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OFFICE OF THE PRESIDENT

No. 1535.

6 October 1995

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

No. 72 of 1995: Defence Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1535.

6 Oktober 1995

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

No. 72 van 1995: Wysigingswet op Verdediging, 1995.

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 insert four definitions and to amend two; to provide for the establishment of a Defence Secretariat; to provide for the appointment of a Secretary for Defence as head of the said Defence Secretariat; to determine the powers, duties and functions of the said Secretary for Defence; to further determine the powers, duties and functions of the Chief of the South African National Defence Force in the exercise of his military executive command of the South African National Defence Force; to repeal a certain obsolete provision; to emend the text; and to make further provision regarding the exemption of members of the South African National Defence Force from payment of tolls; to amend the Defence Amendment Act, 1967, so as to repeal a certain obsolete provision; and to provide for matters in connection therewith.

(Afrikaans text signed by the President.)
(Assented to 28 September 1995.)

BE IT ENACTED by 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, section 1 of Act 132 of 1992 and section 1 of Act 134 of 1993

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 expression “an order” in the definition of “call-up” of the expression “a command”;

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

“ ‘Chief of the Defence Force’ means the Chief of the South African National Defence Force appointed in terms of section 225 of the Constitution;”;

(c) by the insertion in subsection (1) after the definition of “court” of the following definition:

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Verdedigingswet, 1957, ten einde vier woordskrywings in te voeg en twee te wysig; voorsiening te maak vir die instelling van 'n Verdedigingsekretariaat; voorsiening te maak vir die aanstelling van 'n Sekretaris vir Verdediging as hoof van genoemde Verdedigingsekretariaat; die bevoegdhede, pligte en werksaamhede van genoemde Sekretaris vir Verdediging te bepaal; die bevoegdhede, pligte en werksaamhede van die Hoof van die Suid-Afrikaanse Nasionale Weermag by die uitoefening van sy militêre uitvoerende bevel oor die Suid-Afrikaanse Nasionale Weermag verder te bepaal; 'n sekere verouderde bepaling te herroep; die Engelse teks te verbeter; en verder voorsiening te maak vir die vrystelling van lede van die Suid-Afrikaanse Nasionale Weermag van die betaling van tolgelde; tot wysiging van die Wysigingswet op Verdediging, 1967, ten einde 'n sekere verouderde bepaling te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die President geteken.)
(Goedgekeur op 28 September 1995.)*

DAAR WORD BEPAAL deur 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, artikel 1 van Wet 132 van 1992 en artikel 1 van Wet 134 van 1993

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

- (a) deur in subartikel (1) van die Engelse teks die uitdrukking “an order” in die omskrywing van “call-up” deur die uitdrukking “a command” te vervang;
- (b) deur in subartikel (1) die volgende omskrywing na die omskrywing van “burger” in te voeg:

15 “‘Departement van Verdediging’ die Departement van Verdediging in die Staatsdienswet, 1994 (Proklamasie No. 103, 1994), bedoel;”;

- (c) deur in subartikel (1) die volgende omskrywing na die omskrywing van “hof” in te voeg:

- “ ‘Department of Defence’ means the Department of Defence referred to in the Public Service Act, 1994 (Proclamation No. 103, 1994);”;
- (d) by the insertion in subsection (1) after the definition of “officer” of the following definition:
- “ ‘order’ means a written order by an appropriate officer and may be a unit, formation or force order;”;
- (e) by the insertion in subsection (1) after the definition of “regulation” of the following definition:
- “ ‘Secretary’ means the Secretary for Defence appointed under section 7B(1);”;
- (f) by the substitution in subsection (1) for the definition of “Treasury” of the following definition:
- “ ‘Treasury’ [means] includes any officer of the Department of [Finance] State Expenditure who has been authorized by the Minister of Finance to perform any function assigned to the Treasury in this Act;”.

Insertion of sections 7A, 7B, 7C and 7D in Act 44 of 1957

2. The following sections are hereby inserted in the principal Act after section 7:

“Establishment of Defence Secretariat

7A. (1) (a) There is hereby established in the Department of Defence a Defence Secretariat.

