31 of Act 44 of 1957, as substituted by section 14 of Act 87 of 1984

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

“Transfer from Citizen Force to Controlled Reserve

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

Amendment of section 32 of Act 44 of 1957, as substituted by section 15 of Act 87 of 1984

12. Section 32 of the principal Act is hereby amended by the substitution for paragraph (c) of the following paragraph:

“(c) persons who have been called **[up] out** to render service in terms of Chapter X and have been posted to the commandos.”.

Substitution of section 35 of Act 44 of 1957, as substituted by section 6 of Act 132 of 1992

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

“Liability to serve in commandos

35. Every person who has at any time been allotted to the commandos in terms of **[Chapter VIII and every person who, on or after 31 December 1982, was a member of a commando (other than a member referred to in section 36 or 37) and was not re-allotted to the Citizen Force]** section 67(1)(b) shall, subject to the provisions of this Act, be liable to serve in the commandos until his fifty-fifth year 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 the provisions of the said section 44, remain liable to render such service over such period and in such period or periods of service as the Minister or any person acting under his authority may determine, and shall render such service as he may be called up to do.”.

Amendment of section 36 of Act 44 of 1957, as substituted by section 18 of Act 87 of 1984

14. Section 36 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) A citizen or person referred to in subsection (1), shall be liable to render the service mentioned in section 44(3)(a) for which he is called up, until he has been officially discharged from the commandos.”.

Amendment of section 40 of Act 44 of 1957, as amended by section 20 of Act 85 of 1967 and section 20 of Act 87 of 1984

15. Section 40 of the principal Act is hereby amended—

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

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

- 5 “(c) die terugbetaling deur die **[burger]** lid van die geheel of ’n deel van die koste van die opleiding ingeval hy om redes binne sy eie beheer, versuim om die voorwaardes van die kontrak na te kom.”.

Vervanging van artikel 31 van Wet 44 van 1957, soos vervang deur artikel 14 van Wet 87 van 1984

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

10 **“Oorplasing uit Burgermag na Beheerde Reserwe**

31. ’n Persoon wat in die Burgermag gedien het **[kan]**, word by die beëindiging van sy diens daarin na die **[Aktiewe Burgermagreserwe]** Beheerde Reserwe oorgeplaas **[word]** vir diens onderworpe aan die voorwaardes in Hoofstuk VI bepaal.”.

15 **Wysiging van artikel 32 van Wet 44 van 1957, soos vervang deur artikel 15 van Wet 87 van 1984**

12. Artikel 32 van die Hoofwet word hierby gewysig deur in die Engelse teks paragraaf (c) deur die volgende paragraaf te vervang:

- 20 “(c) persons who have been called **[up]** out to render service in terms of Chapter X and have been posted to the commandos.”.

Vervanging van artikel 35 van Wet 44 van 1957, soos vervang deur artikel 6 van Wet 132 van 1992

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

“Diensplig in kommando’s

- 25 35. Elke persoon wat te eniger tyd aan die kommando’s toegewys is ingevolge **[Hoofstuk VIII en elke persoon wat op of na 31 Desember 1982 ’n lid van ’n kommando was en nie aan die Burgermag hertoegegewys is nie (behalwe ’n in artikel 36 of 37 bedoelde lid)]** artikel 67(1)(b) is, behoudens die bepalings van hierdie Wet, verplig om in die kommando’s te dien tot sy vyf-en-vyftigste jaar of totdat hy amptelik daaruit ontslaan word: Met dien verstande 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 die bepalings van genoemde artikel 44, sodanige diens te doen oor die tydperk en in die dienstydsperk of dienstydsperke soos die Minister of ’n persoon wat op sy gesag handel, bepaal, en doen dié diens soos hy aangesê word om te doen.”.

40 **Wysiging van artikel 36 van Wet 44 van 1957, soos vervang deur artikel 18 van Wet 87 van 1984**

14. Artikel 36 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

- 45 “(2) ’n Burger of persoon in subartikel (1) bedoel **[moet]**, is verplig om die diens in artikel 44(3)(a) vermeld waartoe hy aangesê is, te doen totdat hy amptelik uit die kommando’s ontslaan word.”.

Wysiging van artikel 40 van Wet 44 van 1957, soos gewysig deur artikel 20 van Wet 85 van 1967 en artikel 20 van Wet 87 van 1984

15. Artikel 40 van die Hoofwet word hierby gewysig—

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

“(2) Any person who has obtained a rifle under this section, shall at all times and at his own expense keep such rifle and any other arm which has been issued to him by virtue of his membership of a commando in accordance with the provisions of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), in his personal possession and shall maintain **[it]** such rifle and other arm in good order and condition at his own expense and bring **[it]** them with him whenever he is called **[upon]** up to present himself for inspection or called out for service in terms of Chapter X of this Act.”;

(b) by the substitution for subsection (4) of the following subsection:

“(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) for which he has been called up in any year during the aforesaid period of five years, 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.”; and

(c) by the substitution for subsection (6) of the following subsection:

“(6) No issuer of licences under the Arms and Ammunition Act, **[1937]** 1969 (Act No. **[28]** 75 of **[1937]** 1969), shall issue a licence under that Act in respect of any rifle which has been purchased in terms of this section unless the certificate mentioned in subsection (5) has been exhibited to him.”.

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, section 11 of Act 103 of 1982, section 23 of Act 87 of 1984 and section 7 of Act 132 of 1992

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

“(3) (a) **[A]** Without derogating from the provisions of section 40(3) but subject to section 89A a member of a commando except a member referred to in paragraph (b) **[or (c)]** shall, after having been called up therefor, be liable to render service in a commando which shall be completed in a single period of service not exceeding 12 days in any calendar year or periods which shall not exceed 12 days in any calendar year in the aggregate.

(b) A person liable to serve in a commando after having been allotted to the commandos in terms of section 67(1)(b)**[(iv)]** and after having been called up for service therein shall render service

[(i)] which during the period of **[20]** 16 years following upon the date upon which he was so allotted, shall be completed in periods of service of which none shall exceed **[50]** 30 days in any calendar year and which shall not exceed **[1000]** 240 days in the aggregate

[(ii)] which after expiry of the said period of 20 years shall be completed in a single period of service not exceeding 12 days in any calendar year or in periods of service which shall not exceed 12 days in any calendar year in the aggregate.

(c) A person liable to serve in a commando after having been allotted to the commandos in terms of section 67(1)(b)(i) and after having been called up for service therein shall render service which—

(i) in the first year of service shall be completed in a single period of service not exceeding 30 days or in periods which shall not exceed 30 days in the aggregate;

(ii) shall thereafter be completed in a single period of service not exceeding 12 days in any calendar year or in periods of service which shall not exceed 12 days in any calendar year in the aggregate.

(d) Notwithstanding the provisions of this section, no person who has performed community service as contemplated in section 72E(3)(b) shall again be called up for service in the commandos before the expiry of the number of

“(2) Iemand wat ingevolge hierdie artikel ’n geweer verkry het, moet daardie geweer en enige ander wapen wat aan hom uitgereik is as gevolg van sy lidmaatskap van ’n kommando te alle tye en op eie koste ooreenkomstig die bepalings van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), in sy persoonlike besit hou, en moet [dit] sodanige geweer en ander wapen op eie koste in goeie orde en toestand hou en saam met hom bring wanneer hy [opgeroep] aangesê word om hom vir inspeksie aan te meld of opgeroep word vir diens ooreenkomstig Hoofstuk X van hierdie Wet [aan te meld].”;

(b) deur subartikel (4) deur die volgende subartikel te vervang:

“(4) Indien so iemand enige bepaling van hierdie artikel 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 die diens in artikel 44(3)(a) bedoel waartoe hy aangesê is, 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.”; en

(c) deur subartikel (6) deur die volgende subartikel te vervang:

“(6) Geen uitreiker van lisensies ooreenkomstig die **[Wapens- en Ammunisiewet]** Wet op Wapens en Ammunisie, **[1937]** 1969 (Wet No. **[28]** 75 van **[1937]** 1969), reik ’n lisensie ingevolge daardie Wet ten opsigte van ’n geweer wat ooreenkomstig hierdie artikel aangekoop is, uit nie, tensy die in subartikel (5) bedoelde sertifikaat aan hom vertoon is.”.

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, artikel 11 van Wet 103 van 1982, artikel 23 van Wet 87 van 1984 en artikel 7 van Wet 132 van 1992

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

“(3) (a) Sonder om afbreuk te doen aan die bepalings van artikel 40(3) maar behoudens artikel 89A, moet ’n **[Lid]** lid van ’n kommando, behalwe ’n lid in paragraaf (b) **[of (c)]** bedoel, nadat hy daartoe aangesê is, diens doen **[diens]** in ’n kommando wat voltooi word in ’n enkele dienstdynerk van hoogstens 12 dae in ’n kalenderjaar of tydperke wat altesaam in enige kalenderjaar nie 12 dae oorskry nie.

(b) ’n Persoon wat verplig is om in ’n kommando te dien nadat hy ingevolge artikel 67(1)(b)**[(iv)]** aan die kommando’s toegewys is en aangesê is om daarin diens te doen, doen diens

[(i)] wat gedurende die tydperk van **[20]** 16 jaar wat volg op die datum waarop hy aldus toegewys is, voltooi word in dienstdynerke wat geeneen langer as **[50]** 30 dae in ’n kalenderjaar duur nie en wat altesaam nie **[1 000]** 240 dae oorskry nie

[(ii)] wat na verstryking van gemelde tydperk van 20 jaar voltooi word in ’n enkele dienstdynerk van hoogstens 12 dae in enige kalenderjaar of in dienstdynerke wat altesaam in enige kalenderjaar nie 12 dae oorskry nie.

(c) ’n Persoon wat verplig is om in ’n kommando te dien nadat hy ingevolge artikel 67(1)(b)(i) aan die kommando’s toegewys is en aangesê is om daarin diens te doen, doen diens wat—

(i) in die eerste jaar van diens voltooi word in ’n enkele dienstdynerk van hoogstens 30 dae of dienstdynerke wat altesaam nie 30 dae oorskry nie;

(ii) daarna voltooi word in ’n enkele dienstdynerk van hoogstens 12 dae in ’n kalenderjaar of dienstdynerke wat altesaam in enige kalenderjaar nie 12 dae oorskry nie.

(d) Ondanks die bepalings van hierdie artikel, word geen persoon wat gemeenskapsdiens gedoen het soos beoog in artikel 72E(3)(b), weer aangesê om diens in die kommando’s te doen nie voor die verstryking van die getal

years in respect of which he could (if it were not for his classification under the category of conscientious objectors referred to in section 72D(1)(a)(iii)) otherwise have been called up for service in the commandos for periods of service which would in the aggregate be equal to two-thirds of the period of such community service which he has performed].”

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Insertion of section 44A in Act 44 of 1957

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

“Transfer from commandos to Controlled Reserve

44A. Subject to the provisions of this Act, any person who has at any time served in the commandos after having been allotted thereto in terms of section 67(1)(b), shall, on the termination of his service therein, be transferred to the Controlled Reserve.”

