EXTRAORDINARY BUITENGEWONE

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DEPARTMENT OF THE PRIME MINISTER.

The following Government Notice is published for general information:—

No. 892.] [21st June, 1957.

It is hereby notified that His Excellency the Officer Administering the Government has been pleased to assent to the following Acts, which are hereby published for general information:—

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DEPARTEMENT VAN DIE EERSTE MINISTER.

Onderstaande Goewermentskennisgewing word ter algemene inligting gepubliseer:—

No. 892.] [21 Junie 1957.

Hierby word bekend gemaak dat dit Sy Eksellensie die Amptenaar belas met die Uitoefening van die Uitvoerende Gesag behaag het om sy goedkeuring te heg aan onderstaande Wette, wat hierby ter algemene inligting gepubliseer word:—

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No. 37, 1957.]

ACT

To amend the Mental Disorders Act, 1916.

(*English text signed by the Officer Administering the Government.*)
(*Assented to 3rd June*, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 3 of Act 38 of 1916, as amended by section 2 of Act 7 of 1944.

1. Section *three* of the Mental Disorders Act, 1916 (hereinafter referred to as the principal Act), is hereby amended by the deletion of the description of Class VI of the classes of mentally disordered or defective persons.

Amendment of section 43 of Act 38 of 1916.

2. Section *forty-three* of the principal Act is hereby amended by the addition at the end of sub-section (2) of the following paragraph, the existing sub-section becoming paragraph (*a*):

„(*b*) The Minister shall not grant such consent in respect of any person who is not domiciled in the Union, unless the government of the proclaimed territory has undertaken to pay the maintenance and other expenses which may be incurred by the Government of the Union in connection with the detention of such person in an institution.".

Amendment of section 53 of Act 38 of 1916, as amended by section 24 of Act 7 of 1944.

3. Section *fifty-three* of the principal Act is hereby amended by the substitution for the words "of mentally disordered and defective persons", wherever they occur, of the words "for Mental Hygiene".

Substitution of section 79 of Act 38 of 1916.

4. The following section is hereby substituted for section *seventy-nine* of the principal Act:

"Expenses in connection with the detention of any person in an institution by the Government.

79. (1) Subject to the provisions of sub-section (2), the maintenance and other expenses necessarily incurred in connection with the detention by the Government in any institution under the provisions of this Act, of any person, other than a person in respect of whom the provisions of section *forty-three* or *eighty* apply, shall be defrayed out of monies appropriated by Parliament for the purpose.

(2) The said maintenance and other expenses—

(*a*) in respect of any person detained under section *forty-four* or *fifty-two*; or

(*b*) which in terms of any law shall be borne by the Administration of the territory of South-West Africa,

may be recovered from the estate of the person detained or from any person liable by law to contribute towards his maintenance.".

Amendment of section 80 of Act 38 of 1916.

5. Section *eighty* of the principal Act is hereby amended—

(*a*) by the substitution for the word "port", wherever it occurs, of the words "seaport or airport";

(*b*) by the insertion after the word "vessel" wherever it occurs, of the words "or aircraft";

(*c*) by the substitution for the words "or master", wherever they occur, of the words "master or pilot"; and

(*d*) by the substitution in sub-section (2) for the words "whence he was shipped" of the words "where he boarded such vessel or aircraft".

Amendment of section 86 of Act 38 of 1916, as amended by section 30 of Act 7 of 1944.

6. Section *eighty-six* of the principal Act is hereby amended by the substitution for paragraph (*e*) of sub-section (1) of the following paragraph:

"(*e*) the payment of maintenance and other expenses

No. 37, 1957.]

WET

Tot wysiging van die „Wet op Geestesgebreken, 1916".

(*Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 3 *Junie* 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel *drie* van die „Wet op Geestesgebreken, 1916" (hieronder die Hoofwet genoem), word hierby gewysig deur die beskrywing van Klas VI van die klasse van geestelik gekrenkte of gebrekkige persone te skrap.

Wysiging van artikel 3 van Wet 38 van 1916, soos by artikel 2 van Wet 7 van 1944 gewysig.

2. Artikel *drie-en-veertig* van die Hoofwet word hierby gewysig deur aan die end van sub-artikel (2) die volgende paragraaf by te voeg, terwyl die bestaande sub-artikel paragraaf (*a*) word:

Wysiging van artikel 43 van Wet 38 van 1916.

„(*b*) De Minister verleent zodanig toestemming niet ten opzichte van een persoon die zijn woonplaats niet in de Unie heeft, tenzij de regering van het geproklameerd gebied ondernomen heeft de onderhoudskosten en andere onkosten te betalen die door de Regering van de Unie in verband met de aanhouding van die persoon in een inrichting aangegaan mogen worden.".

3. Artikel *drie-en-vyftig* van die Hoofwet word hierby gewysig deur die woorde „Geestelik Gekrenkte en Gebrekkige Personen" en die woorde „geestelik gekrenkte en gebrekkige personen" deur die woord „Geesteshygiëne" te vervang.

Wysiging van artikel 53 van Wet 38 van 1916, soos by artikel 24 van Wet 7 van 1944 gewysig.

4. Artikel *nege-en-sewentig* van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 79 van Wet 38 van 1916.

„Onkosten in verband met de aanhouding van een persoon in een inrichting door de Regering.

79. (1) Behoudens de bepalingen van sub-artikel (2), worden de onderhoudskosten en andere onkosten noodzakelikerwijze aangegaan in verband met de aanhouding in een inrichting door de Regering ingevolge de bepalingen van deze Wet, van een persoon niet zijnde een persoon ten opzichte van wie de bepalingen van artikel *drie-en-veertig* of *tagtig* van toepassing zijn, uit door het Parlement daartoe bewilligde geld betaald.

(2) Zodanige onderhoudskosten en andere onkosten—

(*a*) ten opzichte van een ingevolge artikel *vier-en-veertig* of *twee-en-vijftig* aangehoudene persoon; of

(*b*) die ingevolge enige wet door de Administratie van het gebied Zuidwest-Afrika gedragen worden,

kunnen op de boedel van de aangehoudene persoon of op een persoon die rechtens aansprakelik is om tot zijn onderhoud bij te dragen, verhaald worden.".

5. Artikel *tagtig* van die Hoofwet word hierby gewysig—

Wysiging van artikel 80 van Wet 38 van 1916.

(*a*) deur die woord „haven" oral waar dit voorkom deur die woorde „zeehaven of vlieghaven" te vervang;

(*b*) deur na die woord „schip" oral waar dit voorkom die woorde „of vliegtuig" in te voeg;

(*c*) deur die woorde „of gezagvoerder" deur die woorde „gezagvoerder of piloot" te vervang; en

(*d*) deur in sub-artikel (2) die woorde „zich inscheepte" deur die woorde „dat schip of vliegtuig besteeg" te vervang.

6. Artikel *ses-en-tagtig* van die Hoofwet word hierby gewysig deur paragraaf (*e*) van sub-artikel (1) deur die volgende paragraaf te vervang:

Wysiging van artikel 86 van Wet 38 van 1916, soos by artikel 30 van Wet 7 van 1944 gewysig.

„(*e*) de betaling van onderhoudskosten en andere onkosten

necessarily or otherwise incurred in connection with the detention and maintenance of any person in any institution, other than a licensed institution;".

Amendment of section 87 of Act 38 of 1916, as amended by section 31 of Act 7 of 1944.

7. Section *eighty-seven* of the principal Act is hereby amended—

(*a*) by the substitution for the definition of "Commissioner" of the following definition:

"'Commissioner' means the Commissioner or Deputy Commissioner for Mental Hygiene appointed under this Act;"; and

(*b*) by the substitution for the definition of "magistrate" of the following definition:

"'magistrate' includes an additional or assistant magistrate;".

Short title.

8. This Act shall be called the Mental Disorders Amendment Act, 1957.

noodzaaklikerwijze of anderszins aangegaan in verband met de aanhouding en het onderhoud van een persoon in een inrichting, niet zijnde een gelicentiëerde inrichting;".

7. Artikel *sewe-en-tagtig* van die Hoofwet word hierby gewysig— Wysiging van artikel 87 van Wet 38 van 1916, soos by artikel 31 van Wet 7 van 1944 gewysig.

(*a*) deur die omskrywing van „Kommissaris" deur die volgende omskrywing te vervang:

„betekent ‚Kommissaris' de ingevolge deze Wet aangestelde Kommissaris of Adjunkt-kommissaris van Geesteshygiëne;"; en

(*b*) deur die omskrywing van „magistraat" deur die volgende omskrywing te vervang:

„betekent ‚magistraat' ook een additionele magistraat of een assistent-magistraat;".

8. Hierdie Wet heet die Wysigingswet op Geestesgebreke, 1957. Kort titel.

No. 44, 1957.]

ACT

To provide for the defence of the Union and for matters incidental thereto.

(*Afrikaans text signed by the Officer Administering the Government.*)
(*Assented to* 10*th June*, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

CHAPTER I.

DEFINITIONS AND LIABILITY FOR SERVICE AND TRAINING.

Definitions.

1. (1) In this Act, unless the context otherwise indicates—

(i) "citizen" means a South African citizen within the meaning of the South African Citizenship Act, 1949 (Act No. 44 of 1949); (iv)

(ii) "commando" means a commando established under this Act; (ix)

(iii) "court", in relation to a visiting force, means any body which or person who by the laws of the country to which such visiting force belongs, is empowered to investigate any matter or to try any person for an offence under the military laws of that country or to review the proceedings in connection with the investigation of any such matter or the trial of any person in respect of any such offence; (vii)

(iv) "deferment" means the deferment for one year of the liability of a citizen to be included in any ballot under section *seventy*; (xxi)

(v) "enrol", in relation to any person, means accept and record the enlistment of that person as a member of any portion of the South African Defence Force; (viii)

(vi) "force" means a military force; (xi)

(vii) "member" includes an officer and an other rank, and in relation to a visiting force from any country, any person subject to the military laws of that country who is a member of another force and is attached to the visiting force, or is a civilian employed in connection with the visiting force, who entered into his engagement outside the Union and is not a South African citizen within the meaning of the South African Citizenship Act, 1949 (Act No. 44 of 1949); (x)

(viii) "military" includes army, air and naval; (xiii)

(ix) "military court" includes an officer on whom jurisdiction to try an offence has been conferred under this Act; (xiv)

(x) "Military Discipline Code" means the Military Discipline Code as defined in section *one hundred and four*; (xviii)

(xi) "Minister" means the Minister of Defence; (xv)

(xii) "officer", in relation to the South African Defence Force or the Reserve, means a person who holds commissioned rank conferred upon him under section *eighty-three*; (xvi)

(xiii) "other force" means a military force of a country or state other than the Union; (ii)

(xiv) "other rank" means a person other than an officer; (xii)

(xv) "prescribed" means prescribed by regulation; (xxiii)

(xvi) "registered address", in relation to a citizen, means the address of that citizen as notified from time to time to the proper authority in terms of this Act; (i)

(xvii) "regulation" means a regulation made and in force under this Act; (xix)

(xviii) "service in defence of the Union" means military service in time of war or in connection with the discharge of the obligations of the Union arising from any agreement between the Union and any other nation; (v)

No. 44, 1957.]

WET

Om voorsiening te maak vir die verdediging van die Unie en vir aangeleenthede wat daarmee in verband staan.

(*Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 10 *Junie* 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, as volg:—

HOOFSTUK I.

WOORDBEPALING EN DIENS- EN OPLEIDINGSPLIG.

Woordbepaling.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—

(i) „aangetekende adres", met betrekking tot 'n burger, die adres van daardie burger soos van tyd tot tyd ooreenkomstig hierdie Wet aan die bevoegde gesag meegedeel; (xvi)

(ii) „ander mag" 'n militêre mag van 'n ander land of staat as die Unie; (xiii)

(iii) „besoekende mag" 'n militêre mag van enige land wat te eniger tyd met toestemming van die Unieregering in die Unie aanwesig is; (xxiii)

(iv) „burger" 'n Suid-Afrikaanse burger binne die bedoeling van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949); (i)

(v) „diens ter verdediging van die Unie" militêre diens in oorlogstyd of in verband met die nakoming van die verpligtings van die Unie wat uit enige ooreenkoms tussen die Unie en enige ander volk ontstaan; (xviii)

(vi) „hierdie Wet" ook 'n reël of regulasie ingevolge daarvan uitgevaardig; (xix)

(vii) „hof", met betrekking tot 'n besoekende mag, enige liggaam of persoon wat kragtens die wette van die land waaraan daardie besoekende mag behoort, gemagtig is om ingevolge die militêre wette van daardie land enige aangeleentheid te ondersoek of iemand weens enige misdryf te verhoor of om die verrigtings in verband met die ondersoek van so 'n aangeleentheid of die verhoor van iemand ten opsigte van so 'n misdryf te hersien; (iii)

(viii) „inskryf", met betrekking tot enige persoon, diensneming deur daardie persoon as lid van enige deel van die Suid-Afrikaanse Weermag aanvaar en aanteken; (v)

(ix) „kommando" 'n kragtens hierdie Wet ingestelde kommando; (ii)

(x) „lid" ook 'n offisier en 'n manskap en, met betrekking tot 'n besoekende mag van enige land, enigiemand onderworpe aan die militêre wette van daardie land wat 'n lid van 'n ander mag is en in die besoekende mag opgeneem is, of 'n burgerlike persoon is wat in verband met die besoekende mag werksaam is, sy verbintenis buite die Unie aangegaan het en nie 'n Suid-Afrikaanse burger binne die bedoeling van die Wet op Suid-Afrikaanse Burgerskap, 1949 (Wet No. 44 van 1949), is nie; (vii)

(xi) „mag" 'n militêre mag; (vi)

(xii) „manskap" iemand anders as 'n offisier; (xiv)

(xiii) „militêre" ook leër-, lug- en vloot-; (viii)

(xiv) „militêre hof" ook 'n offisier aan wie regsmag om 'n misdryf te verhoor, kragtens hierdie Wet verleen is; (ix)

(xv) „Minister" die Minister van Verdediging; (xi)

(xvi) „offisier", met betrekking tot die Suid-Afrikaanse Weermag of die Reserwe, iemand wat 'n ingevolge artikel *drie-en-tagtig* aan hom verleende offisiersrang beklee; (xii)

(xvii) „oorlogstyd" enige tydperk waarin 'n staat van oorlog werklik bestaan of volgens die oordeel van die Goewerneur-generaal verwag kan word; (xx)

(xix) "this Act" includes any rule or regulation made thereunder; (vi)

(xx) "time of war" means any time during which an actual state of war exists or may in the opinion of the Governor-General be anticipated; (xvii)

(xxi) "Treasury" means any officer of the Department of Finance who has been authorized by the Minister of Finance to perform any function assigned to the Treasury in this Act; (xx)

(xxii) "Union" includes the territory of South-West Africa; (xxii)

(xxiii) "visiting force" means a military force of any country present in the Union at any time with the consent of the Government of the Union. (iii)

(2) Any reference in this Act to a year, when used in conjunction with an ordinal numeral adjective to denote the age of a citizen, shall be construed as a reference to the calendar year in which the age indicated by such ordinal numeral adjective is attained.

Application of Act.

2. (1) This Act shall not apply—

(*a*) in so far as it relates to liability for service or training, to any citizen who is a member of either House of Parliament or of a Provincial Council or of the Legislative Assembly of South-West Africa; or

(*b*) except in so far as it relates to any auxiliary, nursing or civilian protective service established under this Act, to females or persons who are not white persons as defined in section *one* of the Population Registration Act, 1950 (Act No. 30 of 1950):

Provided that the Governor-General may with the approval by resolution of both Houses 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 from engaging voluntarily and in accordance with regulations for service in the South African Defence Force in such capacity and subject to such conditions as may be prescribed.

(2) The Minister or any person duly authorized thereto by him, may exempt from service or training under this Act any citizen who is also a citizen of any other country or is domiciled outside the Union, and who is a member of a military force of such other country or of the country in which he is domiciled, as the case may be, or is a member of a reserve of any such force, so long as he is by the laws of the country concerned obliged to serve or undergo training in such force or reserve.

Liability for training and service.

3. Subject to the provisions of this Act—

(*a*) every person domiciled in the Union shall be liable between his twelfth and his seventeenth year, both included, to undergo training as a cadet; and

(*b*) every citizen between his seventeenth and his sixty-fifth year, both included, shall be liable to undergo training in the South African Defence Force and to render service as hereinafter prescribed.

Duties of employers.

4. (1) An employer shall afford any person in his employ all reasonable facilities to be enrolled for or to carry out any training or service under this Act.

(2) Any employer who—

(*a*) fails to afford facilities as aforesaid; or

(*b*) by dismissing an employee or reducing his salary or wages or altering his position to his disadvantage or in any other manner penalizes such employee on account of his having been enrolled for or being engaged in any such training or service; or

(*c*) by words, conduct or otherwise directly or indirectly compels, induces or prevails upon, or attempts to compel, induce or prevail upon, any person in or seeking to enter his employment to evade or refrain from being enrolled for or carrying out any training or service under this Act,

shall be guilty of an offence: Provided that nothing in this section shall be construed as requiring any employer to pay to any person in his employ any salary or wages in respect of any

(xviii) „Reglement van Dissipline" die Reglement van Dissipline soos in artikel *honderd-en-vier* omskryf; (x)

(xix) „regulasie" 'n regulasie wat kragtens hierdie Wet uitgevaardig en van krag is; (xvii)

(xx) „Tesourie" 'n amptenaar van die Departement van Finansies wat deur die Minister van Finansies gemagtig is om 'n by hierdie Wet aan die Tesourie toegewese werksaamheid te verrig; (xxi)

(xxi) „uitstel" die uitstel vir een jaar van die aanspreeklikheid van 'n burger om by 'n loting ingevolge artikel *sewentig* ingesluit te word; (iv)

(xxii) „Unie" ook die gebied Suidwes-Afrika; (xxii)

(xxiii) „voorgeskryf" by regulasie voorgeskryf. (xv)

(2) 'n Verwysing in hierdie Wet na 'n jaar, wanneer dit in verband met 'n rangtelwoord gebesig word om die leeftyd van 'n burger aan te dui, word uitgelê as 'n verwysing na die kalenderjaar waarin die leeftyd deur bedoelde rangtelwoord aangedui, bereik word.