(b) The officers and employees within the meaning of the Public Service Act, 1994 (Proclamation No. 103, 1994), which are necessary for the performance of the work connected to the functions of the Secretary shall be appointed to posts in the Defence Secretariat in consultation with the Minister.

(2) Notwithstanding the provisions of subsection (1), members of the South African National Defence Force may with their consent be placed at the disposal of the Secretary to serve in posts in the Defence Secretariat.

(3) The persons serving in the Defence Secretariat at the commencement of the Defence Amendment Act, 1995, shall, as from the date on which they so commenced serving, be deemed to have been duly appointed to posts in or seconded or transferred to the Defence Secretariat or placed at the disposal of the Secretary, as the case may be.

(4) The Minister shall be accountable to the President and to Parliament for the Defence Secretariat.

Appointment of Secretary for Defence

7B. (1) The Minister may, subject to the laws governing the public service, appoint a person to the post of Secretary for Defence in the fixed establishment of the Department of Defence who, as an officer within the meaning of the Public Service Act, 1994 (Proclamation No. 103, 1994), shall serve in that post for the period and in accordance with the terms and conditions of service otherwise applicable to heads of department.

(2) The Secretary shall be a citizen of the Republic and may not be a member of the South African National Defence Force.

(3) The person serving as Secretary at the commencement of the Defence Amendment Act, 1995, shall be deemed to have been duly appointed under this section from 1 April 1995.

Powers, duties and functions of Secretary

7C. The Secretary shall—

- (a) be the head of the Defence Secretariat and as such be responsible for the management of and administrative control over the staff of the Defence Secretariat;

- “‘Hoof van die Weermag’ die Hoof van die Suid-Afrikaanse Nasionale Weermag ingevolge artikel 225 van die Grondwet aangestel;”;
- (d) deur in subartikel (1) die volgende omskrywing na die omskrywing van “oorlogstyd” in te voeg:
- 5 “‘order’ ’n geskrewe order deur ’n toepaslike offisier en kan ’n eenheids-, formasie- of magsorder wees;”;
- (e) deur in subartikel (1) die volgende omskrywing na die omskrywing van “regulasie” in te voeg:
- 10 “‘Sekretaris’ die Sekretaris vir Verdediging kragtens artikel 7B(1) aangestel;” en
- (f) deur in subartikel (1) die omskrywing van “Tesourie” deur die volgende omskrywing te vervang:
- 15 “‘Tesourie’ [’n amptenaar] ook enige beampte van die Departement van [Finansies] Staatsbesteding wat deur die Minister van Finansies gemagtig is om ’n by hierdie Wet aan die Tesourie toegewese werksaamheid te verrig;”.

Invoeging van artikels 7A, 7B, 7C en 7D in Wet 44 van 1957

2. Die volgende artikels word hierby in die Hoofwet na artikel 7 ingevoeg:

“Instelling van Verdedigingsekretariaat

- 20 7A. (1) (a) Daar word hierby ’n Verdedigingsekretariaat in die Departement van Verdediging ingestel.
- (b) Die beamptes en werknemers binne die bedoeling van die Staatsdienswet, 1994 (Proklamasie No. 103, 1994), wat nodig is vir die verrigting van die werk verbonde aan die werksaamhede van die Sekretaris, moet in oorleg met die Minister in poste in die Verdedigingsekretariaat aangestel word.
- 25 (2) Ondanks die bepalings van subartikel (1), kan lede van die Suid-Afrikaanse Nasionale Weermag, met hul instemming, aan die Sekretaris beskikbaar gestel word om in poste in die Verdedigingsekretariaat te dien.
- 30 (3) Die persone wat ten tyde van die inwerkingtreding van die Wysigingswet op Verdediging, 1995, in die Verdedigingsekretariaat dien, word met ingang van die datum waarop hulle aldus begin dien het, geag behoorlik in poste in die Verdedigingsekretariaat aangestel te wees of aan of na die Verdedigingsekretariaat gesecondeer of oorgeplaas of aan die Sekretaris beskikbaar gestel te wees, na gelang van die geval.
- 35 (4) Die Minister is aan die President en die Parlement vir die Verdedigingsekretariaat rekenskap verskuldig.