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Insertion of section 46 in Act 44 of 1957

18. The following section is hereby inserted in chapter VI of the principal Act before section 47:

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“Controlled Reserve

46. (1) Notwithstanding anything to the contrary in any law contained, the Controlled Reserve shall consist of—

- (a) (i) subject to the provisions of section 66(2)(a)(ii), all persons who have served in the Permanent Force in a permanent or a temporary capacity, or in both such capacities, for a total period of not less than one year;
- (ii) all persons who have served in the Citizen Force as members thereof but excluding those who are in terms of section 89A deemed to be such members on account of their service in that Force,

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and whose service therein has, for whatever reason, terminated within a period of 15 years before the commencement of the Defence Second Amendment Act, 1993, or whose service therein, for whatever reason, terminates on or after the commencement of the said Act; and

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- (b) all persons who have at any time within a period of 15 years before the commencement of the said Defence Second Amendment Act, 1993, or who, on or after the commencement of that Act, after having been allotted to the commandos in terms of section 67(1)(b), completed service in the commandos in terms of section 44(3)(b) for a period of not less than 16 years.

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(2) Subject to section 53(2), no person referred to in subsection (1)(a)(i), other than—

- (a) an officer who has in terms of section 86 tendered the resignation of his commission and appointment or whose commission has been cancelled or is deemed to have been cancelled in terms of section 83;
 - (b) an other rank who has been discharged with ignominy or otherwise from the South African Defence Force,
- shall serve in the Reserve in a rank lower than that which he held in the Permanent Force at the termination of his service therein, and no person shall serve in the Controlled Reserve for a period exceeding 16 years or beyond his sixty-fifth year.”

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Repeal of section 47 of Act 44 of 1957, as substituted by section 25 of Act 87 of 1984

19. Section 47 of the principal Act is hereby repealed.

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jare ten opsigte waarvan hy (as dit nie was vir sy klassifikasie in die artikel 72D(1)(a)(iii) bedoelde kategorie van gewetensbeswaardes nie) andersins aangesê sou kon word om diens in die kommando's te doen vir dien tydperk wat gesamentlik gelyk sou wees aan twee-derdes van die tydperk van bedoelde gemeenskapsdiens wat hy verrig het].”.

Invoeging van artikel 44A in Wet 44 van 1957

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

“Oorplasing uit kommando's na Beheerde Reserwe

10 **44A.** Behoudens die bepalings van hierdie Wet, moet enige persoon wat te eniger tyd na sy toewysing aan die kommando's ingevolge artikel 67(1)(b) daarin gedien het, by beëindiging van sy diens daarin, na die Beheerde Reserwe oorgeplaas word.”.

Invoeging van artikel 46 in Wet 44 van 1957

15 18. Die volgende artikel word hierby in Hoofstuk VI van die Hoofwet voor artikel 47 ingevoeg:

“Beheerde Reserwe

46. (1) Ondanks andersluidende bepalings van enige ander wet, bestaan die Beheerde Reserwe uit—

- 20 (a) (i) behoudens die bepalings van artikel 66(2)(a)(ii), alle persone wat in die Staande Mag in 'n permanente of 'n tydelike hoedanigheid of in albei dié hoedanighede vir 'n totale tydperk van nie minder nie as een jaar gedien het;
- 25 (ii) alle persone wat as lede daarvan in die Burgermag gedien het, maar nie ook diegene wat ingevolge artikel 89A geag word sodanige lede te wees vanweë hul diens in daardie Mag nie,

en wie se diens daarin, om welke rede ook al, geëindig het binne 'n tydperk van 15 jaar voor die inwerkingtreding van die Tweede Wysigingswet op Verdediging, 1993, of wie se diens daarin, om welke rede ook al, eindig op of na die inwerkingtreding van genoemde Wet; en

- 30 (b) alle persone wat te eniger tyd binne 'n tydperk van 15 jaar voor die inwerkingtreding van genoemde Tweede Wysigingswet op Verdediging, 1993, of wat, op of na die inwerkingtreding van daardie Wet, nadat hulle aan die kommando's toegewys is ingevolge artikel 67(1)(b), diens in die kommando's ingevolge artikel 44(3)(b) voltooi het vir 'n tydperk van minstens 16 jaar.

(2) Behoudens artikel 53(2), dien geen persoon na wie in subartikel (1)(a)(i) verwys is, uitgesonderd—

- 40 (a) 'n offisier wat ingevolge artikel 86 die bedanking van sy kommissie en aanstelling ingedien het of wie se kommissie ingevolge artikel 83 ingetrek is of geag word ingetrek te wees;
- (b) 'n manskap wat met oneer of andersins uit die Suid-Afrikaanse Weermag ontslaan is,
- 45 in die Reserwe in 'n laer rang as dié wat hy by beëindiging van sy diens in die Staande Mag bekleed het nie, en niemand dien in die Beheerde Reserwe vir 'n langer tydperk as 16 jaar nie of na sy vyf-en-sestigste jaar.”.

50 **Herroeping van artikel 47 van Wet 44 van 1957, soos vervang deur artikel 25 van Wet 87 van 1984**

19. Artikel 47 van die Hoofwet word hierby herroep.

Repeal of section 48 of Act 44 of 1957, as substituted by section 26 of Act 87 of 1984

20. Section 48 of the principal Act is hereby repealed.

Substitution of section 49 of Act 44 of 1957, as substituted by section 16 of Act 103 of 1982

21. The following section is hereby substituted for section 49 of the principal Act:

“Composition of National Reserve

49. The National Reserve shall consist of all citizens mentioned in section 3(1)(b) who are not members of any of the forces constituting the South African Defence Force or of **[any reserve established under this Act]** the Controlled Reserve and shall include all persons domiciled in the Republic who are citizens of any country specified by the State President by proclamation in the *Gazette*: Provided that no person shall be required to serve in the said Reserve beyond his sixty-fifth year.”.

Substitution of section 50 of Act 44 of 1957, as substituted by section 17 of Act 103 of 1982

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

“Organization of Reserves

50. The **[Permanent Force Reserve, the Active Citizen Force]** Controlled Reserve and the National Reserve shall respectively be organized in such manner as may in the case of each of those Reserves be determined by the Minister or a person acting under his authority or be prescribed.”.

Amendment of section 51 of Act 44 of 1957, as substituted by section 8 of Act 132 of 1992

23. Section 51 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

“Members of the **[Permanent Force]** Controlled Reserve shall be liable to undergo such training as may be prescribed, or otherwise determined by the Minister, whilst members of the said Reserve who have at any time undergone training of a special nature may, on the directions of the Minister or any person acting under his authority, be required to undergo a refresher course or training.”.

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, section 6 of Act 83 of 1974, section 28 of Act 87 of 1984 and section 9 of Act 132 of 1992

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

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

“(b) may in addition be called up at any time, on the instructions of the Minister, to render **[any other]** service **[as may be prescribed]**, other than service contemplated in paragraph (a), irrespective of whether or not such service is service as contemplated in section 3(2)(a).”;

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

“(2) Any member of the National Reserve or the **[Active Citizen Force]** Controlled Reserve, other than a person referred to in

Herroeping van artikel 48 van Wet 44 van 1957, soos vervang deur artikel 26 van Wet 87 van 1984

20. Artikel 48 van die Hoofwet word hierby herroep.

Vervanging van artikel 49 van Wet 44 van 1957, soos vervang deur artikel 16 van 5 Wet 103 van 1982

21. Artikel 49 van die Hoofwet word hierby deur die volgende artikel vervang:

“Samestelling van Nasionale Reserwe

10 **49.** Die Nasionale Reserwe bestaan uit alle in artikel 3(1)(b) bedoelde burgers wat nie lede van enige van die magte wat die Suid-Afrikaanse Weermag uitmaak of van **[enige ander kragtens hierdie Wet ingestelde reserwe]** die Beheerde Reserwe is nie, en ook alle in die Republiek gedomisileerde persone wat burgers is van 'n land deur die Staatspresident by proklamasie in die *Staatskoerant* aangewys: Met dien verstande dat geen persoon verplig word om na 15 sy vyf-en-sestigste jaar in bedoelde Reserwe te dien nie.”.

Vervanging van artikel 50 van Wet 44 van 1957, soos vervang deur artikel 17 van Wet 103 van 1982

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

“Organisasie van Reserwes

20 **50.** Die **[Staandemagreserwe, die Aktiewe Burgermagreserwe]** Beheerde Reserwe en die Nasionale Reserwe word onderskeidelik georganiseer op die wyse wat in die geval van elk van daardie Reserwes deur die Minister of iemand wat op sy gesag handel, bepaal of voorgeskryf mag word.”.

25 **Wysiging van artikel 51 van Wet 44 van 1957, soos vervang deur artikel 8 van Wet 132 van 1992**

23. Artikel 51 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

30 “Lede van die **[Staandemagreserwe]** Beheerde Reserwe kan verplig word om opleiding wat voorgeskryf mag word of andersins deur die Minister bepaal word, te ondergaan, terwyl lede van bedoelde Reserwe wat te eniger tyd opleiding van 'n spesiale aard ondergaan het, op las van die Minister of 35 iemand wat op sy gesag handel, verplig kan word om 'n herhalingskursus of opleiding te ondergaan.”.

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, artikel 6 van Wet 83 van 1974, artikel 28 van Wet 87 van 1984 en artikel 9 van Wet 132 van 1992

40 **24.** Artikel 52 van die Hoofwet word hierby gewysig—

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

45 “(b) kan daarbenewens te eniger tyd, op las van die Minister, aangesê word om **[enige ander]** diens te doen **[wat voorgeskryf word]**, uitgesonderd diens beoog in paragraaf (a), ongeag of sodanige diens diens is soos beoog in artikel 3(2)(a) of nie.”;

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

50 “(2) 'n Lid van die Nasionale Reserwe of die **[Aktiewe Burgermagreserwe]** Beheerde Reserwe, uitgesonderd 'n persoon in

section 46(2), may be required **[in accordance with regulations]** to render service as contemplated in subsection (1), in any portion of the South African Defence Force **[as the public interest may require]** in a 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.”; and

(c) by the substitution for subsection (3) of the following subsection:

“(3) Any member of the Reserve whose services are **[in the opinion of the Minister]**, under circumstances or for service not contemplated in Chapter X, required for any service mentioned in section 3(2)(a), shall be called up for service in terms of subsection (1)(b) and may, notwithstanding the provisions of section 92ter, after having been so called up but before commencing with such service or while he is rendering such service **[in terms of that subsection]**, be employed for such service in terms of section 92ter **[as provided for in section 3(2)]**, and any such person who, after having been called up for service but before commencing with it, is so employed, shall be deemed to be lawfully employed on such service within the contemplation of section 92ter 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 portion of the South African Defence Force as **[the public interest]** may **[require]** be required.”.

Substitution of section 53 of Act 44 of 1957, as substituted by section 10 of Act 132 of 1992

25. The following section is hereby substituted for section 53 of the principal Act:

“Conditions of service in Controlled Reserve

53. (1) The conditions of service in the **[Permanent Force]** Controlled Reserve shall be as prescribed, and **[members]** any member of that Reserve referred to in section 46(1)(a)(i) shall in respect of any service **[or duty]** performed or required to be performed in pursuance of this Act, be deemed to be **[members]** a member of the Permanent Force.

(2) **[No]** Notwithstanding the provisions of section 46(2), any such member of the **[Permanent Force]** Controlled Reserve contemplated in that subsection who has been called up or out, as the case may be, for service in terms of the provisions of this Act **[shall, except]** may, with his **[own]** consent, or shall, in pursuance of action taken under the Military Discipline Code, be required to serve in a rank lower than that which he holds in the said Reserve.”.