Toepassing van Wet.

2. (1) Hierdie Wet is nie van toepassing nie—

(*a*) vir sover dit op diens- of opleidingspligtigheid betrekking het, op 'n burger wat lid is van die een of die ander Huis van die Parlement of van 'n Provinsiale Raad of van die Wetgewende Vergadering van Suidwes-Afrika; of

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

Met dien verstande dat die Goewerneur-generaal met goedkeuring, by besluit, van beide Huise 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 sig vrywilliglik en ooreenkomstig regulasies tot diens by die Suid-Afrikaanse Weermag in die hoedanigheid en onderworpe aan die voorwaardes wat voorgeskryf mag word, te verbind nie.

(2) Die Minister of 'n deur hom behoorlik daartoe gemagtigde persoon kan enige burger wat ook 'n burger van 'n ander land is of buite die Unie gedomisilieer is, en wat 'n lid is van 'n militêre mag van daardie ander land of van die land waarin hy gedomisilieer is, na gelang van die geval, of 'n lid is van 'n reserwe van so 'n mag, van diens of opleiding kragtens hierdie Wet vrystel solank as wat hy kragtens die wette van die betrokke land verplig is om in daardie mag of reserwe te dien of opleiding te ondergaan.

Verpligting om opleiding te ondergaan of diens te doen.

3. Behoudens die bepalings van hierdie Wet—

(*a*) kan elke persoon wat in die Unie gedomisilieer is, verplig word om tussen sy twaalfde en sy sewentiende jaar, albei inbegrepe, opleiding as 'n kadet te ondergaan; en

(*b*) kan elke burger verplig word om tussen sy sewentiende en sy vyf-en-sestigste jaar, albei inbegrepe, opleiding in die Suid-Afrikaanse Weermag te ondergaan en diens soos hieronder voorgeskryf, te doen.

Pligte van werkgewers.

4. (1) 'n Werkgewer moet aan iemand in sy diens alle redelike fasiliteite verleen om hom vir enige opleiding of diens kragtens hierdie Wet te laat inskryf of dit uit te voer.

(2) 'n Werkgewer wat—

(*a*) versuim om fasiliteite soos voormeld te verskaf; of

(*b*) deur 'n werknemer te ontslaan of sy salaris of loon te verminder of sy posisie tot sy nadeel te verander of op enige ander wyse so 'n werknemer benadeel omdat hy hom vir sodanige opleiding of diens laat inskryf het of dit ondergaan of verrig; of

(*c*) deur woorde, gedrag of andersins iemand wat in sy diens is of wil tree, regstreeks of onregstreeks verplig, beweeg of oorhaal of probeer verplig, beweeg of oorhaal om opleiding of diens ingevolge hierdie Wet te vermy of om hom nie daarvoor te laat inskryf of dit nie te verrig nie,

is aan 'n misdryf skuldig: Met dien verstande dat hierdie artikel nie uitgelê word asof dit 'n werkgewer verplig om aan iemand in sy diens enige salaris of loon te betaal ten opsigte van enige

period during which he is absent from his work for the purpose of undergoing any training or carrying out any service under this Act.

(3) Whenever in any proceedings under paragraph (*b*) of sub-section (2), it is proved that an employer has dismissed the employee concerned or has reduced his salary or wages or altered his position to his disadvantage, or has in any other manner penalized such employee, that employer shall be deemed to have dismissed such employee or to have so reduced his salary or wages or to have so altered his position or to have so penalized him, as the case may be, by reason of such employee having been enrolled for or carried out the training or service in question, unless the contrary is proved.

CHAPTER II.

Composition and Organization of the South African Defence Force and Reserve.

Composition of the South African Defence Force.

5. The South African Defence Force shall consist of—
(*a*) the Permanent Force;
(*b*) the Citizen Force; and
(*c*) Commandos.

Composition of the Reserve.

6. The Reserve shall consist of—
(*a*) the Reserve of Officers;
(*b*) the Permanent Force Reserve;
(*c*) the Citizen Force Reserve; and
(*d*) the National Reserve.

Organization of South African Defence Force and Reserve.

7. The South African Defence Force and the Reserve shall be organized in such armed services, arms, corps, formations and units as the Minister may determine or as may be prescribed, and any such service, arm, corps, formation or unit may consist of members of any one or more of the forces and reserves mentioned in section *five* or *six*.

Executive 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.

CHAPTER III.

The Permanent Force.

Composition and organization of Permanent Force.

9. (1) The Permanent Force shall consist of officers appointed thereto and other ranks engaged for service therein, and shall be organized in such manner as may be prescribed: Provided that until such time as it is otherwise prescribed under this Act, the said Force shall be organized in accordance with the provisions which under the laws repealed by section *one hundred and fifty-two*, were immediately prior to the commencement of this Act applicable in respect of the South African Permanent Force referred to in section *one* of the South Africa Defence Act Amendment Act, 1922 (Act No. 22 of 1922).

(2) The procedure in connection with the appointment of officers and the engagement of other ranks and, subject to the provisions of any law relating to the grant of pensions to members of the Permanent Force, the conditions of such appointment or engagement shall be as may be prescribed.

(3) Different conditions may be prescribed under sub-section (2) for members of different ranks or in different armed services, arms, corps, formations or units of the Permanent Force or members performing specified duties and other members of that Force.

(4) Any person engaging for service in the Permanent Force shall be bound to serve therein until he has obtained his official discharge.

Qualifications of members of Permanent Force.

10. No person shall be enrolled for service in the Permanent Force unless he is a citizen and, except where the Minister otherwise directs, has passed in both official languages of the Union in the examination which he is in terms of the conditions prescribed under sub-section (2) of section *nine* required to pass as a condition precedent to appointment or engagement in terms of that section: Provided that the Minister may authorize the enrolment in such Force of any person in a temporary capacity, but not for a period exceeding three years at any one time in the case of a person who is not a citizen.

tydperk waarin hy van sy werk afwesig is ten einde ingevolge hierdie Wet opleiding te ondergaan of diens te verrig nie.

(3) Wanneer by verrigtings ingevolge paragraaf (*b*) van sub-artikel (2) bewys word dat 'n werkgewer die betrokke werknemer ontslaan het of sy salaris of loon verminder het of sy posisie tot sy nadeel verander het, of daardie werknemer op enige ander wyse benadeel het, word daardie werkgewer, by ontstentenis van bewys van die teendeel, geag bedoelde werknemer te ontslaan het of sy salaris of loon aldus te verminder het of sy posisie aldus te verander het of hom aldus te benadeel het, na gelang van die geval, omdat bedoelde werknemer hom vir die betrokke opleiding of diens laat inskryf of dit verrig het.

HOOFSTUK II.

SAMESTELLING EN ORGANISASIE VAN DIE SUID-AFRIKAANSE WEERMAG EN RESERWE.

Samestelling van die Suid-Afrikaanse Weermag.

5. Die Suid-Afrikaanse Weermag bestaan uit—
(*a*) die Staande Mag;
(*b*) die Burgermag; en
(*c*) Kommando's.

Samestelling van die Reserwe.

6. Die Reserwe bestaan uit—
(*a*) die Reserwe van Offisiere;
(*b*) die Staandemagreserwe;
(*c*) die Burgermagreserwe; en
(*d*) die Nasionale Reserwe.

Organisasie van Suid-Afrikaanse Weermag en Reserwe.

7. Die Suid-Afrikaanse Weermag en die Reserwe word ingedeel in die gewapende dienste, weermagsdele, korpse, formasies en eenhede wat die Minister bepaal of wat voorgeskryf mag word, en so 'n diens, weermagsdeel, korps, formasie of eenheid kan uit lede van een of meer van die in artikel *vyf* of *ses* vermelde magte of reserwes bestaan.

Uitvoerende gesag.

8. Die militêre uitvoerende 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.

HOOFSTUK III.

DIE STAANDE MAG.

Samestelling en organisasie van Staande Mag.

9. (1) Die Staande Mag bestaan uit offisiere wat daarin aangestel is en manskappe wat hul tot diens daarin verbind het en word georganiseer op die wyse wat voorgeskryf mag word: Met dien verstande dat gemelde Mag, tot tyd en wyl kragtens hierdie Wet anders voorgeskryf word, georganiseer word ooreenkomstig die bepalings wat, ingevolge die by artikel *honderd twee-en-vyftig* herroepe wette, onmiddellik voor die inwerkingtreding van hierdie Wet van toepassing was ten opsigte van die Suid-Afrikaanse Staande Mag in artikel *een* van die „Zuid-Afrika Verdedigings Wet Wijzigings Wet, 1922" (Wet No. 22 van 1922), bedoel.

(2) Die prosedure met die aanstelling van offisiere en die indiensneming van manskappe, en, behoudens die bepalings van enige wet met betrekking tot die toekenning van pensioene aan lede van die Staande Mag, die voorwaardes van sodanige aanstelling of indiensneming, is soos voorgeskryf mag word.

(3) Verskillende voorwaardes kan ingevolge sub-artikel (2) voorgeskryf word vir lede van verskillende range of in verskillende gewapende dienste, weermagsdele, korpse, formasies of eenhede van die Staande Mag of lede wat bepaalde pligte uitvoer en ander lede van daardie Mag.

(4) Iemand wat hom tot diens in die Staande Mag verbind, is verplig om daarin te dien totdat hy sy amptelike ontslag verkry het.

Kwalifikasies van lede van Staande Mag.

10. Niemand word vir diens in die Staande Mag ingeskryf nie, tensy hy 'n burger is en, behalwe waar die Minister anders gelas, in beide offisiële tale van die Unie geslaag het in die eksamen waarin hy ingevolge die vereistes kragtens sub-artikel (2) van artikel *nege* voorgeskryf, as 'n voorvereiste vir aanstelling of indiensneming ingevolge daardie artikel moet slaag: Met dien verstande dat die Minister die inskrywing in daardie Mag van enige persoon in 'n tydelike hoedanigheid kan magtig, maar nie op enige bepaalde tyd vir 'n langer tydperk as drie jaar in die geval van iemand wat nie 'n burger is nie.

Appointment of officers.

11. Officers of the Permanent Force shall as far as practicable be appointed from amongst persons who have been trained at a military training institution established under section *seventy-seven*, and members of the said Force.

Resignation of officers and discharge of other ranks.

12. (1) Subject to the provisions of sub-section (2) of this section and section *eighty-six*—

(*a*) an officer of the Permanent Force may by notice in writing resign from that Force; and

(*b*) an other rank in that Force may obtain his discharge therefrom by purchase on such conditions as may be prescribed or on the expiration of the period of service for which he engaged.

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

Service of members of Permanent Force.

13. (1) The Permanent Force or any portion or member thereof may at all times be employed—

(*a*) on service in defence of the Union;

(*b*) on service in the prevention or suppression of internal disorder in the Union;

(*c*) on service in the preservation of life, health or property or the maintenance of essential services; and

(*d*) on such police duties as may be prescribed.

(2) A member of the Permanent Force may, subject to such limitations and restrictions as may be prescribed, be required to serve in any portion of that Force, and any such member serving in any armed service, arm, formation, corps or unit or performing any duty in respect of which a special allowance is prescribed, shall not be entitled to such allowance while serving in any other armed service, arm, formation, corps or unit or performing any other duty.

(3) Any such member who is employed on police duties may exercise all such powers and shall perform all such functions as are by law conferred upon or required to be performed by a member of the South African Police Force established under the Police Act, 1912 (Act No. 14 of 1912), and shall in respect of acts done or omitted to be done by him be liable to the same extent as he would have been liable in like circumstances if he were a member of the said Force, and shall have the benefit of all the indemnities to which a member of that Force would in like circumstances be entitled.

Member of Permanent Force not eligible for certain offices.

14. No member of the Permanent Force shall be eligible for nomination or election as a senator or a member of the House of Assembly or any Provincial Council or the Legislative Assembly of South-West Africa or any prescribed public body.

Liability to serve in Permanent Force Reserve.

15. Any citizen who has served in the Permanent Force for not less than one year, shall on termination of his service therein, and subject to the provisions of Chapter VI, be liable to serve in the Permanent Force Reserve.

CHAPTER IV.

THE CITIZEN FORCE.

Composition and organization of Citizen Force.

16. (1) The Citizen Force shall consist of—

(*a*) officers appointed thereto under this Act;

(*b*) persons allotted thereto in terms of Chapter VIII;

(*c*) citizens liable to render service in defence of the Union who engage to serve in that Force; and

(*d*) citizens who are called up to render service in terms of Chapter X and are posted to that Force.

(2) Subject to the provisions of sub-section (3), the Citizen Force shall as far as may be expedient be organized in such armed services, arms, corps, formations and units as may be determined by the Minister or as may be prescribed, but nothing in this or any other section of this Act shall be deemed to preclude the training of any member of that Force in any depot or establishment which is not a unit of that Force or the attach-

11. Offisiere van die Staande Mag word sover doenlik uit persone wat by 'n kragtens artikel *sewe-en-sewentig* ingestelde militêre opleidingsinrigting opgelei is en lede van bedoelde Mag aangestel. Aanstelling van offisiere.

12. (1) Behoudens die bepalings van sub-artikel (2) van hierdie artikel, en artikel *ses-en-tagtig*, kan— Bedanking van offisiere en ontslag van manskappe.

(*a*) 'n offisier van die Staande Mag by skriftelike kennisgewing uit daardie Mag bedank; en

(*b*) 'n manskap in daardie Mag sy ontslag daaruit verkry deur uitkoop op die voorwaardes wat voorgeskryf mag word of by verstryking van die dienstyd waarvoor hy hom verbind het.

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

13. (1) Die Staande Mag of enige deel of lid daarvan kan te alle tye gebruik word— Diens van lede van Staande Mag.

(*a*) in diens ter verdediging van die Unie;

(*b*) in diens ter voorkoming of onderdrukking van binnelandse onluste in die Unie;

(*c*) in diens ter behoud of bewaring van lewens, gesondheid of eiendom of ter instandhouding van noodsaaklike dienste; en

(*d*) in verband met polisiepligte wat voorgeskryf mag word.

(2) 'n Lid van die Staande Mag kan, behoudens die beperkings en voorbehoude wat voorgeskryf mag word, verplig word om in enige deel van daardie Mag te dien, en so 'n lid wat in 'n gewapende diens, weermagsdeel, formasie, korps of eenheid dien, of pligte uitvoer ten opsigte waarvan 'n spesiale toelae voorgeskryf is, is nie op daardie toelae geregtig terwyl hy in 'n ander gewapende diens, weermagsdeel, formasie, korps of eenheid dien of ander pligte uitvoer nie.

(3) So 'n lid wat polisiepligte verrig, kan al die bevoegdhede uitoefen en moet al die werksaamhede verrig wat volgens wet by 'n lid van die kragtens die „Politiewet, 1912" (Wet No. 14 van 1912), ingestelde Suid-Afrikaanse Polisiemag berus of deur hom verrig moet word, en is ten opsigte van handelinge deur hom verrig of nagelaat in dieselfde mate aanspreeklik as wat hy onder soortgelyke omstandighede aanspreeklik sou wees indien hy 'n lid van bedoelde Mag was, en geniet die voordeel van alle vrywarings waarop 'n lid van daardie Mag onder soortgelyke omstandighede geregtig sou wees.

14. Geen lid van die Staande Mag kan vir verkiesing as senator of lid van die Volksraad of 'n Provinsiale Raad of die Wetgewende Vergadering van Suidwes-Afrika of 'n voorgeskrewe openbare liggaam genomineer, of daartoe verkies word nie. Lid van Staande Mag nie vir sekere ampte verkiesbaar nie.

15. 'n Burger wat minstens een jaar in die Staande Mag gedien het, kan by die beëindiging van sy diens daarin, en behoudens die bepalings van Hoofstuk VI, verplig word om in die Staandemagreserwe te dien. Aanspreeklikheid om in Staandemagreserwe te dien.

HOOFSTUK IV.

DIE BURGERMAG.

16. (1) Die Burgermag bestaan uit— Samestelling en organisasie van Burgermag.

(*a*) offisiere kragtens hierdie Wet daarin aangestel;

(*b*) persone ooreenkomstig Hoofstuk VIII daarby ingedeel;

(*c*) burgers wat tot diens ter verdediging van die Unie verplig kan word, en hulle tot diens in daardie Mag verbind; en

(*d*) burgers wat ooreenkomstig Hoofstuk X opgeroep word om diens te doen en by daardie Mag ingedeel word.

(2) Behoudens die bepalings van sub-artikel (3), word die Burgermag vir sover dienstig ingedeel in die gewapende dienste, weermagsdele, korpse, formasies en eenhede 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 wat nie 'n eenheid van daardie Mag is nie, of die opname van

ment of any such member to any other portion of the South African Defence Force for training or service.

(3) Until such time as it is otherwise determined by the Minister or prescribed under this Act, the Citizen Force shall be organized in accordance with the provisions which under the laws repealed by section *one hundred and fifty-two*, were immediately prior to the commencement of this Act applicable in respect of the Active Citizen Force referred to in section *sixteen* of the South Africa Defence Act, 1912 (Act No. 13 of 1912).

Officer appointments.

17. (1) Officers of the Citizen Force shall as far as practicable be appointed from the ranks of that Force, but save as provided in sub-section (4), no member of that Force shall be eligible for appointment to commissioned rank unless—

(*a*) he has satisfied the prescribed authority as to his capacity for leadership, military knowledge and experience and educational qualifications; and

(*b*) he has undergone and qualified in such courses of instruction as may be prescribed and has thereafter satisfied the prescribed authority as to his qualifications and fitness to exercise command.