Aanstelling van Sekretaris vir Verdediging

- 40 7B. (1) Die Minister kan, behoudens die wette op die staatsdiens, ’n persoon in die pos van Sekretaris vir Verdediging in die vaste diensstaat van die Departement van Verdediging aanstel wat, as ’n beampte binne die bedoeling van die Staatsdienswet, 1994 (Proklamasie No. 103, 1994), in daardie pos vir die tydperk en ooreenkomstig die bedinge en voorwaardes van diens wat andersins op departementshoofde van toepassing is, dien.
- 45 (2) Die Sekretaris moet ’n burger van die Republiek wees en mag nie ’n lid van die Suid-Afrikaanse Nasionale Weermag wees nie.
- (3) Die persoon wat ten tyde van die inwerkingtreding van die Wysigingswet op Verdediging, 1995, as Sekretaris dien, word geag om met ingang van 1 April 1995 behoorlik kragtens hierdie artikel aangestel te wees.
- 50

Bevoegdhede, pligte en werksaamhede van Sekretaris

- 7C. Die Sekretaris—
- 55 (a) is die hoof van die Verdedigingsekretariaat en is as sodanig verantwoordelik vir die bestuur van en administratiewe beheer oor die personeel van die Verdedigingsekretariaat;

- (b) be the principal adviser to the Minister with regard to defence policy matters as well as any matter which may be investigated by the Joint Standing Committee on Defence of Parliament under section 228(3)(d) of the Constitution and in respect of which that Committee may make recommendations; 5
- (c) advise the Minister on any particular matter referred by the Minister to the Secretary;
- (d) perform such duties and functions as may from time to time be assigned or referred to him by the Minister, in particular any function or duty necessary or expedient to enhance Parliamentary and Ministerial control over the South African National Defence Force; 10
- (e) act as the delegate of the Minister in respect of any matter within the competence of the Minister which he delegates to the Secretary;
- (f) upon his appointment as accounting officer of the Department of Defence, act as such; 15
- (g) upon having been so appointed as accounting officer, provide the Chief of the Defence Force for the duration of such appointment, with comprehensive instructions for the issuing by that Chief of orders and directives and the giving of commands with regard to the functioning of the Secretary as such accounting officer in respect of the South African National Defence Force; and 20
- (h) monitor compliance with directions issued by the President or the Minister, as the case may be, under section 225 of the Constitution, to the Chief of the Defence Force and report thereon to the President or the Minister, as the case may be. 25

Access by Secretary to information

7D. (1) The Secretary and such members of the staff of the Defence Secretariat who are in possession of appropriate security clearances shall have access to such information in possession or under the control of the South African National Defence Force to enable the Secretary to perform his functions. 30

(2) Any information referred to in subsection (1) shall retain any security classification afforded to it and the Secretary and the members so referred to shall treat it accordingly."

Amendment of section 8 of Act 44 of 1957, as substituted by section 4 of Act 134 of 1993 35

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

"Powers, duties and functions of Chief of the Defence Force

- 8.** (1) The Chief of the Defence Force—
- (a) may exercise the powers and shall perform the duties and functions necessary to execute his military executive [military] command of the South African National Defence Force [and the Reserve, or 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] referred to in section 225 of the Constitution; 40
 - (b) shall execute his military executive command by issuing directives, force orders and general instructions and by giving commands. 45
- (2) The Chief of the Defence Force shall be the principal adviser to the Minister on any military, operational and administrative matter within the competence of the Chief of the Defence Force. 50
- (3) Without derogating from the generality of subsection (1)(a) or from any power, duty or function vested in or assigned to the Chief of the