Amendment of section 54 of Act 44 of 1957, as amended by section 2 of Act 83 of 1962, section 29 of Act 85 of 1967 and section 19 of Act 103 of 1992

26. Section 54 of the principal Act is hereby amended—

(a) by the insertion before subsection (2) of the following subsections:

“(1) Every member of the Controlled Reserve shall, in such manner and at such time or within such periods as may be prescribed, notify the prescribed officer of his address and of any change therein.

(1A) In any proceedings against any such member for a contravention of subsection (1), the member concerned shall be presumed not to have notified the prescribed officer of his address or of any change therein unless he produces—

(a) an acknowledgement by the prescribed officer of the receipt of his notification of his address or of a change therein, as the case may be;

artikel 46(2) bedoel, kan **[ooreenkomstig die regulasies]** verplig word om diens te doen soos in subartikel (1) beoog, in enige deel van die Suid-Afrikaanse Weermag **[al na die openbare belang vereis]** in 'n laer rang as dié wat hy in die betrokke Reserwe bekleë, 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.”; en

(c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) 'n Lid van die Reserwe wie se dienste **[na die oordeel van die Minister]** in omstandighede of vir diens wat nie in Hoofstuk X beoog word nie, nodig is vir enige diens in artikel 3(2)(a) bedoel, moet ingevolge subartikel (1)(b) tot diens aangesê word en kan, ongeag die bepalings van artikel 92ter, nadat hy aldus aangesê is maar voordat hy met sodanige diens begin of terwyl hy sodanige diens **[ingevolge daardie subartikel]** doen, kragtens artikel 92ter vir sodanige diens in diens gestel word **[soos in artikel 3(2) bepaal]**, en elke sodanige persoon wat, nadat hy tot diens aangesê is maar nog nie daarmee begin het nie, aldus in diens gestel is, word geag om soos beoog in artikel 92ter wettiglik in diens gestel te wees vir sodanige diens 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 deel van die Suid-Afrikaanse Weermag opgeneem word, **[al na die openbare belang vereis]** soos dit nodig mag wees.”.

Vervanging van artikel 53 van Wet 44 van 1957, soos vervang deur artikel 10 van Wet 132 van 1992

25. Artikel 53 van die Hoofwet word hierby deur die volgende artikel vervang:

“Diensvoorwaardes in Beheerde Reserwe

30 53. (1) Die diensvoorwaardes in die **[Staandemagreserwe]** Beheerde Reserwe is soos voorgeskryf, en **[lede]** enige lid van daardie Reserwe na wie in artikel 46(1)(a)(i) verwys word, word ten opsigte van enige diens **[of pligte]** wat uit hoofde van hierdie Wet gedoen **[of verrig]** word of moet word, geag **[lede]** 'n lid van die Staande Mag te wees.

35 (2) **[Geen]** Ondanks die bepalings van artikel 46(2), kan enige sodanige lid van die **[Staandemagreserwe]** Beheerde Reserwe **[wat]** soos in daardie subartikel beoog wat ooreenkomstig die bepalings van hierdie Wet aangesê of opgeroep is, na gelang van die geval, om diens te doen, **[word behalwe]** met sy **[eie]** toestemming verplig word **[of]**, en is hy uit hoofde van stappe ingevolge die Reglement van Dissipline gedoen, verplig om in 'n rang laer as dié wat hy in bedoelde Reserwe bekleë, te dien **[nie]**.”.

45 Wysiging van artikel 54 van Wet 44 van 1957, soos gewysig deur artikel 2 van Wet 83 van 1962, artikel 29 van Wet 85 van 1967 en artikel 19 van Wet 103 van 1992

26. Artikel 54 van die Hoofwet word hierby gewysig—

(a) deur voor subartikel (2) die volgende subartikels in te voeg:

50 “(1) Elke lid van die Beheerde Reserwe moet op die wyse en op die tye of binne die tydperke wat voorgeskryf word, die voorgeskrewe offisier van sy adres en van enige verandering daarvan in kennis stel.

55 (1A) By 'n vervolging van so 'n lid weens 'n oortreding van subartikel (1), word daardie lid geag nie die voorgeskrewe offisier van sy adres of van 'n verandering daarvan in kennis te gestel het nie, tensy hy—

(a) 'n erkenning deur die voorgeskrewe offisier van die ontvangs van sy kennisgewing van sy adres of van 'n verandering daarvan, na gelang van die geval, toon;

- (b) proof that he has posted by registered post a notification of his address or of a change therein to the prescribed officer; or
- (c) other proof to the satisfaction of the court that he has in fact notified the prescribed officer of his address or of a change therein.”; and
- (b) by the substitution for subsection (2) of the following subsection:
- “(2) Every member of the Controlled Reserve shall in such manner and at such time or times or within such period or periods as may be prescribed, report in writing or in person to a prescribed officer and shall [also advise] supply that officer [of any change in his address within 14 days after such change has occurred] with such prescribed information as may be required by that officer.”.

Substitution of section 63 of Act 44 of 1957, as amended by section 6 of Act 81 of 1964, section 36 of Act 85 of 1967 and section 21 of Act 103 of 1982

27. The following section is hereby substituted for section 63 of the principal Act:

“Registration

63. (1) The principal or person in charge of or responsible for any school, college (whether or not it is a correspondence college) or institution attended by male pupils who are citizens who are in their final year for obtaining a senior certificate and who, for the duration of that year, will not be older than 26 years, or any person so acting as principal or person so in charge or responsible for such school, college or institution shall, on or before the last working day of February in each year, supply the registering officer with—

- (a) the full names;
- (b) the date of birth;
- (c) the residential and postal address; and
- (d) such other information as the registering officer may require and of which he has given notice in the *Gazette*, in respect of any such pupil, including any such pupil whose previous selection by ballot, or whose allotment, has lapsed as contemplated in section 66B(5).

(2) Every such principal or person so in charge or responsible or persons so acting shall, within 14 days after having supplied the particulars referred to in subsection (1), notify every such pupil in writing of the fact that the particulars have been supplied to the registering officer.

(3) Any person who during a particular year will not be 26 years of age, excluding a person registered in terms of subsection (1) read with subsection (4), and who obtains or has obtained a senior certificate or a qualification which is in terms of or under any law deemed to be equivalent to or of a higher educational standing than a senior certificate (irrespective of whether such qualification has been obtained within or outside the Republic or has been obtained at a secondary or tertiary academic or technical school, college, university or other institution), shall, if such person is a citizen, within 30 days after obtaining the qualification, or if he becomes a citizen, within 30 days after becoming a citizen, supply the registering officer with the particulars referred to in subsection (1).

(4) All persons in respect of whom the information has been furnished in terms of subsections (1) and (3), shall be registered by the registering officer, and thereafter they shall be deemed to be registered for the purposes of this Act.

(5) The registering officer shall issue every person registered in terms of subsection (4) with a certificate of registration, which may, in

- (b) bewys lewer dat hy 'n kennisgewing van sy adres of van 'n verandering daarvan per aangetekende pos aan die voorgeskrewe offisier gegee het; of
- 5 (c) ander bewys tot bevrediging van die hof lewer dat hy inderdaad die voorgeskrewe offisier van sy adres of van 'n verandering daarvan in kennis gestel het.”; en
- (b) deur subartikel (2) deur die volgende subartikel te vervang:

10 “(2) **[Iedere]** Elke lid van die Beheerde Reserwe moet hom op die wyse en op die tyd of tye of binne die tydperk of tydperke wat voorgeskryf mag word, skriftelik of persoonlik by 'n voorgeskrewe offisier aanmeld en daardie offisier **[ook van enige verandering in sy adres in kennis stel binne 14 dae nadat so 'n verandering plaasgevind het]** van die voorgeskrewe inligting voorsien wat daardie offisier verlang.”.

- 15 **Vervanging van artikel 63 van Wet 44 van 1957, soos gewysig deur artikel 6 van Wet 81 van 1964, artikel 36 van Wet 85 van 1967 en artikel 21 van Wet 103 van 1982**

27. Artikel 63 van die Hoofwet word hierby deur die volgende artikel vervang:

“Registrasie

20 **63. (1)** Die hoof of persoon in beheer van of verantwoordelik vir enige skool, kollege (ongeach of dit 'n korrespondensiekollege is of nie) of inrigting wat bygewoon word deur manlike leerlinge wat burgers is wat in hul finale jaar is vir die verwerwing van 'n senior

25 sertifikaat en wat gedurende daardie jaar nie ouer as 26 jaar sal wees nie, of enige persoon wat aldus waarneem as hoof of persoon in beheer van of verantwoordelik vir so 'n skool, kollege of inrigting, moet voor of op die laaste werkdag van Februarie in elke jaar, die registrasiebeampte voorsien van—

- 30 (a) die volle name;
- (b) die geboortedatum;
- (c) die woon- en posadres; en
- (d) die ander inligting wat die registrasiebeampte nodig het en waarvan hy in die *Staatskoerant* kennis gegee het,
- 35 ten opsigte van elke sodanige leerling, met inbegrip van enige sodanige leerling wie se vorige aanwysing deur loting, of wie se toewysing, verval het soos beoog in artikel 66B(5).

(2) Elke sodanige hoof of persoon in beheer of verantwoordelik of persoon wat aldus waarneem, moet, binne 14 dae na die voorsiening van die besonderhede in subartikel (1) bedoel, elke betrokke leerling skriftelik in kennis stel dat die bedoelde besonderhede aan die

40 registrasiebeampte voorsien is.

(3) Enige persoon wat gedurende 'n bepaalde jaar nie 26 jaar oud sal wees nie, uitgesonderd iemand wat ingevolge subartikel (1) saamgelees met subartikel (4) geregistreer is, en wat 'n senior sertifikaat verwerf of

45 verwerf het of 'n kwalifikasie wat by of kragtens enige wet geag word gelykwaardig te wees met of 'n hoër opvoedkundige status te hê as 'n senior sertifikaat (ongeach of sodanige kwalifikasie binne of buite die Republiek verwerf is of verwerf is by 'n sekondêre of tersiêre akademiese of tegniese skool, kollege, universiteit of ander inrigting) moet, indien sodanige persoon 'n burger is, binne 30 dae nadat die kwalifikasie verwerf is, of indien hy 'n burger word, binne 30 dae nadat hy 'n burger geword het, die registrasiebeampte voorsien van die besonderhede bedoel in subartikel (1).

50

(4) Alle persone ten opsigte van wie die besonderhede ingevolge subartikels (1) en (3) verstrek is, moet deur die registrasiebeampte geregistreer word, en daarna word hulle vir die doeleindes van hierdie Wet geag geregistreer te wees.

55

(5) Die registrasiebeampte moet aan elke persoon wat ingevolge subartikel (4) geregistreer is 'n registrasiesertifikaat uitreik, wat, in

the event of the said information having been provided in terms of subsection (1), be sent to the school, college or institution where such a person is a pupil.

(6) Any person who has been registered under this section shall—

(a) within 14 days after being requested thereto in writing by the registering officer, which request may under the circumstances referred to in subsection (5) be sent to the school, college or institution concerned; or

(b) before a date notified by the registering officer by notice in the *Gazette*,

supply the registering officer with such additional information as may be requested by him or made known by him by notice in the *Gazette*.

(7) Any registration which took place in terms of this section before the substitution thereof by the Defence Second Amendment Act, 1993, shall lapse if the person so registered was not before such substitution allotted under section 67.

(8) Notwithstanding the provisions of subsection (7), the registering officer may for the purpose of executing his functions under this Act, make use of any information in his possession regarding any registration which has so lapsed.”