(2) Any person who accepts commissioned rank in the Citizen Force shall be deemed thereby to engage himself to serve as an officer in any part of that Force for a period of not less than six years from the date on which he is first commissioned, unless the Minister has agreed to his resignation or retirement at an earlier date or he has otherwise been released from his engagement.

(3) The age limits for officers in various ranks in the Citizen Force shall be as prescribed.

(4) Notwithstanding anything in this Act contained, the Governor-General may appoint as an officer in the Citizen Force any citizen who owing to his professional qualifications or civilian position is specially fitted for such appointment.

Promotion of officers.

18. No officer of the Citizen Force shall be promoted to higher rank in that force until he has proved, in the manner prescribed, that he is fully qualified to undertake all the duties which may be required to be performed by an officer in that higher rank.

Voluntary engagements.

19. (1) Any citizen liable to render service in defence of the Union, other than a citizen liable to be enrolled for training in terms of Chapter VIII, may apply to serve in the Citizen Force and may be engaged for such service under such conditions as may be prescribed.

(2) A citizen engaging or re-engaging for service in the Citizen Force shall be enrolled in the manner prescribed and shall be bound to serve therein until he has obtained his official discharge.

Voluntary whole-time service.

20. (1) Any officer or other citizen liable to render service in defence of the Union may apply to be appointed or engaged for temporary whole-time service in the Citizen Force and may be so appointed or engaged on such conditions as may be prescribed.

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

(3) An officer or other citizen who has performed temporary whole-time service in terms of this section, may be exempted from training in terms of Chapter VIII on such conditions as may be prescribed.

(4) Officers or citizens appointed or engaged in terms of this section shall be liable to undergo the same training and to be employed in the same manner as members of the Permanent Force and shall be subject to the Military Discipline Code as if they were members of that Force.

Service and training.

21. (1) Subject to the provisions of sections *twenty-three* and *twenty-four*, every person allotted to the Citizen Force in terms of Chapter VIII shall be liable to serve in that Force for a period of four years reckoned from the first day of January in the year in which his training commences and to undergo during that period such training as may, within the limits laid down in section *twenty-two*, be prescribed: Provided that a prescribed officer may, in any particular case on grounds

so 'n lid vir opleiding of diens in 'n ander deel van die Suid-Afrikaanse Weermag, te belet nie.

(3) Tot tyd en wyl anders deur die Minister bepaal of kragtens hierdie Wet voorgeskryf word, word die Burgermag georganiseer ooreenkomstig die bepalings wat, ingevolge die by artikel *honderd twee-en-vyftig* herroepe wette, onmiddellik voor die inwerkingtreding van hierdie Wet van toepassing was ten opsigte van die Aktiewe Burgermag in artikel *sestien* van die „Zuid-Afrika Verdedigings Wet, 1912" (Wet No. 13 van 1912), bedoel.

Offisiers-aanstellings.

17. (1) Offisiere van die Burgermag word sover doenlik uit die geledere van daardie Mag aangestel, maar behalwe soos in sub-artikel (4) bepaal, kan geen lid van daardie Mag met kommissierang aangestel word nie, tensy—

(*a*) hy die voorgeskrewe gemagtigde tevrede gestel het omtrent sy vermoë om leiding te gee, militêre kennis en ervaring en opvoedkundige kwalifikasies; en

(*b*) hy die instruksiekursusse wat voorgeskryf mag word, ondergaan en daarin geslaag het en daarna die voorgeskrewe gemagtigde omtrent sy kwalifikasies en geskiktheid om bevel te voer, tevrede gestel het.

(2) Iemand wat kommissierang in die Burgermag aanvaar, word geag daardeur te onderneem om in enige deel van daardie Mag as offisier te dien vir 'n tydperk van minstens ses jaar vanaf die datum waarop hy aanvanklik met offisiersrang beklee word, tensy die Minister tot sy bedanking of uitdienstreding op 'n vroeëre datum ingestem het of hy andersins van sy onderneming onthef is.

(3) Die leeftydsgrense vir offisiere in verskillende range in die Burgermag is soos voorgeskryf.

(4) Ondanks andersluidende bepalings van hierdie Wet, kan die Goewerneur-generaal enige burger wat weens sy professionele kwalifikasies of burgerlike posisie spesiaal vir so 'n aanstelling geskik is, as 'n offisier in die Burgermag aanstel.

Bevordering van offisiere.

18. Geen offisier van die Burgermag word na 'n hoër rang in daardie Mag bevorder nie, alvorens hy op die voorgeskrewe wyse bewys het dat hy ten volle bevoeg is om al die pligte uit te voer wat 'n offisier in daardie hoër rang verwag kan word om te onderneem.

Vrywillige indienstredings.

19. (1) Enige burger wat tot diens ter verdediging van die Unie verplig kan word, behalwe 'n burger wat ooreenkomstig Hoofstuk VIII aan inskrywing vir opleiding onderhewig is, kan aansoek doen om in die Burgermag te dien en kan op die voorwaardes wat voorgeskryf mag word vir sodanige diens aangeneem word.

(2) 'n Burger wat hom tot diens in die Burgermag verbind, of weer daartoe verbind, word op die voorgeskrewe wyse ingeskryf en is verplig om daarin te dien totdat hy sy amptelike ontslag verkry het.

Vrywillige voltydse diens.

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

(2) 'n Offisier of ander burger word, behalwe in oorlogstyd, nie vir 'n tydperk van meer as twee jaar aldus aangestel of aangeneem nie, maar kan by verstryking van enige tydperk waarvoor hy aldus aangestel of aangeneem is, vir verdere tydperke van hoogstens twee jaar op 'n keer heraangestel of heraangeneem word.

(3) 'n Offisier of ander burger wat tydelike voltydse diens ooreenkomstig hierdie artikel gedoen het, kan op die voorwaardes wat voorgeskryf mag word, van opleiding ooreenkomstig Hoofstuk VIII vrygestel word.

(4) Offisiere of burgers ooreenkomstig hierdie artikel aangestel of aangeneem, is aan dieselfde opleiding onderhewig en kan op dieselfde wyse in diens gestel word as lede van die Staande Mag, en is aan die Reglement van Dissipline onderworpe asof hulle lede van daardie Mag was.

Diens en opleiding.

21. (1) Behoudens die bepalings van artikels *drie-en-twintig* en *vier-en-twintig*, is iedere persoon wat ooreenkomstig Hoofstuk VIII by die Burgermag ingedeel word, verplig om vir 'n tydperk van vier jaar, bereken vanaf die eerste dag van Januarie in die jaar waarin sy opleiding begin, in daardie Mag te dien en gedurende daardie tydperk die opleiding wat binne die in artikel *twee-en-twintig* bepaalde perke voorgeskryf mag word, te ondergaan: Met dien verstande dat 'n voorgeskrewe offisier in

of educational or vocational training or ill health or such other grounds as he may deem sufficient, grant permission for the training to be completed within such period of not more than seven years as he may determine.

(2) Officers of the Citizen Force, and citizens engaged for service therein under section *twenty*, shall undergo such training as may, within the limits laid down in section *twenty-two*, be prescribed.

(3) Any member of the Citizen Force may voluntarily undergo additional training under such conditions as may be prescribed.

(4) Training of members of the Citizen Force shall take place in the units in which they have been enrolled or to which they may be transferred or in training or other military establishments, or partly in such units and partly in such establishments, as may be prescribed.

Maximum periods of compulsory training.

22. (1) A member of the Citizen Force shall be liable to undergo both continuous and non-continuous training.

(2) (*a*) The continuous training to which members allotted to the said Force in terms of Chapter VIII are liable, shall be completed within not more than four periods of an aggregate duration of not more than nine months.

(*b*) The period of continuous training during any training year shall not exceed three months and not more than one such period shall be prescribed in respect of any one training year.

(3) The non-continuous training to which the members mentioned in sub-section (2) are liable during the period of four years mentioned in sub-section (1) of section *twenty-one*, shall be completed within a period not exceeding in the aggregate twenty-six days.

(4) The continuous training to which officers of the Citizen Force and members engaged in terms of section *nineteen* are liable, shall be completed within a single period of not more than thirty days in any training year, and the period of non-continuous training to which the said officers and members are liable shall not exceed six days in any training year.

(5) For the purpose of reckoning days of non-continuous training—

(*a*) a period of instruction or exercise lasting eight hours; or

(*b*) two periods of instruction or exercise each lasting four hours; or

(*c*) three periods of instruction or exercise each lasting three hours; or

(*d*) six periods of instruction or exercise each lasting one hour and a half,

shall be deemed to be equivalent to one day's training.

(6) The time occupied in proceeding to or returning from a camp or place of assembly or instruction shall not be reckoned as part of any period of training, instruction or exercise for the purpose of this section.

Whole-time training.

23. (1) Notwithstanding anything to the contrary contained in section *twenty-one*, a citizen who is liable to undergo training or any other person domiciled in the Union may (subject in the case of a minor to the consent of his father or guardian) apply in the prescribed manner to undergo whole-time training in the Citizen Force, and may upon enrolment in accordance with the regulations undergo such training under such conditions and for such period not exceeding one year as may be prescribed.

(2) A citizen who has under sub-section (1) undergone whole-time training for the period prescribed in terms of that sub-section, shall be exempt from any further liability for training.

Training in terms of special contracts.

24. (1) A citizen who desires to undergo any prescribed specialized training which cannot be provided under section *twenty-one*, *twenty-two* or *twenty-three*, may (subject in the case of a minor to the consent of his father or guardian), upon enrolment under special contract in the manner prescribed, undergo such specialized training in the Citizen Force.

(2) Any such special contract may provide for all matters for which it is necessary or expedient to provide, including—

(*a*) the duration and extent of the training;

enige besondere geval op grond van opvoedkundige of beroepsopleiding of swak gesondheid of die ander gronde wat hy genoegsaam ag, toestemming kan verleen dat die opleiding voltooi word binne so 'n tydperk, van hoogstens sewe jaar, as wat hy mag bepaal.

(2) Offisiere van die Burgermag, en burgers wat kragtens artikel *twintig* tot diens daarin verbind is, ondergaan die opleiding wat binne die in artikel *twee-en-twintig* bepaalde perke voorgeskryf mag word.

(3) Enige lid van die Burgermag kan op die voorwaardes wat voorgeskryf mag word, vrywilliglik bykomende opleiding ondergaan.

(4) Opleiding van lede van die Burgermag geskied in die eenhede waarin hulle ingeskryf is of waarheen hulle oorgeplaas mag word of in opleidings- of ander militêre inrigtings of deels in sulke eenhede en deels in sulke inrigtings, soos voorgeskryf mag word.

Maksimum tydperke van verpligte opleiding.

22. (1) 'n Lid van die Burgermag kan tot beide ononderbroke en onderbroke opleiding verplig word.

(2) (*a*) Die ononderbroke opleiding waartoe lede ooreenkomstig Hoofstuk VIII by bedoelde Mag ingedeel verplig kan word, moet binne hoogstens vier tydperke van 'n gesamentlike duur van hoogstens nege maande voltooi word.

(*b*) Die tydperk van ononderbroke opleiding gedurende 'n opleidingsjaar is hoogstens drie maande en hoogstens een so 'n tydperk word ten opsigte van 'n enkele opleidingsjaar voorgeskryf.

(3) Die onderbroke opleiding waartoe in sub-artikel (2) bedoelde lede gedurende die in sub-artikel (1) van artikel *een-en-twintig* vermelde tydperk van vier jaar verplig kan word, moet gedurende 'n tydperk van in die geheel hoogstens ses-en-twintig dae voltooi word.

(4) Die ononderbroke opleiding waartoe offisiere van die Burgermag en lede wat ooreenkomstig artikel *negentien* aangeneem is, verplig kan word, moet binne 'n enkele tydperk van hoogstens dertig dae in enige opleidingsjaar voltooi word, en die tydperk van onderbroke opleiding waartoe bedoelde offisiere en lede verplig kan word, mag nie ses dae in enige opleidingsjaar oorskry nie.

(5) By die berekening van dae van onderbroke opleiding, word—

(*a*) 'n tydperk van onderrig of oefening wat agt uur duur; of

(*b*) twee tydperke van onderrig of oefening wat elk vier uur duur; of

(*c*) drie tydperke van onderrig of oefening wat elk drie uur duur; of

(*d*) ses tydperke van onderrig of oefening wat elk anderhalfuur duur,

geag aan een dag se opleiding gelyk te staan.

(6) Die tyd wat opgeneem word om na 'n kamp of plek van byeenkoms of onderrig te gaan of van daar terug te keer, word nie by die toepassing van hierdie artikel as deel van enige tydperk van opleiding, onderrig of oefening ingereken nie.

Voltydse opleiding.

23. (1) Ondanks andersluidende bepalings in artikel *een-en-twintig* vervat, kan 'n burger wat verplig kan word om opleiding te ondergaan of 'n ander persoon wat in die Unie gedomisilieer is, op die voorgeskrewe wyse aansoek doen (onderworpe, in die geval van 'n minderjarige, aan die toestemming van sy vader of voog) om voltydse opleiding in die Burgermag te ondergaan, en kan hy by inskrywing ooreenkomstig die regulasies onder sodanige voorwaardes en vir so 'n tydperk van hoogstens een jaar as wat voorgeskryf mag word, sodanige opleiding ondergaan.

(2) 'n Burger wat ingevolge sub-artikel (1) voltydse opleiding vir die kragtens daardie sub-artikel voorgeskrewe tydperk ondergaan het, is van enige verdere opleidingspligtigheid onthef.

Opleiding ooreenkomstig spesiale kontrakte.

24. (1) 'n Burger wat begeer om enige voorgeskrewe gespesialiseerde opleiding wat nie kragtens artikel *een-en-twintig*, *twee-en-twintig* of *drie-en-twintig* verstrek kan word nie, te ondergaan, kan (onderworpe in die geval van 'n minderjarige aan die toestemming van sy vader of voog), by inskrywing op die voorgeskrewe wyse onder spesiale kontrak sodanige gespesialiseerde opleiding in die Burgermag ondergaan.

(2) So 'n spesiale kontrak kan voorsiening maak vir alle aangeleenthede waarvoor dit nodig of dienstig is om voorsiening te maak, met inbegrip van—

(*a*) die duur en omvang van die opleiding;

(*b*) the continued service of the citizen in the Citizen Force or in any reserve, or partly in such Force and partly in such reserve, for a period not exceeding ten years after completion of the training; and

(*c*) the re-imbursement by the citizen 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.

(3) Except as may be provided in terms of paragraph (*b*) of sub-section (2), a citizen who has completed a course of training in terms of this section shall be exempt from any further liability for training.

Training year.

25. (1) The training year of members of the Citizen Force shall, except in the case of citizens enrolled for whole-time training in terms of section *twenty-three* or citizens enrolled for specialized training under special contracts in terms of section *twenty-four*, extend from the first day of January in any year to the last day of December in the same year.

(2) The training year of members of the Citizen Force enrolled for such whole-time training or such specialized training shall be as may be prescribed.

Conditions of service.

26. (1) Subject to the provisions of this Act, the conditions of enrolment, service, training and termination of service in the Citizen Force shall be as prescribed.

(2) Different conditions may be prescribed for citizens serving or undergoing training under different provisions of this Act.

Uniforms, arms and accoutrements.

27. (1) The prescribed uniform shall be supplied at public expense to every member of the Citizen Force and shall be maintained by him at his own expense for such period and under such conditions as may be prescribed.

(2) Distinctive marks or badges for the various corps and units of the Citizen Force, together with the necessary arms and accoutrements, shall be issued to members thereof at the public expense, and thereafter shall be maintained by them in good order and in accordance with prescribed conditions.

Liability for service of members of Citizen Force.

28. A member of the Citizen Force shall be liable to render any service on which any member of the Permanent Force may in terms of paragraph (*a*), (*b*) or (*c*) of sub-section (1) of section *thirteen* be employed.

Change of address.

29. (1) Every member of the Citizen Force shall, in such manner and at such times or within such periods as may be prescribed, notify the prescribed officer of his address and of any change therein.

(2) In any proceedings against any such member for a contravention of any provision of sub-section (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 acknowledgment by the prescribed officer of his notification of his address or of a change therein, as the case may be; or

(*b*) 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.

Termination of service in the Citizen Force.

30. Subject to the provisions of section *ninety-six*, a member of the Citizen Force shall be entitled to receive his discharge therefrom on the expiration of the period of service for which he engaged or for which he is liable, and may be discharged therefrom for other prescribed reasons.

Liability to serve in Citizen Force Reserve.

31. A citizen who has served in the Citizen Force shall on the termination of his service therein be liable to serve in the Citizen Force Reserve for the period and subject to the conditions provided in Chapter VI.

CHAPTER V.

COMMANDOS.

Establishment of commandos.

32. There shall be established under such designations as the Minister may determine, a system of commandos so as to ensure that citizens liable to render service in defence of the Union, and not serving in the Permanent Force, the Citizen Force, the South African Police or the Railways and Harbours

(*b*) die voortgesette diens van die burger in die Burgermag of in 'n reserwe of deels in daardie Mag en deels in so 'n reserwe, vir 'n tydperk van hoogstens tien jaar na voltooiing van die opleiding; en

(*c*) die terugbetaling deur die burger 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.

(3) Behalwe soos ooreenkomstig paragraaf (*b*) van sub-artikel (2) bepaal mag word, is 'n burger wat 'n opleidingskursus ooreenkomstig hierdie artikel voltooi het, van enige verdere opleidingspligtigheid vrygestel.

Opleidingsjaar.

25. (1) Die opleidingsjaar van lede van die Burgermag duur, behalwe in die geval van burgers wat ooreenkomstig artikel *drie-en-twintig* vir voltydse opleiding ingeskryf is of burgers wat ooreenkomstig artikel *vier-en-twintig* vir gespesialiseerde opleiding onder spesiale kontrakte ingeskryf is, vanaf die eerste dag van Januarie in enige jaar tot die laaste dag van Desember in dieselfde jaar.