- (b) is die Minister se hoofadviseur betreffende verdedigings-beleidsaangeleenthede asook oor enige aangeleentheid wat deur die Gesamentlike Staande Komitee oor Verdediging van die Parlement kragtens artikel 228(3)(d) van die Grondwet ondersoek mag word en
5 waaroor dié Komitee bevoeg is om aanbevelings te doen;
- (c) bedien die Minister met raad oor enige besondere aangeleentheid wat die Minister na die Sekretaris verwys;
- (d) verrig die pligte en werksaamhede wat van tyd tot tyd deur die Minister aan hom opgedra of na hom verwys word, in besonder enige
10 plig of werksaamheid wat nodig of dienstig is ter versterking van Parlementêre en Ministeriële beheer oor die Suid-Afrikaanse Nasionale Weermag;
- (e) tree as gedelegeerde van die Minister op ten opsigte van enige aangeleentheid wat die Minister binne sy bevoegdheid aan die
15 Sekretaris delegeer;
- (f) tree by sy aanstelling as rekenpligtige beampte van die Departement van Verdediging, as sodanig op;
- (g) moet, nadat hy aldus as rekenpligtige beampte aangestel is, vir die duur van sodanige aanstelling die Hoof van die Weermag voorsien
20 van omvattende opdragte vir die uitreiking deur daardie Hoof van orders en direktiewe en die gee van bevels met betrekking tot die funksionering van die Sekretaris as sodanige rekenpligtige beampte ten opsigte van die Suid-Afrikaanse Nasionale Weermag; en
- (h) moniteer die nakoming van voorskrifte deur die President of die Minister, na gelang van die geval, kragtens artikel 225 van die
25 Grondwet aan die Hoof van die Weermag uitgereik, en doen daarvoor verslag aan die President of die Minister, na gelang van die geval.

Toegang deur Sekretaris tot inligting

7D. (1) Die Sekretaris en die lede van die personeel van die Verdedigingsekretariaat wat in besit is van toepaslike sekerheidsklarings het
30 toegang tot die inligting in besit of onder beheer van die Suid-Afrikaanse Nasionale Weermag ten einde die Sekretaris in staat te stel om sy werksaamhede te kan verrig.

(2) Enige inligting in subartikel (1) bedoel, behou die sekerheidsklas-
35 sifikasie wat daaraan toegeken is, en die Sekretaris en die aldus bedoelde lede moet dienoreenkomstig daarmee handel.”

Wysiging van artikel 8 van Wet 44 van 1957, soos vervang deur artikel 4 van Wet 134 van 1993

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

40 “Bevoegdhede, pligte en werksaamhede van Hoof van die Weermag

8. (1) Die Hoof van die Weermag—

- (a) kan die bevoegdhede uitoefen en moet die pligte en werksaamhede
45 verrig wat nodig is om [uitvoerende] sy militêre [gesag] uitvoerende bevel oor die Suid-Afrikaanse Nasionale Weermag [en die Reserwe, of oor enige deel daarvan berus, behoudens die bepalings van hierdie Wet, by die offiser of offisiere van die Suid-Afrikaanse Weermag wat die Minister mag bepaal] soos in artikel 225 van die Grondwet bedoel, te voer;
- (b) moet sy militêre uitvoerende bevel voer deur die uitreiking van
50 direktiewe, magsorders en algemene opdragte en deur die gee van bevels.

(2) Die Hoof van die Weermag is die hoofadviseur van die Minister oor enige militêre, operasionele en administratiewe aangeleentheid binne die bevoegdheid van die Hoof van die Weermag.

(3) Sonder om afbreuk te doen aan die algemeenheid van subartikel
55 (1)(a) of aan enige bevoegdheid, plig of werksaamheid wat in die Hoof

Defence Force by virtue of any appointment which he may hold by or under any law, he shall have the powers and be charged with the duties and functions and be responsible to the President or the Minister, as the case may be, for—

- (a) compliance with any direction by the President or the Minister, as the case may be, under section 225 of the Constitution; 5
- (b) the formulation of military policy and doctrines in accordance with directions referred to in paragraph (a);
- (c) the execution of approved programmes of the budget for the Department of Defence and, upon the Secretary being appointed as the accounting officer of the Department of Defence, the execution of such programmes of the South African National Defence Force for which that Chief is responsible; 10
- (d) upon the Secretary being appointed as accounting officer of the Department of Defence and, notwithstanding the provisions of section 7(3)(a) of the Public Service Act, 1994 (Proclamation No. 103, 1994), the issuing of orders and directives and the giving of commands in accordance with any instruction by the Secretary referred to in section 7C(g), and for ensuring that such orders, directives and commands are complied with; 15 20
- (e) the supplying of all information and inputs with regard to the South African National Defence Force to the Secretary to enable him to perform his functions properly;
- (f) the performance of all staff functions required for the effective command and control of the South African National Defence Force; 25
- (g) the use of the South African National Defence Force or any part or member thereof which or who, as the case may be, has been employed by the President for any service under the Constitution, for such service;
- (h) the training to the required level of all members of the South African National Defence Force in law, including customary international law and law applicable to peace-keeping operations; 30
- (i) the maintenance of an adequate military response capability with respect to likely military threats; and
- (j) the maintenance of military discipline within the South African National Defence Force.”. 35