Substitution of section 64 of Act 44 of 1957

28. The following section is hereby substituted for section 64 of the principal Act:

“Notification of address

64. (1) Every person [shall when applying for registration under this Chapter, furnish his address on his form of application and] who has been registered in terms of section 63 shall, unless he has been relieved of the obligation to do so by the [prescribed] registering officer, notify that officer in [such manner and at such times or within such periods as may be prescribed] writing of every change in his residential or postal address.

(2) Whenever any person is charged with having failed to notify the [prescribed] registering officer of any change in his address as required by subsection (1), such person shall be deemed to have so failed, unless he produces—

(a) an acknowledgment by the [prescribed] registering officer of the notification of such change; [or]

(b) other proof to the satisfaction of the court that he has in fact notified the [prescribed] registering officer of such change; or

(c) proof to the satisfaction of the court that he has been duly relieved of the obligation to notify such change.”

Insertion of section 65 in Act 44 of 1957

29. The following section is hereby inserted in the principal Act after section 64:

“Voluntary enrolment in lieu of service after ballot

65. (1) Every citizen whose name has been included in a ballot list referred to in section 66 or, although his name has not been so included, qualifies to have his name so included or whose name has in any year not been selected by ballot as provided for in section 66B or who has not before the commencement of the Defence Second Amendment Act, 1993, rendered service in the Citizen Force, may, if he is in the year concerned below the age of 26 years, at any time before a date determined by the registering officer by notice in the *Gazette*, apply to be enrolled in the Citizen Force for service provided

die geval waar die bedoelde besonderhede ingevolge subartikel (1) verstrekkend is, aan die skool, kollege of inrigting waar sodanige persoon 'n leerling is, versend kan word.

(6) Enige persoon wat kragtens hierdie artikel geregistreer is, moet—

(a) binne 14 dae nadat hy deur die registrasiebeampte skriftelik daartoe versoek is, welke versoek in die omstandighede bedoel in subartikel (5) na die betrokke skool, kollege of inrigting versend kan word; of

(b) voor 'n datum deur die registrasiebeampte by wyse van kennisgewing in die *Staatskoerant* afgekondig, die registrasiebeampte van die bykomende besonderhede voorsien soos deur hom versoek of deur hom by wyse van kennisgewing in die *Staatskoerant* afgekondig.

(7) Enige registrasie wat kragtens hierdie artikel geskied het voor die vervanging daarvan deur die Tweede Wysigingswet op Verdediging, 1993, vervallend indien die persoon wat aldus geregistreer is, nie voor sodanige vervanging, kragtens artikel 67 toegewys is nie.

(8) Ondanks die bepalinge van subartikel (7), kan die registrasiebeampte ten einde sy werksaamhede kragtens hierdie Wet te verrig, gebruik maak van enige inligting met betrekking tot enige registrasie wat aldus vervallend het.”

Vervanging van artikel 64 van Wet 44 van 1957

28. Artikel 64 van die Hoofwet word hierby deur die volgende artikel vervang:

25 “Kennisgewing van adres

64. (1) Iedereen wat ingevolge artikel 63 geregistreer is [moet, wanneer hy om registrasie ingevolge hierdie Hoofstuk aansoek doen, sy adres op sy aansoekvorm meld en], moet, tensy hy deur die [voorgeskrewe offisier] registrasiebeampte onthef is van die verpligting om dit te doen, daardie [offisier op die wyse en op die tye of binne die tydperke wat voorgeskryf mag word] beampte skriftelik van elke verandering van sy [adres] woon- of posadres in kennis stel.

(2) Wanneer iemand aangekla word weens versuim om die [voorgeskrewe offisier] registrasiebeampte volgens voorskrif van subartikel (1) van 'n verandering in sy adres in kennis te stel, word so iemand geag aldus te versuim het, tensy hy—

(a) 'n erkenning deur die [voorgeskrewe offisier] registrasiebeampte van die kennisgewing van bedoelde verandering toon; [of]

(b) ander bewys tot bevrediging van die hof lewer dat hy die [voorgeskrewe offisier] registrasiebeampte inderdaad van bedoelde verandering in kennis gestel het; of

(c) tot bevrediging van die hof bewys dat hy behoorlik onthef is van die verpligting om van bedoelde verandering kennis te gee.”

Invoeging van artikel 65 in Wet 44 van 1957

45 29. Die volgende artikel word hierby in die Hoofwet na artikel 64 ingevoeg:

“Vrywillige inskrywing in plaas van diens na loting

65. (1) Elke burger wie se naam opgeneem is in 'n in artikel 66 bedoelde lotingslys of, hoewel sy naam nie aldus opgeneem is nie, kwalifiseer dat sy naam aldus opgeneem word of wie se naam in enige jaar nie soos in artikel 66B bedoel, deur loting aangewys is nie of wat nie voor die inwerkingtreding van die Tweede Wysigingswet op Verdediging, 1993, diens in die Burgermag gedoen het nie, kan, indien hy in die betrokke jaar onder die ouderdom van 26 jaar is, te eniger tyd voor 'n datum deur die registrasiebeampte by kennisgewing in die *Staatskoerant* bepaal, aansoek doen om ingeskryf te word

for in this Act, by appearing personally before, or submitting a written application in the proper form to, the registering officer.

(2) Such citizen may be provisionally accepted for enrolment pending the outcome of his medical examination and, if applicable, the result of the taking of the ballot in terms of section 66B and his obtaining a senior certificate, and he shall at his own expense present himself for and shall at public expense undergo the required medical examination at a time and place of which he shall be notified.”.

Substitution of section 66 of Act 44 of 1957, as inserted by section 38 of Act 85 of 1967 and amended by section 6 of Act 3 of 1969, section 22 of Act 103 of 1982, section 7 of Act 34 of 1983 and section 32 of Act 87 of 1984

30. The following section is hereby substituted for section 66 of the principal Act:

“Preparation of ballot lists

66. (1) The registering officer shall every year prepare a **[selection]** ballot list for each of such areas into which the Minister may from time to time divide the Republic for **[the]** that purpose.

(2) The **[selection]** ballot list for any area for any year shall contain the name and **[prescribed]** particulars of every person whose registered address or address known to the registering officer is in such area, and **[who]**—

(a) **who**—

(i) has **[applied for registration]** been registered in terms of section 63 and—**[is in his seventeenth year or older;**

(ii) **in the opinion of the registering officer will probably not attend as a full-time scholar any educational institution for secondary or equivalent education during the year following upon the year during which such selection list is prepared;**

(iii) **(aa)** has, subject to subparagraph (iii), not been included in any previous **[selection]** ballot list;

[(iv)] (bb) is not the holder of a certificate of exemption issued under section **[63] 69(1)(a)(i);** and

[(v)] (cc) has not been enrolled for training or service under this Act, except in terms of section 20 or 24; **[or]**

(ii) is a pupil or a person contemplated in section 63(1) or (3), respectively, who has, notwithstanding subparagraph (i)(cc) but subject to section 22(9), failed to render the service or undergo the training in full for which he has been enrolled in terms of section 9(1) in a temporary capacity or in terms of section 65 or who, after having been enrolled for service in the South African Police, failed to render service for two years in that Force;

(iii) has under section 66B(5) not been allotted to the Citizen Force and remains a pupil as contemplated in section 63(1); or

(iv) obtains a qualification as contemplated in section 63(3);

or

(b) **in respect of whom there has not been compliance with the provisions of section 63(1) or who has to the knowledge of the registering officer failed to apply for registration as required by section 63(3) [or**

(c) **has before the commencement of his training or service, been granted deferment under this Act for a period expiring during the year in which the selection list is prepared; or**

(d) **who has, before the commencement of paragraphs (c) and (d) of section 19(1) of the Defence Amendment Act, 1982, been required in terms of subsection (2A) or (2B) of section 54 to furnish the information contemplated in the said subsection (2A) or (2B); or**

in die Burgermag vir diens soos in hierdie Wet bedoel, deur persoonlik te verskyn voor, of deur 'n skriftelike aansoek op die korrekte wyse in te dien by, die registrasiebeampte.

- 5 (2) So 'n burger kan voorlopig vir inskrywing aanvaar word hangende die uitslag van sy mediese ondersoek en, indien van toepassing, die uitslag van die loting ingevolge artikel 66B en sy verwerping van 'n senior sertifikaat, en hy moet homself op eie koste aanmeld vir die vereiste mediese ondersoek en dit op Staatskoste ondergaan op 'n tyd en plek waarvan hy verwittig moet word."

- 10 **Vervanging van artikel 66 van Wet 44 van 1957, soos ingevoeg deur artikel 38 van Wet 85 van 1967 en gewysig deur artikel 6 van Wet 3 van 1969, artikel 22 van Wet 103 van 1982, artikel 7 van Wet 34 van 1983 en artikel 32 van Wet 87 van 1984**

30. Artikel 66 van die Hoofwet word hierby deur die volgende artikel vervang:

"Opstel van lotingslyste

- 15 **66.** (1) Die registrasiebeampte stel elke jaar vir elk van die gebiede waarin die Minister die Republiek vir **[die]** daardie doel van tyd tot tyd verdeel, 'n **[keurlys]** lotingslys op.

- (2) Die **[keurlys]** lotingslys vir 'n gebied vir 'n bepaalde jaar bevat die **[naam]** naam en **[voorgeskrewe]** besonderhede van elke persoon wie se aangetekende adres of adres aan die registrasiebeampte bekend, in bedoelde gebied is en—

- (a) wat—
- (i) ingevolge artikel 63 **[om registrasie aansoek gedoen het, en in sy sewentiende jaar of ouer is;**
 - 25 (ii) **volgens die oordeel van die registrasiebeampte in die jaar wat volg op die jaar waarin sodanige keurlys opgestel word waarskynlik nie 'n opvoedkundige inrigting vir sekondêre of gelykwaardige onderwys voltyds as 'n skolier sal bywoon nie;**
 - 30 (iii) **geregistreer is en—**
 - (aa) behoudens subparagraaf (iii) nie in 'n vorige **[keurlys]** lotingslys ingesluit is nie;
 - 35 **[(iv)] (bb)** nie die houer is nie van 'n **[ingevolge artikel 63 uitgereikte]** vrystellingsertifikaat **[is nie]** uitgereik kragtens artikel 69(1)(a)(i); en
 - [(v)] (cc)** nie vir opleiding of diens ingevolge hierdie Wet, behalwe artikel 20 of 24, ingeskryf is nie; **[of]**
 - (ii) 'n leerling of 'n persoon beoog in onderskeidelik artikel 63(1) of (3) is wat, ondanks subparagraaf (i)(cc) maar behoudens artikel 22(9), nagelaat het om die diens of opleiding ten volle te doen of te ondergaan waarvoor ingevolge artikel 9(1) in 'n tydelike hoedanigheid, of ingevolge artikel 65, ingeskryf is of wat, nadat hy vir diens in die Suid-Afrikaanse Polisie ingeskryf is, nie twee jaar in daardie Mag dien nie;
 - (iii) kragtens artikel 66B(5) nie aan die Burgermag toegewys is nie en 'n leerling bly soos beoog in artikel 63(1); of
 - (iv) 'n kwalifikasie verwerf soos beoog in artikel 63(3); of
 - 40 (b) ten opsigte van wie daar nie aan die bepalinge van artikel 63(1) voldoen is nie of wat, na die wete van die registrasiebeampte, versuim het om soos by artikel 63(3) vereis word, om registrasie aansoek te doen **[of]**
 - 50 (c) **aan wie voor die begin van sy opleiding of diens, ingevolge hierdie Wet uitstel verleen is vir 'n tydperk wat gedurende die jaar waarin die keurlys opgestel word, verstryk; of**
 - 55 (d) **wat voor die inwerkingtreding van paragrafe (c) en (d) van artikel 19(1) van die Wysigingswet op Verdediging, 1982, ingevolge subartikel (2A) of (2B) van artikel 54 gelas is om inligting in gemelde subartikel (2A) of (2B) beoog, te verstrek; of**

(e) who, when a selection list is prepared, has been a member of the Active Citizen Force Reserve for not less than five years or who at the end of the year in which such list is prepared will have been such a member for such period and who has not attained the age of 55 years].”.