(2) Die opleidingsjaar van lede van die Burgermag wat vir sodanige voltydse opleiding of sodanige gespesialiseerde opleiding ingeskryf is, is soos voorgeskryf mag word.

Diensvoorwaardes.

26. (1) Behoudens die bepalings van hierdie Wet, is die voorwaardes van inskrywing, diens, opleiding en beëindiging van diens in die Burgermag, soos voorgeskryf.

(2) Verskillende voorwaardes kan voorgeskryf word vir burgers wat ingevolge verskillende bepalings van hierdie Wet dien of opleiding ondergaan.

Uniforms, wapens en toebehore.

27. (1) Die voorgeskrewe uniform word op Staatskoste aan elke lid van die Burgermag verskaf en word deur hom op eie koste vir so 'n tydperk en onder sulke voorwaardes as wat voorgeskryf mag word, in stand gehou.

(2) Onderskeidende merke of kentekens vir die verskillende korpse en eenhede van die Burgermag word tesame met die nodige wapens en toebehore op Staatskoste aan lede daarvan verskaf en moet daarna deur hulle in goeie orde en in ooreenstemming met voorgeskrewe voorwaardes in stand gehou word.

Diensplig van lede van Burgermag.

28. 'n Lid van die Burgermag kan verplig word om enige diens te doen in verband waarmee 'n lid van die Staande Mag ooreenkomstig paragraaf (*a*), (*b*) of (*c*) van sub-artikel (1) van artikel *dertien* in diens gestel kan word.

Verandering van adres.

29. (1) Iedere lid van die Burgermag moet op die wyse en op die tye of binne die tydperke wat voorgeskryf mag word, die voorgeskrewe offisier van sy adres en van enige verandering daarin, in kennis stel.

(2) By 'n vervolging van so 'n lid weens oortreding van 'n bepaling van sub-artikel (1), word die betrokke lid geag nie die voorgeskrewe offisier van sy adres of van 'n verandering daarin in kennis te gestel het nie, tensy hy—

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

(*b*) ander bewys tot bevrediging van die hof lewer dat hy inderdaad die voorgeskrewe offisier van sy adres of van 'n verandering daarin, in kennis gestel het.

Beëindiging van diens in die Burgermag.

30. Behoudens die bepalings van artikel *ses-en-negentig*, is 'n lid van die Burgermag geregtig om sy ontslag daaruit te verkry by verstryking van die dienstermyn waarvoor hy hom tot diens verbind het of waartoe hy verplig kan word, en kan hy om ander voorgeskrewe redes daaruit ontslaan word.

Verpligting om in Burgermagreserwe te dien.

31. 'n Burger wat in die Burgermag gedien het, kan by die beëindiging van sy diens daarin verplig word om in die Burgermagreserwe te dien vir die tydperk en onderworpe aan die voorwaardes in Hoofstuk VI bepaal.

HOOFSTUK V.

KOMMANDO'S.

Instelling van kommando's.

32. Daar word onder die benamings wat die Minister mag bepaal, 'n kommandostelsel ingestel om te verseker dat burgers wat tot diens ter verdediging van die Unie verplig kan word, en wat nie in die Staande Mag, die Burgermag, die Suid-Afrikaanse Polisie of die Spoorweg- en Hawepolisie dien nie, en

Police, and not being officers as defined in section *two* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), shall as far as possible be proficient in the use of military weapons, and that as many of such citizens as possible shall be organized, trained and available to be called up in terms of Chapter X at short notice.

Organization of commandos.

33. The organization and command of commandos, and the ranks therein, the manner of appointment thereto and the conditions applicable in connection with any such appointment, shall be as prescribed.

Change of address.

34. Every member of a commando shall advise the prescribed officer of any change in his address within fourteen days of such change.

Compulsory service in a commando.

35. Every citizen whose name is required to be included but has not been drawn in a ballot held in terms of Chapter VIII shall, unless he proves that he is medically unfit for military service or entitled under sub-section (3) of section *ninety-seven* to exemption from serving in a combatant capacity, or unless there be other prescribed cause for exemption (which may include the lack of facilities for training in the area in which he is resident), be liable to be enrolled in accordance with regulations as a member of a commando during the month of January in the year following such ballot, and shall if so enrolled serve therein for four consecutive years unless he is sooner discharged.

Voluntary service in a commando.

36. Any citizen liable to render service in terms of this Act, or any person (other than a citizen) domiciled in the Union who, in either case, is not serving in the Permanent Force, the Citizen Force, the South African Police or the Railways and Harbours Police, or as an officer as defined in section *two* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), may in accordance with regulations engage to serve as a member of a commando for such period and under such conditions as may be prescribed.

Honorary members of commandos.

37. (1) With the approval of the Minister, and under such conditions as may be prescribed, persons who are not eligible in terms of section *thirty-six* to engage as members of a commando may be appointed as honorary members thereof, but the number of such honorary members shall not exceed ten in any commando.

(2) Such honorary members shall be entitled to receive free of charge ammunition and the temporary use of a Government firearm provided for in sub-section (2) of section *thirty-nine*, and to take part in any exercise or competition, but shall not be entitled to any of the other privileges or rights or be liable to any of the duties or obligations of a member of a commando.

Liability of members of commandos for service.

38. No member of a commando shall, by reason of his membership of such commando, be exempted from any liability for training, service or duty in any other portion of the South African Defence Force, and every such member shall be liable to render service in terms of Chapter X in the commando to which he belongs or in any other commando or in the Citizen Force, as the public interest may require.

Issue of arms, ammunition and accoutrements to commandos.

39. (1) Arms, ammunition and the necessary accoutrements and military clothing shall be issued at public expense to citizens compulsorily serving in commandos in terms of section *thirty-five*.

(2) Other citizens shall be entitled, while serving voluntarily as members of a commando, to receive annually a free issue of ammunition for target practice, and may be allowed the temporary use of a Government firearm while carrying out target practice and the temporary use of other items of military clothing or equipment.

(3) The kind, number and quantity of arms, ammunition, accoutrements and military clothing which may be issued or allowed for temporary use in terms of this section, and the conditions pertaining to such issue or temporary use, shall be as may be prescribed.

Sales and loans of rifles and ammunition to members of commandos.

40. (1) A citizen serving voluntarily as a member of a commando may be allowed to obtain a military rifle from Government stores either—

(*a*) by purchase at such special rates (approximating to cost price) and under such conditions as may be prescribed; or

wat nie beamptes soos in artikel *twee* van die „Wet op Gevangenissen en Verbetergestichten, 1911" (Wet No. 13 van 1911), omskryf, is nie, sover moontlik in die gebruik van militêre wapens bedrewe sal wees, en dat soveel as moontlik van daardie burgers georganiseer, opgelei en beskikbaar sal wees om op kort kennisgewing ingevolge Hoofstuk X opgeroep te word.

Organisasie van kommando's.

33. Die organisasie van en bevel oor kommando's, en die range daarin, die wyse van aanstelling daarin en die voorwaardes van toepassing in verband met enige sodanige aanstelling, is soos voorgeskryf.

Verandering van adres.

34. Iedere lid van 'n kommando moet enige verandering in sy adres binne veertien dae na so 'n verandering aan die voorgeskrewe offisier meedeel.

Verpligte diens in 'n kommando.

35. Iedere burger wie se naam by 'n loting ooreenkomstig Hoofstuk VIII gehou, ingesluit moet word, maar nie getrek is nie, kan, tensy hy bewys dat hy geneeskundig ongeskik is vir militêre diens of ingevolge sub-artikel (3) van artikel *sewe-en-negentig* geregtig is op vrystelling van diens in vegtende hoedanigheid of tensy daar ander voorgeskrewe redes vir vrystelling (wat gebrek aan fasiliteite vir opleiding in die gebied waarin hy woon, kan insluit) bestaan, in ooreenstemming met regulasies gedurende die maand Januarie in die jaar wat op daardie loting volg, as lid van 'n kommando ingeskryf word, en moet, indien hy aldus ingeskryf word, vir vier agtereenvolgende jare daarin dien, tensy hy eerder ontslaan word.

Vrywillige diens in 'n kommando.

36. 'n Burger wat ooreenkomstig hierdie Wet dienspligtig is, of 'n persoon (behalwe 'n burger) wat in die Unie gedomisilieer is en wat, in die een of die ander geval, nie in die Staande Mag, die Burgermag, die Suid-Afrikaanse Polisie of die Spoorweg- en Hawepolisie of as 'n beampte, soos in artikel *twee* van die „Wet op Gevangenissen en Verbetergestichten, 1911" (Wet No. 13 van 1911), omskryf, dien nie, kan hom in ooreenstemming met regulasies verbind om vir die tydperk en onder die voorwaardes wat voorgeskryf mag word as lid van 'n kommando te dien.

Erelede van kommando's.

37. (1) Met goedkeuring van die Minister, en onder die voorwaardes wat voorgeskryf mag word, kan persone wat hul nie ooreenkomstig artikel *ses-en-dertig* as lede van 'n kommando kan verbind nie, as erelede daarvan aangestel word, maar die aantal sodanige erelede is hoogstens tien in 'n kommando.

(2) Sulke erelede is geregtig om ammunisie en die tydelike gebruik van 'n Staatsvuurwapen waarvoor in sub-artikel (2) van artikel *nege-en-dertig* voorsiening gemaak word, gratis te ontvang, en om aan enige oefening of wedstryd deel te neem, maar is nie op enige van die ander voorregte of regte van 'n lid van die kommando geregtig of aan die pligte of verpligtings van so 'n lid onderworpe nie.

Diensplig van lede van kommando's.

38. 'n Lid van 'n kommando is nie vanweë sy lidmaatskap van daardie kommando, van enige verpligting om in enige ander deel van die Suid-Afrikaanse Weermag opleiding te ondergaan, diens te doen of enige plig te verrig, vrygestel nie, en kan verplig word om ooreenkomstig Hoofstuk X in die kommando waaraan hy behoort of in 'n ander kommando of in die Burgermag, na gelang die openbare belang mag vereis, diens te doen.

Uitreiking van wapens, ammunisie en toebehore aan kommando's.

39. (1) Wapens, ammunisie en die nodige toebehore en militêre klere word op Staatskoste uitgereik aan burgers wat ooreenkomstig artikel *vyf-en-dertig* verpligte diens in kommando's doen.

(2) Ander burgers is geregtig om, terwyl hulle vrywilliglik as lede van 'n kommando dien, jaarliks 'n vrye uitgifte van ammunisie vir skyfskietoefening te ontvang, en kan toegelaat word om 'n Staatsvuurwapen tydelik te gebruik terwyl hulle skyfskietoefeninge uitvoer en om ander militêre kledingstukke of uitrusting tydelik te gebruik.

(3) Die soort, aantal en hoeveelheid wapens, ammunisie, toebehore en militêre kledingstukke wat ooreenkomstig hierdie artikel uitgereik of vir tydelike gebruik toegelaat kan word, en die voorwaardes wat op sodanige uitreiking of tydelike gebruik betrekking het, is soos voorgeskryf mag word.

Verkopings en die leen van gewere en ammunisie aan lede van kommando's.

40. (1) 'n Burger wat vrywilliglik as lid van 'n kommando dien, kan toegelaat word om 'n militêre geweer uit Staatsvoorrade te verkry, hetsy—

(*a*) deur aankoop teen die spesiale prys (naasteby gelyk aan die kosprys) en op die voorwaardes wat voorgeskryf mag word; of

(*b*) on loan for temporary use and custody on such conditions (which may include the making of a cash deposit or the giving of other satisfactory security therefor) as may be prescribed:

Provided that a member who has at any time either before or after the commencement of this Act obtained a military rifle from Government stores either by purchase or on loan, shall not be entitled to receive another military rifle under this section, unless the prescribed authority referred to in sub-section (3) has certified such rifle to be unserviceable or obsolete and has given permission for it to be sold or otherwise disposed of.

(2) Any person who has obtained a rifle under this section, shall at all times keep such rifle in his personal possession, and shall maintain it in good order and condition at his own expense and bring it with him whenever he is called upon to present himself for inspection or for service in terms of Chapter X of this Act.

(3) Any citizen who has been allowed to obtain a military rifle under paragraph (*a*) of sub-section (1), shall continue to serve as a member of a commando for a period of not less than five years and shall not during that period or while he is a member of a commando, sell or otherwise dispose of the rifle without the permission of a prescribed authority.

(4) If any such citizen contravenes or fails to comply with any provision of this section or fails to comply with the conditions of purchase or to attend in any year during the aforesaid period of five years, the minimum number of exercises prescribed as provided in sub-section (2) of section *forty-four*, 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.

(5) No person shall purchase or otherwise acquire from any other person any rifle which has been purchased by that other person in terms of this section, unless there be delivered to him a certificate by a prescribed officer that the conditions of purchase in terms of this section have been complied with or waived by the prescribed authority, and any such purchase or other acquisition without the delivery of such certificate shall be null and void.

(6) No issuer of licences under the Arms and Ammunition Act, 1937 (Act No. 28 of 1937), 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 sub-section (5) has been exhibited to him.

(7) Members of commandos may be permitted to purchase from Government stores, rifle components and accessories and a quantity of ammunition for target practice or competitions, at such prices and under such conditions as may be prescribed.

(8) Any rifle obtained by any person by purchase or on loan prior to the commencement of this Act, by virtue of his having been a member of a rifle commando established under the South Africa Defence Act, 1912 (Act No. 13 of 1912), shall be deemed to have been so obtained by such person under sub-section (1) of this section.

Inspection of rifles, ammunition and accoutrements.

41. A member of a commando shall, whenever called upon to do so, produce for inspection by a prescribed officer his rifle, emergency reserve ammunition, and any accoutrements and military clothing which may have been issued to him.

Rifle ranges.

42. The provision of rifle ranges for the use of commandos and the payment of subsidies or allowances to commandos for the construction or upkeep of rifle ranges, shall be as may be prescribed.

Pay and allowances.

43. Members of commandos called up for service in terms of Chapter X or performing any special prescribed duty or undergoing training may receive such pay and allowances as may be prescribed.

Training of commandos.

44. (1) The training of members of commandos shall be as may be prescribed.

(2) Except in the case of members compulsorily enrolled in a commando in terms of section *thirty-five*, attendance at training exercises shall be voluntary, but a member who fails in any year to attend a prescribed number of such exercises

(*b*) deur dit te leen vir tydelike gebruik en bewaring op die voorwaardes (waarby die storting van 'n kontant-deposito of die verstrekking van ander bevredigende sekerheid inbegrepe kan wees) wat voorgeskryf mag word:

Met dien verstande dat 'n lid wat te eniger tyd voor of na die inwerkingtreding van hierdie Wet 'n militêre geweer uit Staatsvoorrade verkry het, hetsy deur aankoop of deur dit te leen, nie geregtig is om 'n ander militêre geweer ingevolge hierdie artikel te verkry nie, tensy die in sub-artikel (3) bedoelde voorgeskrewe gemagtigde gesertifiseer het dat daardie geweer onbruikbaar of verouderd is, en toestemming gegee het dat dit verkoop of op ander wyse daaroor beskik mag word.

(2) Iemand wat ingevolge hierdie artikel 'n geweer verkry het, moet daardie geweer te alle tye in sy persoonlike besit hou, en moet dit op eie koste in goeie orde en toestand hou en saam met hom bring wanneer hy opgeroep word om hom vir inspeksie of vir diens ooreenkomstig Hoofstuk X van hierdie Wet aan te meld.

(3) 'n Burger wat toegelaat is om ingevolge paragraaf (*a*) van sub-artikel (1) 'n militêre geweer te verkry, moet vir 'n tydperk van minstens vyf jaar aanhou om as lid van 'n kommando te dien en mag nie gedurende daardie tydperk of terwyl hy lid van 'n kommando is die geweer sonder toestemming van 'n voorgeskrewe gemagtigde, verkoop of andersins van die hand sit nie.

(4) Indien so 'n burger enige bepaling van hierdie artikel oortree of versuim om daaraan te voldoen of versuim om die voorwaardes van aankoop na te kom of om in enige jaar gedurende voormelde tydperk van vyf jaar, die voorgeskrewe minimum getal oefeninge soos ingevolge sub-artikel (2) van artikel *vier-en-veertig* bepaal, by te woon, 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.

(5) Niemand mag van 'n ander persoon 'n geweer wat ooreenkomstig hierdie artikel deur daardie ander persoon aangekoop is, koop of andersins verkry nie, tensy 'n sertifikaat van 'n voorgeskrewe offisier aan hom oorhandig word ten effekte dat die voorwaardes van aankoop ooreenkomstig hierdie artikel nagekom is of dat die voorgeskrewe gemagtigde daarvan afstand gedoen het, en enige koop of ander verkryging sonder oorhandiging van so 'n sertifikaat is nietig.

(6) Geen uitreiker van lisensies ooreenkomstig die Wapens- en Ammunisiewet, 1937 (Wet No. 28 van 1937), reik 'n lisensie ingevolge daardie Wet ten opsigte van 'n geweer wat ooreenkomstig hierdie artikel aangekoop is, uit nie, tensy die in sub-artikel (5) bedoelde sertifikaat aan hom vertoon is.

(7) Lede van kommmando's kan toegelaat word om geweeronderdele en -bykomstighede en 'n hoeveelheid ammunisie vir skyfskietoefening of wedstryde uit Staatsvoorrade aan te koop, teen die pryse en op die voorwaardes wat voorgeskryf mag word.

(8) Enige geweer wat voor die inwerkingtreding van hierdie Wet deur enigiemand deur aankoop of deur dit te leen, verkry is uit hoofde van die feit dat hy 'n lid van 'n ingevolge die „Zuid-Afrika Verdedigings Wet, 1912" (Wet No. 13 van 1912), ingestelde skietkommando was, word geag ingevolge sub-artikel (1) van hierdie artikel aldus deur daardie persoon verkry te gewees het.

Inspeksie van gewere, ammunisie en toebehore.

41. 'n Lid van 'n kommando moet wanneer hy daartoe opgeroep word, sy geweer, ammunisie vir geval van nood in voorraad gehou, en enige toebehore en militêre klere wat aan hom uitgereik mag wees, aan 'n voorgeskrewe offisier vir inspeksie vertoon.