Amendment of section 83A of Act 44 of 1957, as inserted by section 7 of Act 3 of 1969 and amended by section 6 of Act 8 of 1974, section 6 of Act 8 of 1974, section 36 of Act 132 of 1992 and section 5 of Act 32 of 1993

4. Section 83A of the principal Act is hereby amended by the deletion of subsection (3). 40

Amendment of section 121 of Act 44 of 1957, as substituted by section 10 of Act 83 of 1974

5. Section 121 of the principal Act is hereby amended by the substitution for the expression “order” in paragraph (b) of the expression “command”. 45

- van die Weermag setel of aan hom opgedra is uit hoofde van enige aanstelling wat hy by of kragtens enige wet beklee, het hy die bevoegd- hede en is hy belas met die pligte en werksaamhede en is hy verantwoorde- lik teenoor die President of die Minister, na gelang van die geval, vir—
- 5 (a) die nakoming van enige voorskrif deur die President of die Minister, na gelang van die geval, kragtens artikel 225 van die Grondwet;
- (b) die formulering van militêre beleid en doktrines in ooreenstemming met die voorskrifte in paragraaf (a) bedoel;
- 10 (c) die uitvoering van gemagtigde programme van die begroting vir die Departement van Verdediging en, by die aanstelling van die Sekre- taris as rekenpligtige beampte van die Departement van Verdediging, die uitvoering van die programme van die Suid-Afrikaanse Nasionale Weermag waarvoor dié Hoof verantwoordelik is;
- 15 (d) by die aanstelling van die Sekretaris as rekenpligtige beampte van die Departement van Verdediging en, ondanks die bepalinge van artikel 7(3)(a) van die Staatsdienswet, 1994 (Proklamasie No. 103, 1994), die uitreiking van orders en direktiewe en die gee van bevel in ooreenstemming met enige opdrag van die Sekretaris in artikel 7C(g) bedoel en om toe te sien dat sodanige orders, direktiewe en bevel nagekom word;
- 20 (e) die voorsiening van alle inligting en insette met betrekking tot die Suid-Afrikaanse Nasionale Weermag aan die Sekretaris om hom in staat te stel om sy werksaamhede behoorlik te verrig;
- (f) die verrigting van alle staffunksies wat nodig mag wees vir doeltref- fende bevel en beheer oor die Suid-Afrikaanse Nasionale Weermag;
- 25 (g) die aanwending van die Suid-Afrikaanse Nasionale Weermag of enige deel of lid daarvan wat deur die President vir enige diens ingevolge die Grondwet in diens gestel is, vir sodanige diens;
- (h) die opleiding tot die vereiste vlak van alle lede van die Suid- Afrikaanse Nasionale Weermag in die regte, met inbegrip van internasionale gewoontereg en die reg wat betrekking het op vredes- operasies;
- 30 (i) die instandhouding van 'n genoegsame militêre reaksievermoë ten opsigte van waarskynlike militêre bedreigings; en
- 35 (j) die handhawing van militêre dissipline binne die Suid-Afrikaanse Nasionale Weermag.”

Wysiging van artikel 83A van Wet 44 van 1957, soos ingevoeg deur artikel 7 van Wet 3 van 1969 en gewysig deur artikel 6 van Wet 8 van 1974, artikel 6 van Wet 8 van 1974, artikel 36 van Wet 132 van 1992 en artikel 5 van Wet 32 van 1993

- 40 4. Artikel 83A van die Hoofwet word hierby gewysig deur subartikel (3) te skrap.