Insertion of sections 66A and 66B in Act 44 of 1957

31. The following sections are hereby inserted in the principal Act after section 66:

“Number of persons to be trained

66A. (1) The Minister shall in each year not later than the fifteenth day of April in that year, determine the number of persons to be newly trained in the Citizen Force in the next training year.

(2) The difference between the number so determined and the expected number of persons to be enrolled in terms of section 65 for the year in question, shall be made good by ballot in the manner provided in section 66B.

Ballot

66B. (1) As soon as possible after the final preparation of the ballot lists, the registering officer shall take a ballot of the citizens whose names appear on those lists, to select the number of citizens contemplated in section 66A(2).

(2) The procedure and rules for the taking of the ballot shall be determined by the Minister by notice in the *Gazette*, but the names on the ballot lists shall be selected singly and the percentage of names selected from each list shall as nearly as possible be the same.

(3) A percentage of names from time to time selected by the Minister in excess of the said number, shall, as may be required, be selected by a simultaneous ballot in order to make good any loss caused or likely to be caused by reason of the fact that persons selected by ballot may subsequently not report for service or not obtain a senior certificate or be found medically unfit or otherwise unsuitable for military training, or by reason of the fact that any person so selected may be granted deferment or exemption from training by an exemption board or for any other reason, and any person who has, as the need arises, been so notified by the registering officer to make good any such loss, shall be deemed to have been selected under subsection (1).

(4) Every citizen whose name has been selected by ballot in pursuance of this section, shall attend and submit to medical examination at a time, date and place of which he has been informed in writing, and such examination shall take place at public expense.

(5) The selection by ballot of the name of any person under this section and his allotment in terms of section 67 to the Citizen Force shall lapse if he does not obtain a senior certificate in the year in respect of which such ballot was taken.

(6) The taking of any ballot under this section may be accomplished by using an electronic computer.”.

Substitution 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, section 33 of Act 87 of 1984 and section 11 of Act 132 of 1992

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

“Allotment to Citizen Force and commandos

67. (1) The registering officer shall [with due regard to the

- (e) wat wanneer 'n keurlys opgestel word 'n lid van die Aktiewe Burgermagreserwe was vir 'n tydperk van minstens vyf jaar of wat aan die einde van die jaar waarin sodanige lys opgestel word so 'n lid vir sodanige tydperk sal wees en wat nog nie die ouderdom van 55 jaar bereik het nie].”.

Invoeging van artikels 66A en 66B in Wet 44 van 1957

31. Die volgende artikels word hierby in die Hoofwet na artikel 66 ingevoeg:

“Getal persone wat opgelei moet word

66A. (1) Die Minister bepaal nie later nie as die vyftiende dag van April in elke jaar die getal persone wat nuut in die Burgermag in die daaropvolgende opleidingsjaar opgelei moet word.

(2) Die verskil tussen die aldus bepaalde getal en die getal persone wat na verwagting ingevolge artikel 65 in die betrokke jaar ingeskryf sal word, word aangevul deur middel van loting op die wyse in artikel 66B bepaal.

Loting

66B. (1) So gou moontlik na die finale opstelling van die lotingslyste, gaan die registrasiebeampte oor tot loting onder die burgers wie se name op sodanige lysste voorkom, ten einde die in artikel 66A(2) bedoelde getal burgers aan te wys.

(2) Die prosedure en reëls vir die hou van die loting word deur die Minister by kennisgewing in die *Staatskoerant* bepaal, maar die name op die lotingslyste moet afsonderlik aangewys word en die persentasie name op elke lys aangewys, moet so na as moontlik dieselfde wees.

(3) 'n Persentasie name wat van tyd tot tyd deur die Minister bepaal word bo en behalwe bedoelde getal word by gelyktydige loting aangewys om enige verlies aan te vul wat waarskynlik sal ontstaan deurdat persone wat by loting aangewys is daarna mag versuim om hulle vir diens aan te meld of nie daarin mag slaag om 'n senior sertifikaat te verwerf nie of medies of andersins ongeskik bevind mag word vir militêre opleiding of vanweë die feit dat aan 'n persoon wat aldus aangewys is, uitstel of vrystelling van opleiding verleen mag word deur 'n vrystellingsraad, of weens enige ander rede, en 'n persoon wat aldus, na gelang die behoefte ontstaan, deur die registrasiebeampte in kennis gestel word om enige sodanige verlies aan te vul, word geag kragtens subartikel (1) aangewys te wees.

(4) Elke burger wie se naam by loting ingevolge hierdie artikel aangewys is, moet verskyn en hom aan mediese ondersoek onderwerp op 'n tyd, datum en plek waarvan hy skriftelik verwittig word, en sodanige ondersoek vind op Staatskoste plaas.

(5) Die aanwysing deur loting ingevolge hierdie artikel van die naam van enige persoon en sy toewysing aan die Burgermag ingevolge artikel 67, verval indien hy nie in die jaar ten opsigte waarvan die loting gedoen is 'n senior sertifikaat verwerf nie.

(6) Die hou van 'n loting kragtens hierdie artikel kan geskied deur 'n elektroniese rekenaar te gebruik.”.

Vervanging 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, artikel 33 van Wet 87 van 1984 en artikel 11 van Wet 132 van 1992

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

“Toewysing aan Burgermag en kommando's

67. (1) Die registrasiebeampte moet [met behoorlike inagneming

requirements of the South African Defence Force and], subject to any decisions of exemption boards [or boards for conscientious objection], allot—

(a) to the Citizen Force [persons—

- (i) whose names have been included in a selection list for the year concerned, excluding persons whose names have been included in such selection list in terms of section 66(2)(d);**
- (ii) who were after 31 December 1982 members of the Citizen Force or the commandos and have not yet completed their service therein, unless an exemption board has, in respect of such persons who are in terms of section 21(1) liable to serve in the Citizen Force after completion of their period of service referred to in section 22(3)(a), directed under proviso (iii) to section 70bis(1) that they be allotted to the commandos for service in any area referred to in section 66(1);**
- (iii) . . .**
- (iv) who are under the age of 55 and have not on termination of service in the Permanent Force been transferred to the Permanent Force Reserve in terms of section 47;**
- (v) who have not yet attained their fifty-fifth year, have held a permanent appointment in the South African Police, the South African Railways Police Force before the commencement of the Transfer of the South African Railways Police Force to the South African Police Act, 1986 (Act No. 83 of 1986), the former Prisons Service or the Department of Correctional Services and have on termination of such appointment served therein for less than 10 years or such shorter period as the Minister or any person acting under his authority may determine]**

all persons whose names have been selected by ballot in terms of section 66B(1) or whose names are deemed to have been so selected in terms of section 66B(3) and persons to whom deferment of allotment has been granted under section 69(1)(a)(ii) to the year concerned and he shall also provisionally allot to that Force all persons whose names have been selected by ballot to make good any loss as contemplated in the said section 66B(3);

(b) to the commandos persons

- [(i) whose names have in terms of section 66(2)(d) been included in a selection list for the year in question;**
- (ii) who on or before 31 December 1982 have completed their service in the Citizen Force or the commandos, are under the age of 55 years and are not liable to render service in the Active Citizen Force Reserve;**
- (iii) . . .**
- (iv)] who have completed the period of service referred to in section 22(3)(a) and in respect of whom an exemption board has, under proviso (iii) to section 70bis (1), directed that they be allotted to the commandos for service in any of the areas referred to in section 66(1)[; or**
- (v) whose names have in terms of section 66(2)(e) been included in a selection list for the year concerned];**

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 or the Department of Correctional Services, shall not be allotted in terms of this 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, for service in the Police Reserve in terms of the provisions of the Police Act, 1958 (Act No. 7 of 1958), such number or category of persons as may be determined by the Minister in consultation with the Minister of Law and Order.

van die behoeftes van die Suid-Afrikaanse Weermag, en] behoudens enige beslissings van vrystellingsrade [of rade vir gewetensbeswaar]—

- (a) aan die Burgermag alle persone toewys—
- 5 [(i) wie se name in 'n keurlys vir die betrokke jaar opgeneem is, uitgesonderd persone wie se name ingevolge artikel 66(2)(d) in so 'n keurlys opgeneem is;
- 10 (ii) wat na 31 Desember 1982 lede van die Burgermag of die kommando's was en nog nie hul diensplig daarin voltooi het nie, tensy 'n vrystellingsraad ten opsigte van sodanige persone wat ingevolge artikel 21(1) verplig is om in die Burgermag te dien, na voltooiing van hul dienstdydkompleks bedoel in artikel 22(3)(a), kragtens voorbehoudsbepaling
- 15 (iii) by artikel 70*bis* (1) gelas het dat hulle aan die kommando's toegewys moet word vir diens in enige gebied in artikel 66(1) bedoel;
- (iii) . . .
- 20 (iv) wat onder die ouderdom van 55 jaar is en by beëindiging van diens in die Staande Mag nie ingevolge artikel 47 na die Staandemagreserwe oorgeplaas is nie; of
- 25 (v) wat nog nie hul vyf-en-vyftigste jaar bereik het nie, 'n permanente aanstelling in die Suid-Afrikaanse Polisie, die Suid-Afrikaanse Spoorwegpolisiemag voor die inwerking-treding van die Wet op die Oorplasing van die Suid-Afrikaanse Spoorwegpolisiemag na die Suid-Afrikaanse Polisie, 1986 (Wet No. 83 van 1986), die gewese Gevangenisdiens of die Departement van Korrektiewe Dienste beklee het en by beëindiging van daardie aanstelling minder as 10 jaar, of die korter tydperk wat die Minister of iemand wat op sy gesag handel, bepaal, daarin gedien het]
- 30 wie se name by loting ingevolge artikel 66B(1) aangewys is of wie se name geag word aldus aangewys te wees ingevolge artikel 66B(3) en persone aan wie uitstel van toewysing kragtens artikel 69(1)(a)(ii) tot die betrokke jaar verleen is, en hy moet ook voorlopig aan daardie Mag alle persone toewys wie se name by loting aangewys is om enige verlies aan te vul soos beoog in genoemde artikel 66B(3);
- 35 (b) aan die kommando's persone toewys
- 40 [(i) wie se name ingevolge artikel 66(2)(d) in 'n keurlys vir die betrokke jaar opgeneem is;
- (ii) wat op of voor 31 Desember 1982 hul diensplig in die Burgermag of die kommando's voltooi het, onder die ouderdom van 55 jaar is en nie tot diens in die Aktiewe Burgermagreserwe verplig is nie;
- 45 (iii) . . .
- (iv)] wat die in artikel 22(3)(a) bedoelde dienstdydkompleks voltooi het en ten opsigte van wie 'n vrystellingsraad kragtens voorbehoudsbepaling (iii) by artikel 70*bis* (1) gelas het dat hulle aan die kommando's toegewys moet word vir diens in enige van die in artikel 66(1) vermelde gebiede[; of
- 50 (v) wie se name ingevolge artikel 66(2)(e) in 'n keurlys vir die betrokke jaar opgeneem is]:
- Met dien verstande dat iemand wat 'n lid is van die Polisiere-serwe of 'n reserwemag wat ingevolge 'n Wet van die Parlement ten opsigte van die Suid-Afrikaanse Polisie of die Departement van Korrektiewe Dienste ingestel is, nie ingevolge hierdie subartikel toegewys word nie.
- 55 (2) [Ondanks die bepalinge van subartikel (1) moet die registrasie-beampte jaarliks uit die persone in daardie subartikel vermeld, die getal of kategorie persone wat die Minister in oorleg met die Minister van Wet en Orde bepaal, met hul instemming, aan die Suid-Afrikaanse Polisie toewys vir diens in die Polisiere-serwe ooreenkomstig die bepalinge van die Polisiiewet, 1958 (Wet No. 7 van 1958).
- 60

(3) The registering officer shall notify any person who has been classified into a category of conscientious objectors referred to in section 72D(1)(a)(i) or (ii), of the unit where he shall render service and in the manner provided for in section 72E(1) or (2) in respect of the appropriate category of conscientious objectors.