Skietbane.

42. Die voorsiening van skietbane vir die gebruik van kommando's en die betaling van subsidies of toelaes aan kommando's vir die oprigting of onderhoud van skietbane, is soos voorgeskryf mag word.

Soldy en toelaes.

43. Lede van kommando's wat ooreenkomstig Hoofstuk X vir diens opgeroep is, of wat spesiale voorgeskrewe pligte verrig of opleiding ondergaan, kan die soldy en toelaes ontvang wat voorgeskryf mag word.

Opleiding van kommando's.

44. (1) Die opleiding van lede van kommando's is soos voorgeskryf mag word.

(2) Behalwe in die geval van lede onder verpligting ingevolge artikel *vyf-en-dertig* by 'n kommando ingeskryf, geskied bywoning van opleidingsoefeninge op vrywillige grondslag, maar 'n lid wat versuim om in enige jaar 'n voorgeskrewe aantal sulke oefeninge by te woon, kan uit die kommando ontslaan

may be discharged from the commando and debarred from again engaging in any commando for a prescribed period.

(3) Members compulsorily enrolled in a commando in terms of section *thirty-five*, shall be liable to undergo annually such training, extending over a period not exceeding twenty-one days in any year, as may be prescribed.

(4) Members of commandos may, subject to the regulations, be permitted to attend any training or exercise of the Citizen Force, or any other training or course of instruction, under such conditions as may be prescribed.

Discipline of commandos.

45. Members of commandos shall be subject to such provisions of the Military Discipline Code as are in terms of this Act applicable to them, and to such other disciplinary regulations as may be prescribed.

CHAPTER VI.

THE RESERVE.

Composition of Reserve of Officers.

46. The Reserve of Officers shall consist of citizens (other than members of the South African Defence Force, the Permanent Force Reserve or the Citizen Force Reserve) liable to render service in defence of the Union, who hold commissions as officers and who undertake to serve in the Reserve of Officers and are in accordance with the regulations and with the approval of the Minister or a person acting under his authority, appointed thereto under such conditions as may be prescribed.

Composition of Permanent Force Reserve.

47. The Permanent Force Reserve shall consist of citizens who, having served in the Permanent Force for a period of not less than one year, are on the termination of their services therein required with the approval of the Minister or a person acting under his authority, and in accordance with regulations, to complete a period of service in the Permanent Force Reserve as may be prescribed: Provided that no person shall be required to serve in the said Reserve in a rank lower than that which he held in the Permanent Force at the termination of his service therein or beyond his sixty-fifth year in the case of an officer or beyond his sixtieth year in the case of any other rank.

Composition and organization of Citizen Force Reserve.

48. The Citizen Force Reserve shall consist of—

(*a*) citizens who, having served in the Citizen Force, are, with the approval of the Minister or a person acting under his authority, and in accordance with regulations, required to complete a period of service in the Citizen Force Reserve as may be prescribed: Provided that no such citizen shall be required to serve in the said Reserve for more than ten years or beyond his fifty-fifth year; and

(*b*) other citizens who fulfil the prescribed conditions and who with the approval of the Minister or a person acting under his authority, engage for service therein in the manner prescribed.

Composition of National Reserve.

49. The National Reserve shall consist of all citizens mentioned in paragraph (*b*) of section *three* who are not members of any of the forces constituting the South African Defence Force or of any other reserve established under this Act, and shall include all persons domiciled in the Union who are citizens of any country specified by the Governor-General by proclamation in the *Gazette*.

Organization of Reserves.

50. The Reserve of Officers, the Permanent Force Reserve and the Citizen Force Reserve shall respectively be organized in such manner as may in the case of each of those Reserves be determined by the Minister or be prescribed.

Training of Reserves.

51. (1) Members of the Permanent Force Reserve shall be liable to undergo such training as may be prescribed, subject to the condition that the period of such training shall not exceed a period of thirty days during any period of five years.

(2) Any officer who has received training of a special nature may, on the directions of the Minister, be required to undergo such refresher course as may be prescribed, but any such refresher course shall not exceed thirty days during any period of five years.

(3) Any member of the Reserve of Officers or of the Permanent Force Reserve or the Citizen Force Reserve may be permitted to attend voluntarily any course of training provided under this Act.

en vir 'n voorgeskrewe tydperk van aansluiting by 'n kommando uitgesluit word.

(3) Lede onder verpligting ingevolge artikel *vyf-en-dertig* by 'n kommando ingeskryf, kan verplig word om jaarliks opleiding soos voorgeskryf te ondergaan wat oor 'n tydperk van hoogstens een-en-twintig dae in enige jaar strek.

(4) Lede van kommando's kan, onderworpe aan die regulasies, toegelaat word om enige opleiding of oefening van die Burgermag of enige ander opleiding of instruksiekursus by te woon op die voorwaardes wat voorgeskryf mag word.

Dissipline van kommando's.

45. Lede van kommando's is onderworpe aan sodanige bepalings van die Reglement van Dissipline as wat ooreenkomstig hierdie Wet op hulle van toepassing is, en aan die ander tugregulasies wat voorgeskryf mag word.

HOOFSTUK VI.

DIE RESERWE.

Samestelling van Reserwe van Offisiere.

46. Die Reserwe van Offisiere bestaan uit burgers (behalwe lede van die Suid-Afrikaanse Weermag, die Staandemagreserwe of die Burgermagreserwe) wat tot diens ter verdediging van die Unie verplig kan word, en wat offisiersrang beklee en onderneem om in die Reserwe van Offisiere te dien, en wat, met goedkeuring van die Minister of iemand wat op sy gesag handel, in ooreenstemming met die regulasies en onder voorwaardes wat voorgeskryf mag word, daarin aangestel word.

Samestelling van Staandemagreserwe.

47. Die Staandemagreserwe bestaan uit burgers wat, nadat hulle vir 'n tydperk van minstens een jaar in die Staande Mag gedien het, by die beëindiging van hul diens daarin, met goedkeuring van die Minister of iemand wat op sy gesag handel, en in ooreenstemming met die regulasies verplig word om 'n tydperk van diens in die Staandemagreserwe te voltooi soos voorgeskryf mag word: Met dien verstande dat niemand verplig word om in 'n laer rang as wat hy by die beëindiging van sy diens in die Staande Mag daarin beklee het, of na sy vyf-en-sestigste jaar in die geval van 'n offisier, of na sy sestigste jaar in die geval van 'n manskap, in bedoelde Reserwe te dien nie.

Samestelling en organisasie van Burgermagreserwe.

48. Die Burgermagreserwe bestaan uit—

(*a*) burgers wat, nadat hulle in die Burgermag gedien het, met goedkeuring van die Minister of iemand wat op sy gesag handel, en in ooreenstemming met regulasies verplig word om 'n tydperk van diens in die Burgermagreserwe te voltooi soos voorgeskryf mag word: Met dien verstande dat so 'n burger nie verplig word om vir meer as tien jaar of na sy vyf-en-vyftigste jaar in bedoelde Reserwe te dien nie; en

(*b*) ander burgers wat aan die voorgeskrewe vereistes voldoen en hul met goedkeuring van die Minister of iemand wat op sy gesag handel, op die voorgeskrewe wyse tot diens daarin verbind.

Samestelling van Nasionale Reserwe.

49. Die Nasionale Reserwe bestaan uit alle in paragraaf (*b*) van artikel *drie* 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, is nie, en ook alle in die Unie gedomisilieerde persone wat burgers is van 'n land deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* aangewys.

Organisasie van Reserwes.

50. Die Reserwe van Offisiere, die Staandemagreserwe en die Burgermagreserwe word onderskeidelik georganiseer op die wyse wat in die geval van elk van daardie Reserwes deur die Minister bepaal of voorgeskryf mag word.

Opleiding van Reserwes.

51. (1) Lede van die Staandemagreserwe kan verplig word om die opleiding wat voorgeskryf mag word te ondergaan, onder voorbehoud dat die opleiding vir 'n tydperk van hoogstens dertig dae gedurende enige tydperk van vyf jaar duur.

(2) 'n Offisier wat opleiding van 'n spesiale aard ontvang het, kan op las van die Minister verplig word om so 'n herhalingskursus te volg as wat voorgeskryf word, maar so 'n herhalingskursus duur nie langer as dertig dae gedurende enige tydperk van vyf jaar nie.

(3) 'n Lid van die Reserwe van Offisiere of van die Staandemagreserwe of die Burgermagreserwe kan toegelaat word om vrywilliglik enige instruksiekursus by te woon wat kragtens hierdie Wet voorsien word.

Liability of members of Reserves for service.

52. (1) A member of the Reserve of Officers or of the Citizen Force Reserve shall be liable to render service in terms of Chapter X in any portion of the South African Defence Force as the public interest may require, but except with his own consent or in pursuance of action taken in terms of any provision of the Military Discipline Code, no officer shall be required to serve in a rank lower than that which he holds in the Reserve to which he belongs.

(2) Members of the Permanent Force Reserve shall be liable to render service in terms of Chapter X in the Permanent Force, and may, if the Minister so directs, be attached to any other portion of the South African Defence Force as the public interest may require.

(3) Any member of the Permanent Force Reserve may at any time on the instructions of the Minister and by means of a registered letter addressed to him at his registered address by a prescribed officer, be called out for any service or duty in the Permanent Force and may be employed as if he were a member of that Force.

(4) No member of the Permanent Force Reserve called out for service in terms of sub-section (3), shall be required at any time to serve in the Permanent Force for a continuous period exceeding six months.

(5) If any member of the Permanent Force Reserve has been called out for service or duty under the provisions of sub-section (3), the Minister shall within fourteen days of such calling out communicate the reasons therefor to both Houses of Parliament, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days of the commencement of its next ensuing session.

(6) Members of the National Reserve shall be liable to render service in terms of Chapter X in any portion of the South African Defence Force as the public interest may require.

Conditions of service in Permanent Force Reserve.

53. (1) The conditions of service in the Permanent Force Reserve shall be as prescribed, and members of that Reserve shall in respect of any training undergone or required to be undergone or any service or duty performed or required to be performed in persuance of this Act, be subject to the Military Discipline Code as if they were members of the Permanent Force.

(2) No member of the Permanent Force Reserve who has been called out for training, service or duty in terms of this Act shall, except with his own consent or 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.

Liability to report.

54. (1) A member of the Reserve of Officers shall report in writing at such times and to such officer as may be prescribed and shall advise that officer of any change in such member's address within fourteen days after the change takes place, and shall in the event of a failure to comply with the provisions of this sub-section be liable on the directions of the Minister to cancellation of his commission and removal from the Reserve of Officers.

(2) Every member of the Permanent Force Reserve or the Citizen Force Reserve shall, in such manner and at such times or within such periods as may be prescribed, report in writing or in person to a prescribed officer and shall also advise that officer of any change in his address within thirty days after such change has occurred.

(3) Whenever any such member is charged with having failed to notify the prescribed officer of any change in his address as required by sub-section (1) or (2), he shall be presumed to have so failed, unless he produces—

(*a*) an acknowledgment by the prescribed officer of his notification of such change; or

(*b*) other proof to the satisfaction of the court that he has in fact notified the prescribed officer of such change.

Liability to maintain uniform and equipment.

55. (1) A member of the Permanent Force Reserve or the Citizen Force Reserve shall maintain in his possession and in good order any articles of uniform and equipment which may have been issued to him, under such conditions as may be prescribed.

(2) Any such member shall when called up for training or service or at such other times as may be prescribed, produce such articles of uniform and equipment.

CHAPTER VII.

THE CADET CORPS.

Establishment and organization of Cadet Corps.

56. (1) There shall be a Cadet Corps which shall consist of such cadet detachments and Cadet Officers Training Corps

52. (1) 'n Lid van die Reserwe van Offisiere of van die Burgermagreserwe kan verplig word om diens ingevolge Hoofstuk X in enige deel van die Suid-Afrikaanse Weermag te doen, al na die openbare belang vereis, maar behalwe met sy eie toestemming of uit hoofde van stappe ingevolge 'n bepaling van die Reglement van Dissipline gedoen, word geen offisier verplig om in 'n laer rang as wat hy beklee in die Reserwe waartoe hy behoort, te dien nie. Diensplig tigheid van lede van Reserwes.

(2) Lede van die Staandemagreserwe kan verplig word om diens ingevolge Hoofstuk X in die Staande Mag te doen, en kan, indien die Minister dit gelas, in enige ander deel van die Suid-Afrikaanse Weermag opgeneem word, al na die openbare belang vereis.

(3) 'n Lid van die Staandemagreserwe kan te eniger tyd op las van die Minister en deur middel van 'n aangetekende brief deur 'n voorgeskrewe offisier aan hom by sy aangetekende adres gerig, tot diens of pligte in die Staande Mag opgeroep word, en kan in diens gestel word asof hy 'n lid van daardie Mag was.

(4) Geen lid van die Staandemagreserwe wat ooreenkomstig sub-artikel (3) tot diens opgeroep is, word verplig om te eniger tyd vir 'n ononderbroke tydperk van meer as ses maande in die Staande Mag te dien nie.

(5) Indien 'n lid van die Staandemagreserwe ingevolge die bepalings van sub-artikel (3) tot diens of pligte opgeroep is, moet die Minister, binne veertien dae na sodanige oproeping, die redes daarvoor aan beide Huise van die Parlement meedeel, indien die Parlement dan in sitting is, of, indien die Parlement nie dan in sitting is nie, binne veertien dae na die begin van sy eersvolgende sitting.

(6) Lede van die Nasionale Reserwe kan verplig word om diens ingevolge Hoofstuk X in enige deel van die Suid-Afrikaanse Weermag te doen, al na die openbare belang vereis.

53. (1) Die diensvoorwaardes in die Staandemagreserwe is soos voorgeskryf, en lede van daardie Reserwe is ten opsigte van enige opleiding, diens of pligte wat uit hoofde van hierdie Wet ondergaan, gedoen of verrig word of moet word, aan die Reglement van Dissipline onderworpe asof hulle lede van die Staande Mag was. Diensvoorwaardes in Staandemagreserwe.

(2) Geen lid van die Staandemagreserwe wat ooreenkomstig hierdie Wet vir opleiding, diens of pligte opgeroep is, word, behalwe met sy eie toestemming of uit hoofde van stappe ingevolge die Reglement van Dissipline gedoen, verplig om in 'n rang laer as wat hy in bedoelde Reserwe beklee, te dien nie.

54. (1) 'n Lid van die Reserwe van Offisiere moet hom skriftelik op die tye en by die offisier wat voorgeskryf mag word, aanmeld, en moet bedoelde offisier van enige verandering in daardie lid se adres in kennis stel binne veertien dae nadat die verandering plaasvind, en is by versuim om aan die bepalings van hierdie sub-artikel te voldoen, op las van die Minister onderhewig aan intrekking van sy kommissie en skrapping uit die Reserwe van Offisiere. Plig om te rapporteer.

(2) Iedere lid van die Staandemagreserwe of die Burgermagreserwe moet hom op die wyse en op die tye of binne die 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 dertig dae nadat so 'n verandering plaasgevind het.

(3) Wanneer so 'n lid aangekla word weens versuim om die voorgeskrewe offisier volgens voorskrif van sub-artikel (1) of (2) van 'n verandering van sy adres in kennis te stel, word hy geag aldus te versuim het, tensy hy—

(*a*) 'n erkenning deur die voorgeskrewe offisier van sy kennisgewing van bedoelde verandering toon; of

(*b*) ander bewys tot bevrediging van die hof lewer dat hy die voorgeskrewe offisier inderdaad van bedoelde verandering in kennis gestel het.

55. (1) 'n Lid van die Staandemagreserwe of die Burgermagreserwe moet onder sulke voorwaardes as wat voorgeskryf mag word, enige aan hom uitgereikte artikels wat deel van sy uniform of uitrusting uitmaak, in sy besit en in goeie orde hou. Verantwoordelikheid om uniform en uitrusting in stand te hou.

(2) So 'n lid moet wanneer hy vir opleiding of diens opgeroep word of op sulke ander tye as wat voorgeskryf mag word, bedoelde artikels wat deel van sy uniform of uitrusting uitmaak, toon.

HOOFSTUK VII.

DIE KADETKORPS.

56. (1) Daar is 'n Kadetkorps bestaande uit die kadetafdelings en Opleidingskorpse vir Kadetoffisiere wat onder voorwaardes Instelling en organisasie van kadetkorps.

as may under such conditions as may be prescribed be established under the directions of the Minister at any school or other educational institution.

(2) The Cadet Corps shall be organized in such manner as may be prescribed.

(3) Any cadet detachment established prior to the commencement of this Act elsewhere than at a school or other educational institution, shall be deemed to have been established under sub-section (1).

Liability for service as a cadet.

57. Every person domiciled in the Union may, if he is a scholar or student at a school or other educational institution, be required between his twelfth and his seventeenth year, both included, to undergo training as a cadet in accordance with regulations, unless—

(*a*) his parent or guardian has objected thereto in writing; or

(*b*) he has been exempted from such training under prescribed conditions,

and may voluntarily undergo such additional training as may be prescribed.

Extension of period of cadet training.

58. A citizen or any other person domiciled in the Union may if he is a scholar or student at a school or other educational institution where a cadet detachment has been established, while remaining a scholar or student at such school or institution continue to receive training as a cadet up to and including his twentieth year.

Training in Cadet Officers Training Corps.

59. (1) Every citizen whose name has been drawn in a ballot referred to in section *seventy*, who has been found to be medically fit to undergo training in the Citizen Force and who is a full-time student following a teacher's training course at an educational institution where a Cadet Officers Training Corps has been established, shall be allotted to that Corps and undergo such training therein as may be prescribed.

(2) Any citizen who is a full-time student at an institution referred to in sub-section (1), and any person who is not a citizen but is domiciled in the Union and is such a student may apply to the prescribed authority between his seventeenth and his twenty-fifth year, both included, to be enrolled as a member of the Cadet Officers Training Corps established at that institution and to undergo the training so prescribed.