Wysiging van artikel 121 van Wet 44 van 1957, soos vervang deur artikel 10 van Wet 83 van 1974

5. Artikel 121 van die Hoofwet word hierby gewysig deur in die Engelse teks die uitdrukking “order” in paragraaf (b) deur die uitdrukking “command” te vervang.

Substitution of section 143 of Act 44 of 1957

6. The following section is hereby substituted for section 143 of the principal Act:

“Exemption from tolls and like payments

143. (1) [At] Subject to the provisions of subsection (3)—

- (a) any member of the South African National Defence Force; or
 - (b) any member of the Reserve,
- who in the exercise of his powers or the performance of his duties or functions under or in terms of this Act passes through any wharf, landing place, bridge, pont, ferry [or], toll-bar [where the payment], gate or point of [a] entry or exit at or in respect of which any toll, fee or due may [lawfully] be [demanded, that toll or due shall not be payable by any] charged in respect of any such member or any other person or means of transport or goods or animal which such member, in the said exercise or performance of his powers, duties or functions conveys or has with him, shall, upon such member—
- (i) if he is a member of the South African National Defence Force [if he is proceeding to or from any place on the service of that Force, or in respect of any animal or vehicle when employed on any such service], exhibiting both his military identification and applicable official authorization documents; or
 - (ii) if he is a member of the Reserve—
 - (aa) who is rendering service or undergoing training under this Act, exhibiting his military identification document; or
 - (bb) who has been called up, exhibiting his call-up and personal official identification documents; and
 - (iii) if he is driving a military vehicle or operating any other means of transport, exhibiting his military driver's licence or other military licence to operate such other means of transport and his trip authorization or, if he is not driving or operating any such means of transport, exhibiting his official authorization to pass through that wharf, landing place, bridge, pont, ferry, toll-bar, gate or point,
- be exempt from such payment, and such member and any such other person, means of transport, goods or animal shall be allowed to pass through without any such payment having to be made in respect of any of them.

(2) Any person [duly authorized to collect tolls or dues at any such place aforesaid] who [wilfully subjects a] in conflict with subsection (1) demands such toll, fee or due or who wilfully subjects any such member [of the South African Defence Force], other person, means of transport, goods or [any animal or vehicle on service as aforesaid] animal to unreasonable delay or [detention] detains any of them in respect of or at such wharf, landing place, bridge, pont, ferry, toll-bar, gate or point, shall be guilty of an offence.

(3) The Chief of the Defence Force may, if, with regard to the nature of any power, duty or function of any member or group of members of the South African National Defence Force, it is necessary, determine that the provisions of subsection (1) shall not apply to such member or group of members, in which case, such toll, fee or due shall be payable and such payment shall, with respect to the Department of Defence be deemed to be an authorized expenditure.”.

Transitional provision

7. Any order, directive or command in connection with—

- (a) the responsibility of accounting for all State moneys received and all payments made; and
 - (b) the acquisition, receipt, custody and disposal of all State property,
- in the South African National Defence Force by the accounting officer of the Department of Defence which is of force immediately prior to the appointment of the Secretary for Defence as accounting officer of that Department, shall after and