[(4)] (3) Whenever the registering officer has allotted any person under this section, he may for sufficient reasons re-allot the person or cancel the allotment, and upon such cancellation such person shall be deemed not originally to have been so allotted.

[(5)] (4) Every person allotted unconditionally or provisionally under this section to the Citizen Force or the commandos **[or the South African Police]** shall be notified by the registering officer of such allotment and, if possible, he shall inform every person so allotted to the Citizen Force or the commandos of the name of the unit or commando and place where he is required to render service, after he has been called up to do so."

Repeal of section 67A of Act 44 of 1957, as inserted by section 25 of Act 57 of 1975 and substituted by section 12 of Act 132 of 1992

33. Section 67A of the principal Act is hereby repealed.

Amendment of section 69 of Act 44 of 1957, as substituted by section 26 of Act 103 of 1982

34. Section 69 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) (a) Any—

(i) citizen who is a pupil as contemplated in section 63, may at any time apply in writing to a board referred to in section 68 for a certificate of exemption on account of his being permanently unfit for military service in any capacity;

(ii) citizen whose name has been selected by ballot in terms of section 66B, may apply in writing to such board for deferment of allotment under section 67 for that year;

(iii) person who, after having been allotted, is liable to serve in terms of section 21(1) or 35 or any interested person acting on behalf of such person **[whether with or without]** with his consent **[but with his knowledge and]** in writing but subject to his right to make representations, may apply to **[any]** such board **[referred to in section 68]**—

[(i)] (aa) before the person so liable commences service in terms of section 22 or 44, for deferment of or exemption from service;

[(ii)] (bb) after the person so liable has commenced such service **[in terms of section 22 or 44]**, for deferment of or exemption from such service; and

[(iii)] (cc) after the person liable to serve in terms of section 21(1) has commenced service in terms of section 22 **[for allotment, after completion of]** and has completed the period of service referred to in section 22(3)(a), for allotment to the commandos to render service in any area referred to in section 66(1).

(b) Any application, including any representations in connection with such an application if made under—

(i) **[if made under]** subparagraph (i), (ii) or (iii)(aa) of paragraph (a) **[(i)]**, shall be lodged with the chairman of the said board; **[and]** or

(ii) **[made under]** subparagraph (iii)(bb) or (cc) of paragraph (a) **[(ii) or (iii)]**, shall be lodged with the commanding officer of the unit in which the person concerned is serving."

(3) Die registrasiebeampte moet 'n persoon wat in 'n artikel 72D(1)(a)(i) of (ii) bedoelde kategorie van gewetensbeswaardes geklassifiseer is, in kennis stel van die eenheid waar hy diens moet doen, en wel op die wyse waarvoor voorsiening gemaak word in artikel 72E(1) of (2) ten opsigte van die toepaslike kategorie gewetensbeswaardes.

5 [(4)(3) Wanneer die registrasiebeampte 'n persoon kragtens hierdie artikel toegewys het, kan hy die persoon weens gegronde redes hertoewys of die toewysing kanselleer en by sodanige kansellasie word daardie persoon geag nie oorspronklik aldus toegewys te gewees het nie.

10 [(5)(4) Elke persoon wat ingevolge hierdie artikel onvoorwaardelik of voorwaardelik aan die Burgermag of die kommando's **[of die Suid-Afrikaanse Polisie]** toegewys is, word deur die registrasiebeampte in kennis gestel van sodanige toewysing, en, indien dit moontlik is, verwittig hy elke persoon wat aldus aan die Burgermag of die kommando's toegewys is, van die naam van die eenheid of kommando en plek waar hy, nadat hy aangesê is om dit te doen, diens moet doen.”.

20 **Herroeping van artikel 67A van Wet 44 van 1957, soos ingevoeg deur artikel 25 van Wet 57 van 1975 en vervang deur artikel 12 van Wet 132 van 1992**

33. Artikel 67A van die Hoofwet word hierby herroep.

Wysiging van artikel 69 van Wet 44 van 1957, soos vervang deur artikel 26 van Wet 103 van 1982

25 **34. Artikel 69 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:**

“(1) (a) Enige—

30 (i) burger wat 'n leerling is soos beoog in artikel 63, kan te eniger tyd by 'n raad bedoel in artikel 68 skriftelik aansoek doen om 'n vrystelling-sertifikaat vanweë sy permanente ongeskiktheid vir militêre diens in enige hoedanigheid;

(ii) burger wie se naam by loting ingevolge artikel 66B aangewys is, kan skriftelik by so 'n raad aansoek doen om uitstel van toewysing ingevolge artikel 67 vir daardie jaar;

35 (iii) **['n Persoon]** persoon wat, nadat hy toegewys is, verplig is om ingevolge artikel 21(1) of 35 te dien, of 'n belanghebbende wat namens hom optree **[hetsy met of sonder]** met sy skriftelike toestemming maar **[met sy wete en]** behoudens sy reg om verhoë te rig, kan by **['n]** so 'n raad **[in artikel 68 bedoel]** aansoek doen—

40 **[(i)] (aa)** voordat die persoon wat aldus verplig is, diens ingevolge artikel 22 of 44 begin, om uitstel of vrystelling van diens;

[(ii)] (bb) nadat die persoon wat aldus verplig is, sodanige diens **[ingevolge artikel 22 of 44]** begin het, om uitstel of vrystelling van bedoelde diens; en

45 **[(iii)] (cc)** nadat die persoon wat ingevolge artikel 21(1) verplig is om te dien, diens ingevolge artikel 22 begin het **[om toewysing, na voltooiing van]** en die in artikel 22(3)(a) bedoelde dienstdoerperk voltooi het, om toewysing aan die kommando's om diens te doen in 'n in artikel 66(1) bedoelde gebied.

50 (b) 'n Aansoek, met inbegrip van enige verhoë in verband met so 'n aansoek indien dit gedoen is kragtens—

(i) **[indien ingevolge]** subparagraaf (i), (ii) of (iii)(aa) van paragraaf (a) **[(i) gedoen]**, moet by die voorsitter van bedoelde raad ingedien word; **[en]** of

55 (ii) **[indien ingevolge]** subparagraaf (iii)(bb) of (cc) van paragraaf (a) **[(ii) of (iii) gedoen]**, moet by die bevelvoerder van die eenheid waarin die betrokke persoon dien, ingedien word.”.

Amendment of section 70bis of Act 44 of 1957, as inserted by section 13 of Act 81 of 1964 and amended by section 44 of Act 85 of 1967, section 5 of Act 28 of 1970, section 27 of Act 103 of 1982 and section 13 of Act 132 of 1992

35. Section 70bis of the principal Act is hereby amended—

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

“(a) in order to prevent the interruption of the course of full-time educational studies of the person concerned; or”; and

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

“(iv) no deferment shall be granted which shall have the effect of allowing the applicant to commence service or training contemplated in section 22(3)(a), after reaching the age of 27 years.”.

Amendment of section 77 of Act 44 of 1957, as amended by section 7 of Act 28 of 1970

36. Section 77 of the principal Act is hereby amended—

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

“(2) Subject to the provisions of this Act, the appointment of the staff of a military training institution, the duration and description of the courses of instruction and training therein, the conditions of admission thereto of students (including the admission as students of members of other forces, bodies, institutions or departments of State), the conditions of future service required from graduates of or persons who have completed their courses or training at the institution or from students who have not completed their courses or training and all matters relating to the management, control and good government of any such institution shall be as **[prescribed]** determined by the Chief of the South African Defence Force or an officer designated by him for that purpose.”; and

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

“(3) All students referred to in subsection (2) under instruction at a military training institution shall be subject to the Military Discipline Code, and for that purpose and for the purpose of jurisdiction, arraignment and punishment—

(a) a student who is a member of another force, shall be deemed to hold the rank which he holds in that force; and

(b) any other person who is not a member of the South African Defence Force, shall be deemed to hold the equivalent of a rank in the South African Defence Force which the Chief of the South African Defence Force determines, whereafter he shall, for the purposes of this subsection, be deemed to hold such a military rank.”.

Amendment of section 84 of Act 44 of 1957, as substituted by section 29 of Act 103 of 1982 and amended by section 9 of Act 51 of 1991

37. Section 84 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) Officers of the South African Defence Force who have not been or are not in terms of section [47, 48 or 49 appointed] 15, 31 or 44A transferred to the Controlled Reserve or [required to complete a period of] who are otherwise not liable or no longer liable for service therein [and, officers of the Reserve] shall, at the termination of their service in the said Force or said Reserve, be placed on a retired list, and any officer on that list shall retain his commission and shall, as prescribed, be entitled, if he holds a rank of at least major or the equivalent thereof, to use the appellation of his rank and to wear

Wysiging van artikel 70bis van Wet 44 van 1957, soos ingevoeg deur artikel 13 van Wet 81 van 1964 en gewysig deur artikel 44 van Wet 85 van 1967, artikel 5 van Wet 28 van 1970, artikel 27 van Wet 103 van 1982 en artikel 13 van Wet 132 van 1992

- 5 35. Artikel 70bis van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te
 vervang:
 “(a) om ’n onderbreking in die voltydse opvoedingstudiekursus
 van die betrokke persoon te voorkom; of”; en
 10 (b) deur die volgende subparagraaf by die voorbehoudsbepaling by sub-
 artikel (1) te voeg:
 “(iv) geen uitstel verleen word wat die uitwerking sal hê dat die
aansoeker toegelaat word om met diens of opleiding soos
bedoel in artikel 22(3)(a) te begin nadat hy die ouderdom van
 15 27 jaar bereik het nie.”.