(3) Any citizen who undergoes the training prescribed under sub-section (1), shall be exempt from training or duty in terms of Chapter IV.

Cadet officers.

60. (1) Officers of the Cadet Corps shall be appointed from amongst persons on the staff of schools and other educational institutions who volunteer for service as such officers.

(2) Any such officer who complies with prescribed conditions and holds prescribed qualifications may be appointed as an officer in the South African Defence Force.

Cost of training to be defrayed by State.

61. All arms, ammunition, uniforms, equipment, instruction and training prescribed for cadets or for members of the Cadet Officers Training Corps, shall be provided at public expense.

CHAPTER VIII.

REGISTRATION AND SELECTION OF CITIZENS FOR TRAINING.

Appointment of registering officer.

62. The Minister shall appoint an officer of the South African Defence Force as the registering officer for the purposes of this Chapter.

Registration.

63. (1) Every citizen shall apply to the registering officer for registration under this Chapter—

(*a*) during the month of January of the year in which he will attain the age of seventeen years; or

(*b*) in the case of a citizen who is outside the Union during the whole of that month or who has for any other reason failed to apply for registration during that month, within thirty days after his return to the Union or the disappearance of such other reason, unless he is then over the age of twenty-five years.

(2) Any person who becomes a citizen between the thirty-first day of January in his seventeenth year and the date upon which he attains the age of twenty-five years, shall apply for registration as aforesaid within thirty days after the date upon which he becomes a citizen.

soos voorgeskryf mag word, op las van die Minister by enige skool of ander opvoedkundige inrigting ingestel word.

(2) Die Kadetkorps word georganiseer op die wyse wat voorgeskryf mag word.

(3) Enige kadetafdeling wat voor die inwerkingtreding van hierdie Wet elders as by 'n skool of ander opvoedkundige inrigting ingestel is, word geag ingevolge sub-artikel (1) ingestel te wees.

Diensplig as kadet.

57. Iedere persoon wat in die Unie gedomisilieer is, kan indien hy 'n skolier of student by 'n skool of ander opvoedkundige inrigting is, verplig word om tussen sy twaalfde en sy sewentiende jaar, albei inbegrepe, in ooreenstemming met regulasies opleiding as kadet te ondergaan, tensy—

(*a*) sy ouer of voog skriftelik daarteen beswaar gemaak het; of

(*b*) hy onder voorgeskrewe voorwaardes van sodanige opleiding vrygestel is,

en kan vrywilliglik die bykomende opleiding ondergaan wat voorgeskryf mag word.

Verlenging van tydperk van opleiding as kadet.

58. 'n Burger of ander in die Unie gedomisilieerde persoon wat 'n skolier of student is by 'n skool of ander opvoedkundige inrigting waar 'n kadetafdeling ingestel is, kan solank hy 'n skolier of student by daardie skool of inrigting bly, tot en met sy twintigste jaar aanhou om opleiding as kadet te ontvang.

Opleiding in Opleidingskorps vir Kadetoffisiere.

59. (1) Elke burger wie se naam in 'n in artikel *sewentig* bedoelde loting getrek is, wat geneeskundig geskik bevind is om opleiding in die Burgermag te ondergaan en wat 'n voltydse student is en 'n opleidingskursus as onderwyser volg by 'n opvoedkundige inrigting waar 'n Opleidingskorps vir Kadetoffisiere gestig is, word by daardie Korps ingedeel en ondergaan daarin die opleiding wat voorgeskryf mag word.

(2) Enige burger wat 'n voltydse student by 'n in sub-artikel (1) bedoelde inrigting is, en enigiemand wat nie 'n burger is nie maar in die Unie gedomisilieer en so 'n student is, kan tussen sy sewentiende en sy vyf-en-twintigste jaar, albei inbegrepe, by die voorgeskrewe owerheid aansoek doen om as lid van die Opleidingskorps vir Kadetoffisiere wat by daardie inrigting gestig is, ingeskryf te word en die aldus voorgeskrewe opleiding te ondergaan.

(3) Enige burger wat die ingevolge sub-artikel (1) voorgeskrewe opleiding ondergaan, is van opleiding of diensplig ooreenkomstig Hoofstuk IV vrygestel.

Kadetoffisiere.

60. (1) Offisiere van die Kadetkorps word aangestel uit persone in die personeel van skole en ander opvoedkundige inrigtings wat vrywilliglik onderneem om as sodanige offisiere te dien.

(2) So 'n offisier wat aan voorgeskrewe vereistes voldoen en voorgeskrewe kwalifikasies besit, kan as 'n offisier in die Suid-Afrikaanse Weermag aangestel word.

Koste van opleiding word deur Staat bestry.

61. Alle wapens, ammunisie, uniforms, uitrusting, instruksie en opleiding wat vir kadette of vir lede van die Opleidingskorps vir Kadetoffisiere voorgeskryf word, word op Staatskoste voorsien.

HOOFSTUK VIII.

REGISTRASIE EN KEUSE VAN BURGERS VIR OPLEIDING.

Aanstelling van registrasiebeampte.

62. Die Minister stel 'n offisier van die Suid-Afrikaanse Weermag aan as registrasiebeampte vir die doeleindes van hierdie Hoofstuk.

Registrasie.

63. (1) Iedere burger moet by die registrasiebeampte om registrasie ingevolge hierdie Hoofstuk aansoek doen—

(*a*) gedurende die maand Januarie van die jaar waarin hy sewentien jaar oud word; of

(*b*) in die geval van 'n burger wat gedurende daardie hele maand buite die Unie is of wat om enige ander rede versuim het om gedurende daardie maand aansoek om registrasie te doen, binne dertig dae na sy terugkeer in die Unie of die verval van daardie ander rede, tensy hy dan ouer as vyf-en-twintig jaar is.

(2) Iemand wat 'n burger word tussen die een-en-dertigste dag van Januarie in sy sewentiende jaar en die datum waarop hy vyf-en-twintig jaar oud word, moet soos voormeld om registrasie aansoek doen binne dertig dae na die datum waarop hy 'n burger word.

(3) The registering officer shall issue to every person who applies for registration under this section, a certificate of registration in the form prescribed.

(4) Any person between the ages of seventeen and twenty-five years who without lawful excuse, the onus of proof whereof shall lie upon him, refuses or fails on demand by an officer or a non-commissioned officer of the Permanent Force or a policeman, to produce the certificate issued to him under sub-section (3), shall be guilty of an offence.

Notification of address.

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

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

(*a*) an acknowledgment by the prescribed 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 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.

Voluntary enrolment for training.

65. (1) Any citizen whose name has been included in a ballot referred to in section *seventy* but who has not been enrolled for training in the Citizen Force and has not been allotted to a Cadet Officers Training Corps in terms of sub-section (1) of section *fifty-nine*, and any other person domiciled in the Union who is not a citizen and has not been enrolled as a member of such a Corps in terms of sub-section (2) of section *fifty-nine* may, if he is under a prescribed age or has prescribed qualifications, apply in accordance with regulations to be enrolled for training in the Citizen Force by appearing personally before or submitting a written application to the registering officer on or before a date to be appointed by the Minister, and may in his application name any unit which has its headquarters within the military area in which he resides, as the unit in which he wishes to serve.

(2) Such a citizen or person who is accepted for training shall at his own expense present himself for and shall at the public expense undergo the prescribed medical examination at a time and place to be notified to him by the registering officer.

(3) The Minister shall not later than the first day of March in every year, fix the maximum number of citizens and other persons who may during that year be accepted for training on application made in terms of sub-section (1).

Provisional ballot list.

66. (1) The registering officer shall every year prepare a provisional ballot list for each magisterial district in which shall be entered the name of every citizen whose registered address is in that district, and who—

(*a*) is in his eighteenth year and has not yet been enrolled for training;

(*b*) is between his nineteenth and his twenty-fifth year, both included, and—

(i) has in the previous year been granted deferment; or

(ii) has applied for registration under paragraph (*b*) of sub-section (1) or sub-section (2) of section *sixty-three* and has not been included in any previous ballot list; or

(*c*) is between his eighteenth and his twenty-fifth year, both included, and is required but has failed, to the knowledge of the registering officer, to comply with the provisions of section *sixty-three*.

(2) Every provisional ballot list shall not later than the fifteenth day of March of the year in which it is prepared, be posted at the office of the registering officer and at the magistrate's office of the district for which it is framed.

Appointment of number of citizens to be trained.

67. (1) The Minister may in each year by notice in the *Gazette*, published not later than the fifteenth day of April of that year, appoint the number of persons to be enrolled for training in the Citizen Force in the next ensuing training year.

(3) Die registrasiebeampte reik aan elke persoon wat ingevolge hierdie artikel om registrasie aansoek doen, 'n registrasiesertifikaat in die voorgeskrewe vorm uit.

(4) Iemand tussen die ouderdom van sewentien en vyf-en-twintig jaar wat sonder wettige rede, waarvan die bewyslas op hom rus, weier of versuim om op aanvraag van 'n offisier of onderoffisier van die Staande Mag of 'n polisiebeampte die kragtens sub-artikel (3) aan hom uitgereikte sertifikaat te toon, is aan 'n misdryf skuldig.

Kennisgewing van adres.

64. (1) Iedereen moet, wanneer hy om registrasie ingevolge hierdie Hoofstuk aansoek doen, sy adres op sy aansoekvorm meld en moet, tensy hy deur die voorgeskrewe offisier 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, van elke verandering van sy adres in kennis stel.

(2) Wanneer iemand aangekla word weens versuim om die voorgeskrewe offisier volgens voorskrif van sub-artikel (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 van die kennisgewing van bedoelde verandering toon; of

(*b*) ander bewys tot bevrediging van die hof lewer dat hy die voorgeskrewe offisier 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.

Vrywillige inskrywing vir opleiding.

65. (1) 'n Burger wie se naam in 'n in artikel *sewentig* bedoelde loting opgeneem is maar wat nie vir opleiding in die Burgermag ingeskryf en nie ingevolge sub-artikel (1) van artikel *nege-en-vyftig* by 'n Opleidingskorps vir Kadetoffisiere ingedeel is nie, en enige ander persoon wat in die Unie gedomisilieer is en nie 'n burger is nie en wat nie ingevolge sub-artikel (2) van artikel *nege-en-vyftig* as lid van so 'n Korps ingeskryf is nie, kan, indien hy benede 'n voorgeskrewe ouderdom is of voorgeskrewe kwalifikasies besit, ooreenkomstig regulasies aansoek doen om vir opleiding in die Burgermag ingeskryf te word, deur op of voor 'n deur die Minister vasgestelde datum persoonlik voor die registrasiebeampte te verskyn of 'n skriftelike aansoek aan hom te rig, en kan in sy aansoek enige eenheid wat sy hoofkwartier het in die militêre gebied waarin hy woon, noem as die eenheid waarin hy wil dien.

(2) So 'n burger of persoon wat vir opleiding aangeneem word, moet hom op eie koste vir die voorgeskrewe geneeskundige ondersoek aanmeld op die tyd en plek waarvan die registrasiebeampte hom in kennis stel, en op Staatskoste daardie ondersoek ondergaan.

(3) Die Minister bepaal nie later nie as die eerste dag van Maart in iedere jaar, die maksimum getal burgers en ander persone wat gedurende daardie jaar op aansoek ooreenkomstig sub-artikel (1) vir opleiding aangeneem kan word.

Voorlopige lotingslys.

66. (1) Die registrasiebeampte stel iedere jaar vir elke magistraatsdistrik 'n voorlopige lotingslys op waarin die naam aangeteken word van elke burger wie se aangetekende adres in daardie distrik is, en wat—

(*a*) in sy agtiende jaar is en nog nie vir opleiding ingeskryf is nie;

(*b*) tussen sy negentiende en sy vyf-en-twintigste jaar (beide inbegrepe) is, en—

(i) aan wie in die vorige jaar uitstel verleen is; of

(ii) wat ingevolge paragraaf (*b*) van sub-artikel (1) of sub-artikel (2) van artikel *drie-en-sestig* om registrasie aansoek gedoen het, en nie in 'n vorige lotingslys opgeneem is nie; of

(*c*) tussen sy agtiende en sy vyf-en-twintigste jaar, albei inbegrepe, is en verplig is maar na die wete van die registrasiebeampte, versuim het om aan die bepalings van artikel *drie-en-sestig* te voldoen.

(2) Iedere voorlopige lotingslys word nie later nie as die vyftiende dag van Maart van die jaar waarin dit opgestel word, by die kantoor van die registrasiebeampte en by die magistraatskantoor van die distrik waarvoor dit opgestel is, aangeplak.

Bepaling van getal burgers wat opgelei moet word.

67. (1) Die Minister kan in iedere jaar by kennisgewing in die *Staatskoerant* wat nie later as die vyftiende dag van April van daardie jaar gepubliseer word nie, die getal persone bepaal wat in die daaropvolgende opleidingsjaar vir opleiding in die Burgermag ingeskryf moet word.

(2) The difference between the number so appointed and the number of persons voluntarily enrolled for training in the Citizen Force during the year in question shall be made good by ballot in the manner hereinafter provided.

Exemption board.

68. (1) The Minister shall not later than the fifteenth day of April in each year appoint an exemption board (hereinafter referred to as the board) consisting of a chairman and three other members, of whom two shall be members of one or other of the Forces constituting the South African Defence Force, and one shall be a member of the public service in a department of State other than the Department of Defence, to consider applications for deferment or for exclusion from any provisional ballot list prepared under section *sixty-six*.

(2) The chairman of the board shall be a magistrate or a person who has at some time held office as a magistrate for a continuous period of not less than five years.

(3) A member of the board who is not in the whole-time employment of the Government shall be paid such remuneration and allowances in respect of his services as the Minister may, in consultation with the Treasury, determine.

Applications for deferment or exclusion from ballot list.

69. (1) An application for deferment or for exclusion from a provisional ballot list referred to in section *sixty-six* may be made by the citizen concerned or by some other interested person on his behalf, either with or without his consent, and shall not later than the fifteenth day of April in the year in which the said list is framed, be lodged in writing with the registering officer who shall refer it to the board appointed under section *sixty-eight*.

(2) The board shall make such investigations in connection with any application under sub-section (1) as it may consider necessary, and for that purpose the provisions of the Commissions Act, 1947 (Act No. 8 of 1947), except section *one* thereof, shall apply with reference to the board, and in the application of the said provisions the reference in section *three* of that Act to the secretary of a commission shall be construed as a reference to the registering officer.

(3) The Minister may make such rules, not inconsistent with this Act, as he may deem necessary for regulating the procedure and the conduct of the business of the board.

(4) The board may with due regard to any general instructions issued by the Minister grant an application for deferment or for exclusion from any ballot list where in its opinion such deferment or exclusion is justified—

(*a*) in order to prevent the interruption of the course of educational studies of the citizen concerned; or

(*b*) by reason of the nature and extent of such citizen's domestic obligations or any circumstances connected with any trade, profession or business in which he is engaged; or

(*c*) on the ground of physical defects or mental incapacity on the part of such citizen; or

(*d*) on the ground that such citizen is being compulsorily detained in an institution:

Provided that no application shall be granted except where the board is satisfied that undue hardship would otherwise be caused or that it is in the public interest that the application be granted: Provided further that the board may in its discretion, if it is so satisfied, grant exclusion from a ballot list or deferment irrespective of whether or not the application is for such exclusion or deferment.

(5) After considering all applications received as aforesaid, the board shall amend the provisional ballot lists in question by the removal therefrom of the names of those citizens in respect of whom applications for deferment or exclusion from such ballot lists have been granted.

(6) The decision of the board on any application as aforesaid shall be final and every ballot list as amended by the board shall be posted up at the office of the registering officer before the thirty-first day of May of the year in respect of which the board was appointed.

The ballot.

70. (1) As soon as possible after the posting up of the final ballot lists, the registering officer shall take a ballot of the citizens whose names appear on those lists, to select the number of citizens mentioned in sub-section (2) of section *sixty-seven*.

(2) Die verskil tussen die getal aldus bepaal en die getal persone wat vrywilliglik gedurende die betrokke jaar vir opleiding in die Burgermag ingeskryf word, word deur loting op die hieronder bepaalde wyse aangevul.

Vrystellingsraad.

68. (1) Die Minister benoem nie later nie as die vyftiende dag van April van iedere jaar, 'n vrystellingsraad (hieronder die raad genoem) wat bestaan uit 'n voorsitter en drie ander lede, van wie twee lede is van een of ander van die Magte wat die Suid-Afrikaanse Weermag uitmaak, en een 'n lid is van die Staatsdiens in 'n ander Staatsdepartement as die Departement van Verdediging, om aansoeke om uitstel of om weglating uit 'n kragtens artikel *ses-en-sestig* opgestelde voorlopige lotingslys te oorweeg.

(2) Die voorsitter van die raad is 'n magistraat of iemand wat op een of ander tyd vir 'n ononderbroke tydperk van minstens vyf jaar die amp van magistraat beklee het.

(3) Daar word aan 'n lid van die raad wat nie voltyds in Regeringsdiens is nie, die besoldiging en toelaes ten opsigte van sy dienste betaal wat die Minister in oorlegpleging met die Tesourie bepaal.

Aansoeke om uitstel of weglating uit lotingslys.

69. (1) 'n Aansoek om uitstel of om weglating uit 'n in artikel *ses-en-sestig* bedoelde voorlopige lotingslys, kan deur die betrokke burger of, met of sonder sy toestemming, deur 'n ander belanghebbende namens hom gedoen word, en moet nie later nie as die vyftiende dag van April in die jaar waarin bedoelde lys opgestel word, skriftelik ingedien word by die registrasiebeampte wat dit na die kragtens artikel *agt-en-sestig* benoemde raad verwys.