Vervanging van artikel 143 van Wet 44 van 1957

6. Artikel 143 van die Hoofwet word hierby deur die volgende artikel vervang:

“Vrystelling van tolgelde en soortgelyke betalings

- 5 143. (1) [By 'n] Behoudens die bepalings van subartikel (3), is—
 (a) enige lid van die Suid-Afrikaanse Nasionale Weermag; of
 (b) enige lid van die Reserwe,
 wat by die uitoefening van sy bevoegdhede of by die verrigting van sy
 pligte of werksaamhede kragtens of ingevolge hierdie Wet, deur enige
 skeepswerf, aanlêplek, brug, pont, veer, [of] tolhek, [waar] hek of
 toegangs- of uitgangspunt beweeg, by of ten opsigte waarvan enige
 tolgeld, fooi of [’n] reg [wettiglik geëis] gehef kan word, [is daardie
 tolgeld of reg nie betaalbaar nie] ten opsigte van enige sodanige lid of
 enige ander persoon of vervoermiddel of goedere of dier wat sodanige lid,
 by genoemde uitoefening of verrigting van sy bevoegdhede, pligte of
 werksaamhede vervoer of by hom het, by die toon—
 (i) [deur] indien hy ’n lid van die Suid-Afrikaanse Nasionale Weermag
 [indien hy in diens van daardie Mag na of van enige plek reis, of
 ten opsigte van enige dier of voertuig wanneer dit vir sodanige
 diens gebruik word] is, van sowel sy militêre identiteits- as sy
 toepaslike amptelike magtigingsdokumente; of
 (ii) indien hy ’n lid van die Reserwe is—
 (aa) wat diens doen of opleiding ondergaan kragtens hierdie Wet, van
 sy militêre identiteitsdokument; of
 (bb) wat tot diens aangesê is, van sy aanseggings- en persoonlike
 amptelike identiteitsdokumente; en
 (iii) indien hy ’n militêre voertuig bestuur of enige ander vervoermiddel in
 bedryf het, van sy militêre rybewys of ander militêre magtiging om
 sodanige ander vervoermiddel in bedryf te hê asook van sy ritmag-
 tiging of, indien hy nie enige sodanige vervoermiddel bestuur of in
 bedryf het nie, by die toon van sy amptelike magtiging om deur
 daardie skeepswerf, aanlêplek, brug, pont, veer, tolhek, hek of punt te
 gaan,
 van sodanige betaling vrygestel, en sodanige lid en enige sodanige ander
 persoon, vervoermiddel, goedere of dier, moet toegelaat word om deur te
 gaan sonder dat dit nodig is vir enige sodanige betaling ten opsigte van
 enigeen van hulle.
 (2) Iemand wat [behoorlik gemagtig is om tolgelde of regte by ’n plek
 soos voormeld te vorder, en wat opsetlik ’n] in stryd met subartikel (1)
 sodanige tolgeld, fooi of reg eis of wat enige sodanige lid [van die
 Suid-Afrikaanse Weermag], ander persoon, vervoermiddel goedere of
 [’n dier of voertuig wat soos voormeld in diens is] dier opsetlik op
 onredelike wyse vertraag of enigeen van hulle aanhou met betrekking tot
 of by sodanige skeepswerf, aanlêplek, brug, pont, veer, tolhek, hek of punt,
 is aan ’n misdryf skuldig.
 (3) Die Hoof van die Weermag kan, indien dit, met inagneming van
 die aard van enige bevoegdheid, plig of werksaamheid van enige lid of
 groep lede van die Suid-Afrikaanse Nasionale Weermag, nodig is, bepaal
 dat die bepalings van subartikel (1) nie op sodanige lid of groep lede van
 toepassing is nie, in welke geval sodanige tolgeld, fooi of reg betaalbaar is
 en sodanige betaling ten opsigte van die Departement van Verdediging
 geag word ’n gemagtigde uitgawe te wees.”

Oorgangsbepaling

7. Enige order, direktief of bevel in verband met—

- 55 (a) die verantwoording van alle Staatsgeld wat ontvang en alle betalings wat
 gedoen is; en
 (b) die verkryging, ontvangs en bewaring van en beskikking oor alle Staatsgoed,
 in die Suid-Afrikaanse Nasionale Weermag deur die rekenpligtige beamppte van die
 Departement van Verdediging wat van krag is onmiddellik voor die aanstelling van die
 Sekretaris vir Verdediging as rekenpligtige beamppte van daardie Departement, bly na

notwithstanding such appointment, remain of force and effect until it has been amended, replaced or revoked by or under law.

Repeal of section 69 of Act 85 of 1967

8. Section 69 of the Defence Amendment Act, 1967, is hereby repealed.

Short title

5

9. This Act shall be called the Defence Amendment Act, 1995.

en ondanks sodanige aanstelling, van krag totdat dit by of kragtens wet gewysig, vervang of herroep word.

Herroeping van artikel 69 van Wet 85 van 1967

8. Artikel 69 van die Wysigingswet op Verdediging, 1967, word hierby herroep.

5 Kort titel

9. Hierdie Wet heet die Wysigingswet op Verdediging, 1995.