Wysiging van artikel 77 van Wet 44 van 1957, soos gewysig deur artikel 7 van Wet 28 van 1970

36. Artikel 77 van die Hoofwet word hierby gewysig—
 (a) deur subartikel (2) deur die volgende subartikel te vervang:
 20 “(2) Behoudens die bepalings van hierdie Wet, is die aanstelling
 van die personeel van ’n militêre opleidingsinrigting, die duur en
 beskrywing van die instruksie- en opleidingskursusse daarin, die
 voorwaardes van toelating van studente daartoe (met inbegrip van
 die toelating as studente van lede van ander magte, liggame,
 25 instellings of Staatsdepartemente), die voorwaardes van toe-
 komstige diens wat van gegradueerdes van of persone wat hul
kursusse of opleiding voltooi het aan die inrigting verlang word of
van studente wat nie hul kursusse of opleiding voltooi het nie, en
 30 alle aangeleenthede met betrekking tot die toesig, beheer en goeie
bestuur van so ’n inrigting, soos [voorgeskryf] bepaal deur die
Hoof van die Suid-Afrikaanse Weermag of ’n offisier deur hom vir
dié doel aangewys.”; en
 (b) deur subartikel (3) deur die volgende subartikel te vervang:
 “(3) Alle studente in subartikel (2) bedoel wat by ’n militêre
 35 opleidingsinrigting instruksie geniet, is aan die Reglement van
Dissipline onderworpe, en vir daardie doel en vir die doel van
regsbevoegdheid, voorbring en straf word—
 (a) ’n student wat lid is van ’n ander mag geag sodanige rang te
 beklee as wat hy in daardie mag beklee; en
 40 (b) enige ander persoon wat nie lid van die Suid-Afrikaanse
 Weermag is nie, geag die gelyke van ’n rang in die Suid-
 Afrikaanse Weermag te beklee soos deur die Hoof van die
 Suid-Afrikaanse Weermag bepaal, waarop hy vir die doel van
 hierdie artikel geag word so ’n militêre rang te beklee.”.

45 **Wysiging van artikel 84 van Wet 44 van 1957, soos vervang deur artikel 29 van Wet 103 van 1982 en gewysig deur artikel 9 van Wet 51 van 1991**

37. Artikel 84 van die Hoofwet word hierby gewysig deur subartikel (2) deur
 die volgende subartikel te vervang:
 “(2) Offisiere van die Suid-Afrikaanse Weermag wat nie ingevolge artikel
 50 **[47, 48 of 49] 15, 31 of 44A [in] na die Beheerde Reserwe [aangestel]**
oorgeplaas is of word nie of wat andersins nie tot diens daarin verplig [word
om ’n tydperk van diens daarin te voltooi nie, en offisiere van die Reserwe]
of verder daartoe verplig is nie, word by die beëindiging van hul diens in
 bedoelde Mag of bedoelde Reserwe, op ’n lys van afgetredenes geplaas, en
 55 ’n offisier op daardie lys behou sy kommissie en is, soos voorgeskryf,
geregtig om indien hy ’n rang van minstens majoor of ’n daarmee
gelykstaande rang beklee, die aanspreekvorm van sy rang te gebruik en om
uniform te dra [soos voorgeskryf]: Met dien verstande dat die Minister

uniform **[as prescribed]**: Provided that the Minister may for sufficient reasons direct that an officer shall not so be placed on a retired list.”.

Amendment of section 87 of Act 44 of 1957, as amended by section 9 of Act 12 of 1961, section 15 of Act 81 of 1964, section 20 of Act 39 of 1966, section 51 of Act 85 of 1967, section 9 of Act 28 of 1970, section 7 of Act 66 of 1972, section 3 of Act 42 of 1979, section 30 of Act 103 of 1982, section 11 of Act 34 of 1983, section 41 of Act 87 of 1984, section 9 of Act 51 of 1991 and section 26 of Act 132 of 1992

38. Section 87 of the principal Act is hereby amended—

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

“(a) the training (including sport as part thereof) and inspection of the South African Defence Force, the Reserve, the Cadet Corps and any auxiliary or nursing service established under this Act;” and

(b) by the insertion after paragraph (rA) of subsection (1) of the following paragraph:

“(rB) the rights of members of the Permanent Force in connection with all matters concerning labour relations between them and the State as their employer (including conditions of service, salaries and other benefits) and the administration and management of such matters, including the settlement of disputes and the establishment of mechanisms for such purpose;”.

Insertion of sections 126B and 126C in Act 44 of 1957

39. The following sections are hereby inserted in the principal Act after section 126A:

“Prohibition regarding membership of trade unions and participation in strikes and protests

126B. (1) A member of the Permanent Force shall not be or become a member of any trade union as defined in section 1 of the Labour Relations Act, 1956 (Act No. 28 of 1956): Provided that this provision shall not preclude any member of such Force from being or becoming a member of any professional or vocational institute, society, association or like body approved by the Minister.

(2) Without derogating from the provisions of sections 4(h) and 10 of the Military Discipline Code, a member of the South African Defence Force who is subject to the said Military Discipline Code, shall not strike or perform any act of public protest or participate in any strike or act of public protest or conspire with or incite or encourage, instigate or command any other person (whether or not such person is a member of the South African Defence Force or an officer or employee referred to in section 83A(2) serving in the South African Defence Force or a member of any auxiliary or nursing service established under this Act) to strike or to perform such an act or to participate in a strike or such an act.

(3) A member of the South African Defence Force who contravenes subsection (1) or (2), shall be guilty of an offence.

(4) For the purpose of subsection (2)—
‘act of public protest’ means any act, conduct or behaviour which, without derogating from the generality of the foregoing, includes the holding or attendance of any meeting, assembly, rally, demonstration, procession, concourse or other gathering and which is calculated, destined or intended to influence, support, promote or oppose any proposed or actual policy, action, conduct or decision of the

weens gegronde redes kan gelas dat 'n offisier nie aldus op 'n lys van afgetredenes geplaas word nie.”.

Wysiging van artikel 87 van Wet 44 van 1957, soos gewysig deur artikel 9 van Wet 12 van 1961, artikel 15 van Wet 81 van 1964, artikel 20 van Wet 39 van 1966, artikel 51 van Wet 85 van 1967, artikel 9 van Wet 28 van 1970, artikel 7 van Wet 66 van 1972, artikel 3 van Wet 42 van 1979, artikel 30 van Wet 103 van 1982, artikel 11 van Wet 34 van 1983, artikel 41 van Wet 87 van 1984, artikel 9 van Wet 51 van 1991 en artikel 26 van Wet 132 van 1992

38. Artikel 87 van die Hoofwet word hierby gewysig—

(a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

“(a) die opleiding (met inbegrip van sport as deel daarvan) en inspeksie van die Suid-Afrikaanse Weermag, die Reserwe, die Kadetkorps en enige kragtens hierdie Wet ingestelde hulp- of verpleegdiens;” en

(b) deur na paragraaf (rA) van subartikel (1) die volgende paragraaf in te voeg:

“(rB) die regte van lede van die Staande Mag in verband met alle sake wat betrekking het op arbeidsverhoudinge tussen hulle en die Staat as hul werkgever (met inbegrip van diensvoorwaardes, salarisse en ander voordele) en die administrasie en bestuur van sulke aangeleenthede, met inbegrip van die beslegting van geskille en die instelling van meganismes vir daardie doel;”.

25 Invoeging van artikels 126B en 126C in Wet 44 van 1957

39. Die volgende artikels word hierby in die Hoofwet na artikel 126A ingevoeg:

“Verbod op lidmaatskap van vakverenigings en deelneming aan stakings en proteste

30 **126B.** (1) 'n Lid van die Staande Mag mag nie lid wees of word nie van 'n vakvereniging soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge, 1956 (Wet No. 28 van 1956): Met dien verstande dat hierdie bepaling nie 'n lid van daardie Mag belet nie om lid te wees of te word van enige professionele of vakkundige instituut, genootskap, vereniging of 'n dergelike deur die Minister goedgekeurde liggaam.

(2) Sonder om afbreuk te doen aan die bepalinge van artikels 4(h) en 10 van die Reglement van Dissipline, mag 'n lid van die Suid-Afrikaanse Weermag wat aan genoemde Reglement van Dissipline onderworpe is, nie staak of enige openbare proteshandeling verrig of deelneem aan enige staking of openbare proteshandeling nie, of met enige ander persoon (hetsy daardie persoon 'n lid is van die Suid-Afrikaanse Weermag of 'n beampte of werknemer soos bedoel in artikel 83A(2) wat in die Suid-Afrikaanse Weermag dien of 'n lid van enige hulp- of verpleegdiens kragtens hierdie Wet ingestel, of nie) saamsweer of hom aanspoor, aanmoedig, aanstig of beveel om te staak of so 'n handeling te verrig of aan 'n staking of so 'n handeling deel te neem nie.

(3) 'n Lid van die Suid-Afrikaanse Weermag wat subartikel (1) of (2) oortree, is aan 'n misdryf skuldig.

(4) By die toepassing van subartikel (2), beteken—
'openbare proteshandeling' enige handeling, optrede of gedrag wat, sonder afbreuk aan die algemeenheid van die voorgaande, die hou of bywoning van enige vergadering, samekoms, saamtrek, betoging, optog of stoet of ander byeenkoms insluit en wat bereken, bestem of bedoel is om enige voorgestelde of werklike beleid, handelswyse, optrede of besluit van die Regering van die Republiek of 'n ander

Government of the Republic of South Africa or another country or territory or any proposed or actual policy, action, conduct or decision of any public or parastatal authority of the Republic or another country or territory or to support, promote, further, oppose or publicise any real or supposed private or public interest, object, principle, cause, concern, demand or claim, grievance, objection or outrage or to indicate, demonstrate or display real or supposed private or public support for, opposition or objection to, dissatisfaction, sympathy, association or solidarity with, or concern or outrage regarding any such policy, action, conduct, decision, interest, object, principle, cause, concern, demand or claim, grievance, objection or outrage, or to do so in relation to any event or occurrence of national or public concern or importance or significance, or eliciting national or public concern or interest, in such manner as to attract or direct thereto, or be calculated, destined or intended to attract or direct thereto, the attention of—

- (i) any such Government or authority;
- (ii) any other country, territory or international or multinational organization, association or body; or
- (iii) the public or any member or sector of the public, whether within or outside the Republic;

'strike' means any strike as defined in section 1 of the Labour Relations Act, 1956.

Labour matters

126C. Any member of the Permanent Force shall exercise his rights with respect to labour matters in terms of the regulations, and the State as his employer shall handle and administer all such matters, including the resolution of disputes, in accordance with the regulations."