(2) Die raad stel in verband met 'n aansoek kragtens sub-artikel (1) die ondersoek in wat hy nodig ag, en vir daardie doel geld die bepalings van die Kommissiewet, 1947 (Wet No. 8 van 1947), behalwe artikel *een* daarvan, met betrekking tot die raad, en by die toepassing van gemelde bepalings word die verwysing in artikel *drie* van daardie Wet na die sekretaris van 'n kommissie as 'n verwysing na die registrasiebeampte uitgelê.

(3) Die Minister kan reëls, wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig soos hy nodig ag om die prosedure van die raad en die wyse waarop sy sake verrig word, te reël.

(4) Die raad kan met behoorlike inagneming van enige algemene opdragte deur die Minister uitgereik, 'n aansoek om uitstel of om weglating uit 'n lotingslys toestaan waar sodanige uitstel of weglating na sy oordeel geregverdig is—

(*a*) om 'n onderbreking in die opvoedingstudiekursus van die betrokke burger te voorkom; of

(*b*) vanweë die aard en omvang van bedoelde burger se huishoudelike verpligtings of enige omstandighede verbonde aan 'n bedryf, beroep of besigheid waarmee hy besig is; of

(*c*) op grond van liggaamsgebreke of swaksinnigheid van bedoelde burger; of

(*d*) op grond daarvan dat bedoelde burger onder dwang in 'n inrigting aangehou word:

Met dien verstande dat geen aansoek toegestaan word nie behalwe waar die raad oortuig is dat buitensporige ontbering anders veroorsaak sou word of dat dit in die openbare belang is dat die aansoek toegestaan word: Met dien verstande voorts dat die raad na goeddunke, indien hy aldus oortuig is, weglating uit 'n lotingslys of uitstel kan toestaan ongeag of die aansoek sodanige weglating of uitstel aanvra.

(5) Na oorweging van al die aansoeke wat soos voormeld ontvang is, wysig die raad die betrokke voorlopige lotingslyste deur die name van die burgers ten opsigte van wie aansoeke om uitstel of weglating uit daardie lotingslyste toegestaan is, daaruit te verwyder.

(6) Die beslissing van die raad oor enige aansoek soos voormeld, is afdoende, en iedere lotingslys soos deur die raad gewysig, word voor die een-en-dertigste dag van Mei van die jaar ten opsigte waarvan die raad benoem was, by die kantoor van die registrasiebeampte aangeplak.

Die loting.

70. (1) So gou moontlik na aanplakking van die eindlotingslyste, gaan die registrasiebeampte oor tot loting onder die burgers wie se name op daardie lyste voorkom, ten einde die in sub-artikel (2) van artikel *sewe-en-sestig* bedoelde getal burgers uit te soek.

(2) The procedure and rules for taking the ballot shall be as prescribed, but so that the names on the final ballot lists shall be drawn singly and the percentage of names drawn from each list shall as nearly as possible be the same.

(3) A percentage of names to be determined by the Minister from time to time in excess of the said number shall be drawn in order to make good any loss likely to be caused by reason of the fact that persons drawn in the ballot may subsequently be found medically unfit or otherwise unsuitable for training, or by reason of the fact that the training of any persons so drawn may be postponed, as it is hereby authorized to be postponed, on the directions of the Minister or an officer acting under his authority.

(4) Every citizen whose name has been drawn by ballot in pursuance of this section, shall at his own expense attend and submit to medical examination at a time, date and place notified to him in writing by the registering officer, or some other prescribed officer, and such examination shall take place at the public expense.

Exemption from training if medically unfit.

71. Any citizen who has been medically examined and has been pronounced by the prescribed medical authorities to be unfit for military service in any capacity, shall so long as the unfitness continues be exempt from liability for training or service in the Citizen Force or a Commando.

Allotment to Citizen Force.

72. (1) Subject to the provisions of sub-section (1) of section *fifty-nine*, all persons required to be enrolled for training in terms of this Chapter shall be allotted to the Citizen Force in such manner as may be prescribed, but so that persons who have been accepted for training in terms of section *sixty-five* shall as far as possible, have preference in the choice of the units in which they wish to serve and that persons who *bona fide* belong and adhere to any recognized religious denomination by the tenets whereof its members may not participate in war, shall undergo such training as will enable them to render service in defence of the Union in a non-combatant capacity.

(2) Every person whose name has been drawn in a ballot referred to in section *seventy* or who has been accepted for training in terms of section *sixty-five* shall be notified by the registering officer of that fact and by a prescribed officer of the name of the unit to which he has been allotted and the date upon which he is required to commence his training.

CHAPTER IX.

ADMINISTRATION AND GENERAL POWERS OF THE GOVERNOR-GENERAL, THE MINISTER AND OFFICERS.

Council of Defence.

73. The Governor-General may establish a Council of Defence which shall be constituted in such manner and shall perform such functions as he may prescribe.

Defence Staff Council.

74. (1) The Minister may appoint a Defence Staff Council, consisting of officers of the South African Defence Force, or of such officers and officers of the public service as he may determine, to deal with and make recommendations to him concerning such matters relating to the defence of the Union as he may refer to it.

(2) The Minister shall designate one of the members of the said Council as chairman and another such member as secretary thereof, and may make such rules, not inconsistent with this Act, as he may consider necessary for regulating the procedure and the conduct of the business of such Council.

Establishment of commands, areas, armed services, corps and units.

75. (1) The Governor-General may establish and designate military commands, areas and districts throughout the Union and armed services.

(2) The Minister may establish and designate corps and units of the Permanent Force and the Citizen Force, or of members of both such Forces.

General powers of Minister.

76. (1) The Minister may do or cause to be done all things which in his opinion are necessary for the efficient defence and protection of the Union or any part thereof.

(2) Without derogating from the generality of his powers under sub-section (1), the Minister may—

(*a*) acquire, hire, construct and maintain defence works, ranges, buildings, training areas and land required for defence purposes;

(2) Die prosedure en reëls vir die loting is soos voorgeskryf, maar so dat die name op die eindlotingslyste afsonderlik getrek word en die persentasie van die name uit elke lys getrek, so na moontlik dieselfde is.

(3) 'n Persentasie name wat van tyd tot tyd deur die Minister bepaal word, bo en behalwe bedoelde getal word getrek om enige verlies aan te vul wat waarskynlik sal ontstaan deurdat persone wat by die loting getrek word, later geneeskundig of andersins ongeskik vir opleiding bevind word of omdat die opleiding van persone wat aldus getrek word, ingevolge magtiging hierby verleen, op las van die Minister of 'n offisier wat op sy gesag handel, uitgestel mag word.

(4) Iedere burger wie se naam by 'n loting ingevolge hierdie artikel getrek is, moet op eie koste op die tyd, datum en plek wat skriftelik deur die registrasiebeampte of 'n ander voorgeskrewe offisier aan hom meegedeel word, verskyn en hom aan geneeskundige ondersoek onderwerp wat op Staatskoste plaasvind.

Vrystelling van opleiding indien geneeskundig ongeskik.

71. 'n Burger wat geneeskundig ondersoek en deur die voorgeskrewe geneeskundige owerhede vir militêre diens in enige hoedanigheid ongeskik verklaar is, is solank sy ongeskiktheid duur, vrygestel van die verpligting om opleiding in die Burgermag of 'n Kommando te ondergaan of daarin te dien.

Indeling by Burgermag.

72. (1) Behoudens die bepalings van sub-artikel (1) van artikel *nege-en-vyftig*, word alle persone wat ooreenkomstig hierdie Hoofstuk vir opleiding ingeskryf moet word, by die Burgermag ingedeel op die wyse wat voorgeskryf mag word, maar so dat persone wat ooreenkomstig artikel *vyf-en-sestig* vir opleiding aangeneem is, sover moontlik voorkeur geniet by die keuse van die eenhede waarin hulle wil dien en dat persone wat *bona fide* aan 'n erkende kerkgenootskap, volgens die leerstellings waarvan sy lede nie aan oorlog mag deelneem nie, behoort en dit aanhang, sodanige opleiding ondergaan as wat hulle in staat sal stel om in nie-vegtende hoedanigheid diens ter verdediging van die Unie te doen.

(2) Iedere persoon wie se naam in 'n in artikel *sewentig* vermelde loting getrek is of wat ooreenkomstig artikel *vyf-en-sestig* vir opleiding aangeneem is, word deur die registrasiebeampte daarvan in kennis gestel en deur 'n voorgeskrewe offisier van die naam van die eenheid waarby hy ingedeel is en die datum waarop hy verlang word om sy opleiding te begin.

HOOFSTUK IX.

ADMINISTRASIE EN ALGEMENE BEVOEGDHEDE VAN GOEWERNEUR-GENERAAL, DIE MINISTER EN OFFISIERE.

Verdedigingsraad.

73. Die Goewerneur-generaal kan 'n Verdedigingsraad instel wat op die wyse saamgestel word en die werksaamhede verrig wat hy voorskryf.

Stafraad vir Verdedigingsake.

74. (1) Die Minister kan 'n Stafraad vir Verdedigingsake benoem, wat bestaan uit offisiere van die Suid-Afrikaanse Weermag of uit sodanige offisiere en amptenare in die Staatsdiens, soos hy mag bepaal, om te handel met en aan hom aanbevelings te doen met betrekking tot die aangeleenthede betreffende die verdediging van die Unie wat hy daarna verwys.

(2) Die Minister wys een van die lede van bedoelde Raad aan as voorsitter en 'n ander as sekretaris daarvan, en kan reëls wat nie met hierdie Wet onbestaanbaar is nie, uitvaardig soos hy nodig ag om die prosedure en die verrigting van die werksaamhede van bedoelde Raad te reël.

Instelling van kommandemente, gebiede, gewapende weermagsdele, korpse en eenhede.

75. (1) Die Goewerneur-generaal kan militêre kommandemente, gebiede en distrikte vir die Unie as geheel, en gewapende weermagsdele instel en aanwys.

(2) Die Minister kan korpse en eenhede van die Staande Mag en die Burgermag of van lede van beide daardie Magte, instel en aanwys.

Algemene bevoegdhede van Minister.

76. (1) Die Minister kan alles doen of laat doen wat volgens sy oordeel nodig is vir die doeltreffende verdediging en beskerming van die Unie of enige deel daarvan.

(2) Sonder afbreuk aan die algemeenheid van sy bevoegdhede ingevolge sub-artikel (1), kan die Minister—

(*a*) verdedigingswerke, skietbane, geboue, opleidingsgebiede en grond wat vir verdedigingsdoeleindes nodig is, verkry, huur, oprig en in stand hou;

(*b*) establish, maintain and operate factories for the manufacture and repair of arms, ammunition, vehicles, aircraft, vessels, military clothing and other stores and equipment;

(*c*) notwithstanding anything contained in any law relating to the seashore or aviation, but subject to the provisions of any law relating to harbours, acquire, construct, maintain, manage and control harbours, docks, quays, jetties, aerodromes (as defined in sub-section (2) of section *ninety-nine*) and other facilities necessary for vessels or aircraft of the South African Defence Force;

(*d*) acquire arms, ammunition, vehicles, aircraft, vessels, clothing, animals, stores and other equipment required for defence purposes; and

(*e*) sell, let or otherwise dispose of any land, building, animal or thing mentioned in any of the preceding paragraphs which is no longer required for defence purposes.

Military training institutions.

77. (1) The Governor-General may establish and designate military training institutions for the purpose of providing training and instruction for members of the South African Defence Force.

(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), the conditions of future service required from graduates of the institution and all matters relating to the management, control and good government of any such institution shall be as prescribed.

(3) All students under instruction at a military training institution shall be subject to the Military Discipline Code.

(4) Any institution established prior to the commencement of this Act for the purpose of providing military training or instruction, whether under a law hereby repealed or otherwise, shall be deemed to have been duly established under this Act.

Expropriation and acquisition of land and interests in land.

78. (1) The Governor-General may expropriate for defence purposes any land or any right in respect of land, whether such land or right be held privately or by any public or other body corporate or unincorporate.

(2) The provisions of any expropriation law for the time being in force in that portion of the Union wherein is situated any land which is to be expropriated or in respect of which any right is to be expropriated under this section, shall apply to any expropriation thereunder in so far as those provisions relate to the method of and procedure for carrying out the expropriation and for determining the sum to be paid to the person from whom the land or right is expropriated and the expenses (if any) of arbitration: Provided that if any such expropriation law requires that written notice be given to any person by an officer in the public service, that notice may be given by the Secretary for Defence instead of by such officer.

(3) Notwithstanding anything to the contrary in any other law, dominium in any land or right in respect of land which the Governor-General requires to expropriate in terms of this section, shall vest in the State upon the expiration of a period of sixty days after the date of service on the owner of such land or right, of a notice in terms of the expropriation law applicable to the land or right concerned stating that the Governor-General requires to expropriate, take or purchase the land or right in question.

Areas for training.

79. (1) (*a*) The Governor-General may from time to time appoint areas wherein any portion of the South African Defence Force may, without the consent of any person affected or likely to be affected thereby, conduct military exercises, and may prescribe the conditions under which compensation may be claimed by and paid to an owner or occupier of land in any such area for damage or loss sustained by him in consequence of the conduct of such exercises on such land: Provided

(*b*) fabrieke vir die vervaardiging en herstel van wapens, ammunisie, voertuie, vliegtuie, vaartuie, militêre klere en ander voorrade en uitrusting, instel, in stand hou en aan die gang hou;

(*c*) ondanks enige bepalings in 'n wet met betrekking tot die strand of lugvaart vervat, maar onderworpe aan enige wetsbepalings wat op hawens betrekking het, hawens, dokke, kaaie, aanlêplekke, vliegvelde (soos in sub-artikel (2) van artikel *nege-en-negentig* omskryf) en ander fasiliteite wat vir vaartuie of vliegtuie van die Suid-Afrikaanse Weermag nodig is, verkry, oprig, in stand hou, bestuur en beheer;

(*d*) wapens, ammunisie, voertuie, vliegtuie, vaartuie, klere, diere, voorrade en ander uitrusting wat vir verdedigingsdoeleindes nodig is, verkry; en

(*e*) enige grond, gebou, dier of enigiets in die voorgaande paragrawe vermeld, wat nie meer vir verdedigingsdoeleindes nodig is nie, verkoop, verhuur of andersins daaroor beskik.

Militêre opleidingsinrigtings.

77. (1) Die Goewerneur-generaal kan militêre opleidingsinrigtings instel en aanwys om opleiding en instruksie aan lede van die Suid-Afrikaanse Weermag te verstrek.

(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), die voorwaardes van toekomstige diens wat van gegradueerdes van die inrigting verlang word, en alle aangeleenthede met betrekking tot die toesig, beheer en goeie bestuur van so 'n inrigting, soos voorgeskryf.

(3) Alle studente wat by 'n militêre opleidingsinrigting instruksie geniet, is aan die Reglement van Dissipline onderworpe.

(4) Enige inrigting voor die inwerkingtreding van hierdie Wet ingestel om militêre opleiding of instruksie te voorsien, hetsy ingevolge 'n hierby herroepe wet of andersins, word geag behoorlik ingevolge hierdie Wet ingestel te wees.

Onteiening en verkryging van grond en belange in grond.

78. (1) Die Goewerneur-generaal kan vir verdedigingsdoeleindes grond of enige reg ten opsigte van grond onteien, hetsy daardie grond of reg in private besit is of deur 'n openbare of ander liggaam met of sonder regspersoonlikheid besit word.

(2) Die bepalings van enige onteieningswet op die betrokke tydstip van krag in daardie deel van die Unie waarin grond geleë is wat ingevolge hierdie artikel onteien staan te word, of ten opsigte waarvan 'n reg ingevolge hierdie artikel onteien staan te word, is op enige onteiening daarkragtens van toepassing vir sover daardie bepalings op die metode van onteiening en prosedure waarvolgens dit uitgevoer word, en op die vasstelling van die bedrag wat aan die persoon van wie die grond of reg onteien word, betaal moet word, en die koste van arbitrasie, as daar is, betrekking het: Met dien verstande dat waar so 'n onteieningswet vereis dat aan enigiemand deur 'n beampte in die Staatsdiens skriftelik kennis gegee moet word, daar deur die Sekretaris van Verdediging in plaas van deur daardie beampte aldus kennis gegee kan word.

(3) Ondanks andersluidende wetsbepalings, berus eiendomsreg in grond of 'n reg ten opsigte van grond wat die Goewerneur-generaal ooreenkomstig hierdie artikel wens te onteien, by die Staat by verstryking van 'n tydperk van sestig dae na die datum van bestelling aan die eienaar van daardie grond of reg, van 'n kennisgewing ooreenkomstig die onteieningswet wat op die betrokke grond of reg van toepassing is, waarin vermeld word dat die Goewerneur-generaal die betrokke grond of reg wil onteien, neem of koop.

Opleidingsgebiede.

79. (1) (*a*) Die Goewerneur-generaal kan van tyd tot tyd gebiede bepaal waarin enige deel van die Suid-Afrikaanse Weermag sonder toestemming van enige persoon wat daardeur geraak of waarskynlik geraak sal word, militêre oefeninge kan doen, en kan die voorwaardes voorskryf waaronder vergoeding geëis kan word deur en betaal kan word aan 'n eienaar of okkupeerder van grond in bedoelde gebied vir skade of verlies deur hom as gevolg van die uitvoering van daardie oefeninge op daardie grond gely: Met dien verstande dat geen kamp binne 'n omtrek van vyf-

that no camp shall be erected within a radius of five hundred yards of a private dwelling, except with the consent of the owner or occupier thereof.

(*b*) No area shall be appointed under paragraph (*a*) unless the Secretary for Defence has published in respect of every district in which any land forming portion of that area is situate, a notice in one English and one Afrikaans newspaper circulating in that district, to the effect that such area, which shall be defined in the notice, is proposed to be appointed as a training area under paragraph (*a*) and inviting all interested persons to furnish him not later than a date specified in the notice, with any representations they may wish to make in regard thereto, and has duly considered all representations so received.