Amendment of section 127 of Act 44 of 1957, as substituted by section 32 of Act 132 of 1992

40. Section 127 of the principal Act is hereby amended by the substitution for paragraph (ii) of the following paragraph:

"(ii) in the case of an offence referred to in section 4(2)(a), 4A(1), 115(2), 122 [or], 143(2) or 126B(1) or (2) or an offence of non-compliance with the provisions of section 27(1) or (2), 29(1), 34(1), 40(2), 41, 54(1), (2), (2A)(a), (b) or (c) or (2B), 55(1) or (2), 63(1)[(a) or (b)], (2), (3) or [(4)] (6), [or] 64(1) or 66B(4), to a fine, [not exceeding R2 000] or to imprisonment for a period not exceeding one year [or to both such fine and such imprisonment];"

Amendment of section 146A of Act 44 of 1957, as inserted by section 65 of Act 85 of 1967 and substituted by section 34 of Act 132 of 1992

41. Section 146A of the principal Act is hereby amended by the substitution for the words preceding paragraph (a) of the following words:

"A person becomes a member of the Citizen Force or the commandos when he, after having been called up for service therein, reports for service therein for the first time: Provided that any person who has been called up in terms of section 22(1) to serve in a first period of service as contemplated in section 22(3)(a) or who has in terms of section [35] 44 been called up to render service for a first time in a period of service as contemplated in paragraph (a) or (b) [or (c)] of section 44(3), shall be deemed to be a member of the Citizen Force or the commandos, as the case may be—"

- land of gebied, of enige voorgestelde of werklike beleid, handelswyse, optrede of besluit van enige openbare of semi-staatsowerheid van die Republiek of 'n ander land of gebied, te beïnvloed, te ondersteun, te bevorder of teen te staan, of om enige werklike of vermeende private of openbare belang, oogmerk, beginsel, saak, besorgdheid, aandrang of aanspraak, grief, beswaar of afkeer te ondersteun, te bevorder, te begunstig, teen te staan of rugbaar te maak, of om werklike of vermeende private of openbare steun vir, verset of beswaar teen, ontevredenheid, simpatie, meelewing of solidariteit met, besorgdheid oor of afkeer aan enige sodanige beleid, handelswyse, optrede, besluit, belang, oogmerk, beginsel, saak, besorgdheid, aandrang of aanspraak, grief, beswaar of afkeer of met betrekking tot enige gebeurtenis of voorval van nasionale of openbare belang of belangrikheid of beduidenis of wat nasionale of openbare begaandheid of belangstelling ontlok, te laat blyk, te demonstreer of te betoon op so 'n wyse dat die aandag van—
- (i) enige sodanige Regering of owerheid;
 - (ii) enige ander land, gebied of internasionale of multi-nasionale organisasie, vereniging of liggaam; of
 - (iii) die publiek of enige lid of sektor van die publiek, hetsy binne of buite die Republiek,
- daardeur aangetrek of daarop gevestig word of bereken, bestem of bedoel is om daardeur aangetrek of daarop gevestig te word; 'staking' 'n staking soos omskryf in artikel 1 van die Wet op Arbeidsverhoudinge, 1956.

Arbeidsaangeleenthede

- 126C.** 'n Lid van die Staande Mag oefen sy regte met betrekking tot arbeidsaangeleenthede uit ingevolge die regulasies, en die Staat as sy werkgewer behartig en administreer alle sodanige aangeleenthede, met inbegrip van die oplossing van geskille, ooreenkomstig die regulasies.”

Wysiging van artikel 127 van Wet 44 van 1957, soos vervang deur artikel 32 van Wet 132 van 1992

- 40.** Artikel 127 van die Hoofwet word hierby gewysig deur paragraaf (ii) deur die volgende paragraaf te vervang:

- “(ii) in die geval van 'n misdryf in artikel 4(2)(a), 4A(1), 115(2), 122 [of], 143(2) of 126B(1) of (2) bedoel of 'n misdryf weens nie-nakoming van die bepalinge van artikel 27(1) of (2), 29(1), 34(1), 40(2), 41, 54(1), (2), (2A)(a), (b) of (c) of (2B), 55(1) of (2), 63(1)[(a) of (b)], (2), (3) of [(4)] (6) [of], 64(1) of 66B(4), met 'n boete, [van hoogstens R2 000] of met gevangenisstraf vir 'n tydperk van hoogstens een jaar [of beide daardie boete en daardie gevangenisstraf];”.

Wysiging van artikel 146A van Wet 44 van 1957, soos ingevoeg deur artikel 65 van Wet 85 van 1967 en vervang deur artikel 34 van Wet 132 van 1992

- 41.** Artikel 146A van die Hoofwet word hierby gewysig deur die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

- “'n Persoon word lid van die Burgermag of die kommando's wanneer hy, nadat hy tot diens daarin aangesê is, hom vir die eerste keer vir diens daarin aanmeld: Met dien verstande dat 'n persoon wat ingevolge artikel 22(1) aangesê is om diens te doen in 'n eerste dienstdyperk soos beoog in artikel 22(3)(a) of wat ingevolge artikel [35]44 aangesê is om vir 'n eerste keer diens te doen in 'n dienstdyperk soos beoog in paragraaf (a) of (b) [of (c)] van artikel 44(3), geag word lid van die Burgermag of die kommando's te wees, na gelang van die geval—”.

Transitional provisions

42. (1) Any person who is, immediately prior to the commencement of this Act, in terms of section 21 or 35 of the Defence Act, 1957, liable to render service, shall after the said commencement be deemed to be liable for service in terms of the said sections as amended by this Act: Provided that any person who is at the time of the commencement of this Act rendering any service for which he has been called up, shall be liable to render and to complete such service in accordance with such call-up.

(2) Any person who is, immediately prior to the commencement of this Act under the proviso to section 21(1) or 35, respectively, of the Defence Act, 1957, liable to render service as contemplated in the respective sections, shall, if he would have been liable for service in terms of subsection (1) after the said commencement, remain liable to render such service within a period of 12 months from the said commencement as the Minister or the person acting under his authority may determine in terms of the said proviso to section 21 or 35, as the case may be.

(3) Any person referred to in subsection (1) in respect of whom any application to, or proceedings before, an exemption board or a board for conscientious objection is at the time of the commencement of this Act pending or in respect of whom any decision of any such board has been made or who renders community service under any of the circumstances contemplated in the proviso to section 72E(3) prior to such commencement, shall be entitled to proceed with such application or proceedings or shall be bound by such decision or shall render such community service, as the case may be, as if this Act had been in force at the time when such application was instituted or such decision was made, or when his liability to render community service arose, and any sentence or condition of suspension or parole relating to the performance of such service or the duration thereof, shall be deemed to be amended so as to be in accordance with the provisions of the Defence Act, 1957, as amended by this Act.

(4) Notwithstanding any provision of the Defence Act, 1957, in force immediately prior to the commencement of this Act, any person who would in terms of the first-mentioned Act have been transferred to the Controlled Reserve if this Act had been in force at the time of such transfer, shall be deemed to have been so transferred to that Reserve and be liable for service in that Reserve in the way and to the extent provided for in the Defence Act, 1957, as amended by this Act.

(5) No person shall be prosecuted and no criminal proceedings shall continue against any person in respect of any contravention of section 72I(2)(a) or 126A of the Defence Act, 1957, if the alleged act or omission constituting such offence would not have constituted such offence if this Act had been in force at the time when such act or omission took place, and upon the conviction of any person for a contravention of any of the said sections, such person shall be sentenced in terms of the said Act as amended by this Act.

(6) Any person who, before the commencement of this Act, was allotted to the South African Police under section 67(2) of the Defence Act, 1957, shall, notwithstanding any provision to the contrary contained in the Police Act, 1958 (Act No. 7 of 1958), be deemed to be allotted and liable to render service for a period or periods of service for which he is called up and which in the aggregate shall not exceed the periods of service to be rendered in terms of section 22 of the Defence Act, 1957, as amended by this Act.

Amendment of section 19 of Act 103 of 1982

43. Section 19 of the Defence Amendment Act, 1982, is hereby amended—

- (a) by the deletion of paragraphs (c) and (d) of subsection (1); and
- (b) by the deletion of subsection (2).

Short title and commencement

44. This Act shall be called the Defence Second Amendment Act, 1993, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Oorgangsbepalings

42. (1) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet ingevolge artikel 21 of 35 van die Verdedigingswet, 1957, verplig is om diens te doen, word na genoemde inwerkingtreding geag verplig te wees om diens te doen ingevolge genoemde artikels soos deur hierdie Wet gewysig: Met dien verstande dat 'n persoon wat ten tyde van die inwerkingtreding van hierdie Wet diens doen waartoe hy aangesê is, verplig bly om sodanige diens te doen en om dit te voltooi ooreenkomstig bedoelde aansegging.

(2) Iemand wat onmiddellik voor die inwerkingtreding van hierdie Wet kragtens die voorbehoudsbepaling by onderskeidelik artikel 21(1) of 35 van die Verdedigingswet, 1957, verplig is tot diens soos beoog in die onderskeie artikels, bly, indien hy ingevolge subartikel (1) na bedoelde inwerkingtreding tot diens verplig sou gewees het, verplig om sodanige diens binne 'n tydperk van 12 maande vanaf bedoelde inwerkingtreding te doen, soos deur die Minister of die persoon wat op sy gesag handel, ingevolge gemelde voorbehoudsbepaling by artikel 21(1) of 35, na gelang van die geval, bepaal word.

(3) Iemand in subartikel (1) bedoel met betrekking tot wie 'n aansoek by, of verrigtinge voor, 'n vrystellingsraad of 'n raad vir gewetensbeswaar ten tyde van die inwerkingtreding van hierdie Wet hangend is of met betrekking tot wie 'n beslissing van enige sodanige raad voor bedoelde inwerkingtreding gegee is, of wat gemeenskapsdiens verrig onder enige omstandigheid beoog in die voorbehoudsbepaling by artikel 72E(3), is geregtig om sodanige aansoek of verrigtinge voort te sit of is gebonde aan sodanige beslissing of moet sodanige gemeenskapsdiens verrig, na gelang van die geval, asof hierdie Wet in werking was op die tydstip waarop sodanige aansoek ingestel of sodanige beslissing gegee is, of toe sy verpligting om gemeenskapsdiens te verrig, ontstaan het, en enige vonnis of opskortings- of paroolvoorwaarde wat op die verrigting van sodanige diens betrekking het of die duur daarvan, word geag gewysig te wees om in ooreenstemming te wees met die bepalinge van die Verdedigingswet, 1957, soos deur hierdie Wet gewysig.

(4) Ondanks enige bepaling van die Verdedigingswet, 1957, soos dit bestaan het onmiddellik voor die inwerkingtreding van hierdie Wet, word iemand wat kragtens eersgenoemde Wet oorgeplaas sou gewees het na die Beheerde Reserwe indien hierdie Wet op die tydstip van die oorplasing van krag was, geag aldus na daardie Reserwe oorgeplaas te wees en is hy verplig tot diens in dié Reserwe op die wyse en in die mate soos bepaal in die Verdedigingswet, 1957, soos deur hierdie Wet gewysig.

(5) Geen strafregtelike vervolging word ingestel en geen strafregtelike verrigtinge word voortgesit teen enige persoon met betrekking tot 'n oortreding van artikel 72I(2)(a) of 126A van die Verdedigingswet, 1957, indien die beweerde handeling of versuim wat die misdryf uitmaak, nie so 'n misdryf sou uitgemaak het nie indien hierdie Wet van krag was op die tydstip waarop bedoelde handeling of versuim plaasgevind het, en by skuldigbevinding van iemand weens 'n oortreding van genoemde artikels word so 'n persoon gevonnissen ingevolge genoemde Wet soos deur hierdie Wet gewysig.

(6) Enige persoon wat voor die inwerkingtreding van hierdie Wet kragtens artikel 67(2) van die Verdedigingswet, 1957, aan die Suid-Afrikaanse Polisie toegewys is, word ondanks enige andersluidende bepaling van die Polisiewet, 1958 (Wet No. 7 van 1958), geag aldus toegewys en verplig te wees om diens te verrig vir die dienstydyperk of -tydperke waartoe hy aangesê word en wat altesaam nie die dienstydyperke oorskry wat ingevolge artikel 22 van die Verdedigingswet, 1957, soos deur hierdie Wet gewysig, verrig moet word nie.

Wysiging van artikel 19 van Wet 103 van 1982

43. Artikel 19 van die Wysigingswet op Verdediging, 1982, word hierby gewysig—

- (a) deur paragrawe (c) en (d) van subartikel (1) te skrap; en
- (b) deur subartikel (2) te skrap.

Kort titel en inwerkingtreding

44. Hierdie Wet heet die Tweede Wysigingswet op Verdediging, 1993, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die Staatskoerant bepaal.