(2) The officer in command of any portion of the South African Defence Force which is undergoing training or is engaged in military exercises may temporarily stop all traffic by land, air or water in or in the vicinity of any area appointed under sub-section (1) or any other area used for range practice or other training, in so far as may in his opinion be necessary for the security of life or the proper conduct of the training or military exercises, and any person who disobeys or disregards any order or signal given in the exercise of the powers conferred by this sub-section shall be guilty of an offence.

Establishment of auxiliary services.

80. (1) The Governor-General may establish and designate for the purposes of the South African Defence Force, or any portion thereof, auxiliary services consisting of persons engaged to serve as guards or watchmen or to perform other non-combatant duties.

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

(3) The members of such auxiliary services shall be subject to such disciplinary rules as may be prescribed, which may include provisions relating to—

(*a*) the exercise of authority over members of such auxiliary services by other members of such auxiliary services or by members of the South African Defence Force;

(*b*) the trial and sentence of members of such auxiliary services by a military court or by an officer of such auxiliary services or of the South African Defence Force;

(*c*) the review of proceedings at trials and of sentences;

(*d*) the attendance and examination of witnesses, including witnesses who are not members of such auxiliary services, at such trials;

(*e*) penalties for offences under such disciplinary rules by way of a fine not exceeding two hundred pounds or imprisonment with compulsory labour for a period not exceeding two years, or both such fine and such imprisonment, or by way of confinement to barracks or the performance of extra duties: Provided that no officer shall have jurisdiction to impose a penalty of imprisonment or a fine exceeding five pounds;

(*f*) the recovery of any fine imposed upon a member of such auxiliary services by deductions from any pay or allowances or other moneys due or which may become due to him by the Government;

(*g*) the recovery by deductions from any pay and allowances or other moneys due or which may become due by the Government to a member of such auxiliary services of the amount of any deficiency, loss, injury, damage or destruction of Government property or of any expense to the Government caused by his wrongful act, omission, negligence or failure to carry out a duty; and

(*h*) any other matter affecting the conduct and discipline of members of such auxiliary services.

Voluntary nursing service.

81. (1) The Governor-General may establish and designate a voluntary nursing service for tending the sick and wounded.

(2) Notwithstanding anything in any other law contained, the organization of such service and the conditions of appointment thereto and of training and duty therein and all other matters pertaining thereto shall be as prescribed.

honderd tree van 'n private woning opgerig mag word nie, behalwe met toestemming van die eienaar of okkupeerder daarvan.

(*b*) Geen gebied word ingevolge paragraaf (*a*) bepaal nie tensy die Sekretaris van Verdediging ten opsigte van elke distrik waarin grond geleë is wat deel van daardie gebied uitmaak, 'n kennisgewing in een Afrikaanse en een Engelse nuusblad wat in daardie distrik in omloop is, gepubliseer het ten effekte dat dit die voorneme is om die gebied, wat in die kennisgewing omskryf moet word, ingevolge paragraaf (*a*) as 'n opleidingsgebied te bepaal en alle belanghebbendes versoek word om hom nie later as 'n in die kennisgewing vermelde datum nie, te voorsien van enige vertoë wat hulle in verband daarmee wil rig, en alle vertoë aldus ontvang behoorlik oorweeg het.

(2) Die offisier in bevel van 'n deel van die Suid-Afrikaanse Weermag wat opleiding ondergaan of met militêre oefeninge besig is, kan tydelik alle land-, lug- of waterverkeer in of in die nabyheid van 'n kragtens sub-artikel (1) bepaalde gebied of 'n ander gebied wat vir skietoefening of ander opleiding gebruik word, stopsit vir sover dit volgens sy oordeel vir die veiligheid van lewens of die behoorlike uitvoering van die opleiding of militêre oefeninge nodig mag wees, en iemand wat 'n bevel of teken uit kragte van die by hierdie sub-artikel verleende bevoegdhede gegee, verontagsaam of nie daaraan gehoor gee nie, is aan 'n misdryf skuldig.

Instelling van hulpdienste.

80. (1) Die Goewerneur-generaal kan vir die doeleindes van die Suid-Afrikaanse Weermag of enige deel daarvan, hulpdienste instel en aanwys, bestaande uit persone wat verbind is om as wagte of wagters te dien of om ander nie-vegdiens te verrig.

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

(3) Die lede van sulke hulpdienste is onderworpe aan die tugreëls wat voorgeskryf mag word, en wat bepalings kan insluit met betrekking tot—

(*a*) die uitoefening van gesag oor lede van bedoelde hulpdienste deur ander lede van daardie hulpdienste of deur lede van die Suid-Afrikaanse Weermag;

(*b*) die verhoor en vonnis van lede van bedoelde hulpdienste deur 'n militêre hof of deur 'n offisier van daardie hulpdienste of van die Suid-Afrikaanse Weermag;

(*c*) die hersiening van verrigtings by verhore en van vonnisse;

(*d*) die bywoning en ondervraging van getuies, met inbegrip van getuies wat nie lede van bedoelde hulpdienste is nie, by sulke verhore;

(*e*) strawwe vir misdrywe ingevolge bedoelde tugreëls by wyse van 'n boete van hoogstens tweehonderd pond of gevangenisstraf met dwangarbeid vir 'n tydperk van hoogstens twee jaar of beide so 'n boete en sodanige gevangenisstraf of by wyse van kaserne-arres of die verrigting van bykomende diens: Met dien verstande dat geen offisier bevoeg is om gevangenisstraf of 'n boete van meer as vyf pond op te lê nie;

(*f*) die verhaal van enige boete wat 'n lid van bedoelde hulpdienste opgelê is, deur aftrekking van soldy of toelaes of ander gelde wat deur die Regering aan hom verskuldig is of mag word;

(*g*) die verhaal deur aftrekking van soldy en toelaes of ander gelde wat deur die Regering aan 'n lid van bedoelde hulpdienste verskuldig is of mag word, van die bedrag van enige tekort, verlies, skade of vernietiging van Staatseiendom of van enige onkoste wat deur sy onregmatige handeling, versuim, nalatigheid of nie-nakoming van 'n plig vir die Regering veroorsaak is; en

(*h*) enige ander aangeleentheid rakende die gedrag en tug van lede van bedoelde hulpdienste.

Vrywillige verpleegdienste.

81. (1) Die Goewerneur-generaal kan 'n vrywillige verpleegdiens om siekes en gewondes te versorg, instel en aanwys.

(2) Ondanks andersluidende wetsbepalings, is die organisasie van so 'n diens en die voorwaardes van aanstelling en van opleiding en diens daarin en alle ander aangeleenthede wat daarop betrekking het, soos voorgeskryf.

Civilian protective services.

82. (1) The Governor-General may establish and designate civilian protective services, for the assistance in time of war or internal disorder of the South African Defence Force, the South African Police and other established authorities in the maintenance of law and order, the giving of warning of and the taking of precautions against air raids, the fighting of fires and dealing with any other special conditions arising from a state of war, enemy action or internal disorder in the Union.

(2) The organization of such services and the conditions of appointment thereto and of training and duty therein and all other matters pertaining thereto shall be as prescribed.

(3) The Governor-General may assign the administration of any such service or any portion thereof to any Minister of State.

Commissioned rank.

83. (1) The Governor-General may confer commissioned rank, including temporary commissioned rank, in the South African Defence Force on any citizen or any other person who is or is eligible to become a member of such Force, and may issue to such citizen or person a commission under his hand.

(2) Subject to the provisions of sub-section (3), a citizen on whom commissioned rank, other than temporary commissioned rank, has been conferred in terms of sub-section (1), shall retain his commission on being transferred to the Reserve.

(3) All officers of the South African Defence Force or the Reserve shall hold their commissions during the pleasure of the Governor-General, but the commission of an officer shall not be cancelled without the holder thereof being notified in writing of any complaint or charge made against him and of any action proposed to be taken in respect thereof, nor without his being called upon to show cause in relation thereto: Provided that no notification shall be necessary in the case of an officer absent from duty without leave or failing to perform the duties of his appointment, for a period of three months or more, or an officer of the Reserve who has failed to advise the prescribed officer of any change in his address in accordance with any requirement of this Act.

Retirement of officers.

84. (1) The ages of retirement of officers of the South African Defence Force shall be as prescribed, but in special cases, and subject, in the case of members of the Permanent Force, to the provisions of section *nine*, the Minister may, with the consent of any officer, extend the date of his retirement to a date beyond that on which he attains the prescribed age.

(2) The Governor-General may place officers of the South African Defence Force on a retired list, and any officer on that list shall retain his commission and shall be entitled to wear uniform as prescribed.

Termination of service.

85. The Governor-General may terminate the services of any member of the South African Defence Force, but no citizen shall thereby become exempt from liability to render any service which he may in terms of Chapter X be required to render.

Resignation of officers.

86. (1) An officer may by notice in writing tender th resignation of his commission or his appointment.

(2) Any such notice shall take effect upon the expiration of a period of three months after the date upon which it is lodged with such officer's commanding officer or on such earlier date as may be approved by the Minister and made known by notice in the *Gazette*: Provided that an officer shall not in consequence of his resignation be exempt from any service or training for which he may be liable under this Act.

Regulations.

87. (1) The Governor-General may make regulations, not inconsistent with this Act, relating to—

(*a*) the training and inspection of the South African Defence Force, the Reserve, the Cadet Corps and any auxiliary, nursing or civilian protective service established under this Act;

(*b*) the establishment of training camps;

(*c*) courses of instruction for persons undergoing training or engaged for service under this Act;

(*d*) the control of funds which are administered by a committee or other like body under the chairmanship of a member of the South African Defence Force and

82. (1) Die Goewerneur-generaal kan burgerlike beskermingsdienste instel en aanwys om die Suid-Afrikaanse Weermag, die Suid-Afrikaanse Polisie en ander gevestigde owerhede in oorlogstyd of tydens binnelandse onluste met die handhawing van wet en orde, die gee van waarskuwings van en die neem van voorsorgmaatreëls teen lugaanvalle, die bestryding van brande en die behandeling van enige ander besondere omstandighede wat uit 'n staat van oorlog, vyandelike optrede of binnelandse onluste in die Unie voortspruit, behulpsaam te wees. Burgerlike beskermingsdienste.

(2) Die organisasie van sulke dienste, die voorwaardes van aanstelling en van opleiding en diens daarin en alle ander aangeleenthede wat daarop betrekking het, is soos voorgeskryf.

(3) Die Goewerneur-generaal kan die administrasie van so 'n diens of enige deel daarvan aan enige Staatsminister toewys.

83. (1) Die Goewerneur-generaal kan kommissierang, met inbegrip van tydelike kommissierang, in die Suid-Afrikaanse Weermag toeken aan 'n burger of 'n ander persoon wat lid van daardie Mag is of geskik is om lid daarvan te word, en kan aan so 'n burger of persoon 'n kommissie onder sy hand uitreik. Kommissierang.

(2) Behoudens die bepalings van sub-artikel (3), behou 'n burger aan wie kommissierang, behalwe tydelike kommissierang, ooreenkomstig sub-artikel (1) toegeken is, sy kommissie wanneer hy na die Reserwe oorgeplaas word.

(3) Alle offisiere van die Suid-Afrikaanse Weermag of die Reserwe behou hul kommissies solank dit die Goewerneur-generaal behaag, maar die kommissie van 'n offisier word nie ingetrek sonder dat die houer daarvan skriftelik in kennis gestel is van enige klagte of aanklag wat teen hom ingebring is en van enige stappe wat ten opsigte daarvan oorweeg word nie, of sonder dat hy aangesê is om met betrekking daartoe verantwoording te doen nie: Met dien verstande dat geen kennisgewing nodig is in die geval van 'n offisier wat vir 'n tydperk van drie maande of meer, sonder verlof van diens afwesig is of versuim om die pligte aan sy aanstelling verbonde, te verrig, of 'n offisier van die Reserwe wat versuim het om die voorgeskrewe offisier ooreenkomstig 'n vereiste van hierdie Wet, van 'n verandering van sy adres in kennis te stel nie.

84. (1) Die ouderdomme vir uitdienstreding van offisiere van die Suid-Afrikaanse Weermag is soos voorgeskryf, maar in spesiale gevalle en, in die geval van lede van die Staande Mag, behoudens die bepalings van artikel *nege*, kan die Minister met toestemming van enige offisier die datum van sy uitdienstreding uitstel na 'n datum later as die waarop hy die voorgeskrewe ouderdom bereik. Uitdienstreding van offisiere.

(2) Die Goewerneur-generaal kan offisiere van die Suid-Afrikaanse Weermag op 'n lys van afgetredenes plaas, en enige offisier op daardie lys behou sy kommissie en is geregtig om uniform te dra soos voorgeskryf.

85. Die Goewerneur-generaal kan die dienste van enige lid van die Suid-Afrikaanse Weermag beëindig, maar geen burger word daardeur van die diensplig wat hom ooreenkomstig Hoofstuk X opgelê kan word, onthef nie. Beëindiging van diens.

86. (1) 'n Offisier kan by skriftelike kennisgewing die bedanking van sy kommissie of sy aanstelling indien. Bedanking van offisiere.

(2) So 'n kennisgewing word van krag by verstryking van 'n tydperk van drie maande na die datum waarop dit by die offisier se bevelvoerder ingedien word, of op so 'n vroeër datum as wat deur die Minister goedgekeur en by kennisgewing in die *Staatskoerant* bekendgemaak word: Met dien verstande dat 'n offisier nie uit hoofde van sy bedanking onthef is van enige diens- of opleidingspligtigheid waaraan hy kragtens hierdie Wet onderhewig is nie.

87. (1) Die Goewerneur-generaal kan regulasies uitvaardig, wat nie met hierdie Wet onbestaanbaar is nie, met betrekking tot— Regulasies.

(*a*) die opleiding en inspeksie van die Suid-Afrikaanse Weermag, die Reserwe, die Kadetkorps en enige kragtens hierdie Wet ingestelde hulp-, verpleeg- of burgerlike beskermingsdiens;

(*b*) die oprigting van opleidingskampe;

(*c*) instruksiekursusse vir persone wat ingevolge hierdie Wet opleiding ondergaan of tot diens verbind is;

(*d*) die beheer van gelde wat deur 'n komitee of ander soortgelyke liggaam onder voorsitterskap van 'n lid

have been collected or accepted by or from members of that Force or any service, corps or unit therein, or by or from members of a force which prior to the commencement of this Act formed part of the defence forces of the Union, for the benefit of such members or their dependants;

(*e*) the seniority and precedence of services, corps and units and of members of the South African Defence Force, the Reserve, the Cadet Corps and any auxiliary nursing or civilian protective service established under this Act;

(*f*) the leave of absence of members of the South African Defence Force;

(*g*) the execution of police duties by members of the South African Defence Force;

(*h*) the registration of citizens liable for training;

(*i*) the exemption of any member of the South African Defence Force, the Reserve or the Cadet Corps from carrying out any full course of training prescribed for any one training year;

(*j*) the standards of physical fitness and the medical examination of members of the South African Defence Force and the Reserve;

(*k*) the formation, maintenance, control and management of commandos and cadet detachments;

(*l*) the design, award, use, care and custody of colours, standards and flags for military use, and all matters pertaining to military ceremony;

(*m*) honorary appointments and ranks in the South African Defence Force;

(*n*) the furnishing by the employers of persons engaged in specified occupations or industries of specified particulars in respect of such persons, the furnishing by such persons of their addresses to a specified officer, and the notification by them to such an officer of any changes in their addresses;

(*o*) the furnishing by any person in the Union of full and accurate information as to buildings, premises, vehicles, aircraft, vessels, animals, foodstuffs, forage, fuels, oils, materials, articles or things in his possession or under his control;

(*p*) the issue and care of arms, accoutrements, ammunition, including ammunition to be held in reserve for use in cases of emergency, supplies, animals, transport, clothing and equipment;

(*q*) the government and management of, and the discipline which may be enforced in places appointed as prisons under this Act;

(*r*) the registration of motor vehicles which are the property of the State in its Department of Defence, and the licensing of drivers of such vehicles;

(*s*) all other matters which are by this Act required or permitted to be prescribed or which are necessary or convenient to be prescribed for securing the discipline and good government of the South African Defence Force, the Reserve, the Cadet Corps or any auxiliary, nursing or civilian protective service established under this Act or for carrying out and giving effect to this Act; and

(*t*) the penalties which may be imposed for breaches of the regulations, not exceeding a fine of fifty pounds or imprisonment for a period of six months.

(2) The Governor-General may under sub-section (1) make different regulations for male and female persons or for persons of different races.

(3) Notwithstanding anything to the contrary contained in any other law, any such regulation relating to the conditions of service of members of the South African Defence Force, the Reserve, the Cadet Corps or any auxiliary, nursing or civilian protective service established under this Act, may be made with retrospective effect for a period not exceeding twelve months, except in so far as it provides for any reduction in the salary, pay, allowances or privileges of such members or for penalties in respect of acts or omissions for which no penalty was previously prescribed.

van die Suid-Afrikaanse Weermag geadministreer word, en wat ingesamel of ontvang is deur of van lede van daardie Mag of enige diens, korps of eenheid daarin, of deur of van lede van 'n mag wat voor die inwerkingtreding van hierdie Wet deel van die verdedigingsmagte van die Unie uitgemaak het, vir die voordeel van bedoelde lede of hul afhanklikes;

(*e*) die ansiënniteit en voorrang van dienste, korpse en eenhede en van lede van die Suid-Afrikaanse Weermag, die Reserwe, die Kadetkorps en enige ingevolge hierdie Wet ingestelde hulp-, verpleeg- of burgerlike beskermingsdiens;

(*f*) die afwesigheidsverlof van lede van die Suid-Afrikaanse Weermag;

(*g*) die verrigting van polisiepligte deur lede van die Suid-Afrikaanse Weermag;

(*h*) die registrasie van burgers wat verplig kan word om opleiding te ondergaan;

(*i*) die vrystelling van enige lid van die Suid-Afrikaanse Weermag, die Reserwe of die Kadetkorps van die verpligting om die volle opleidingskursus wat vir enige opleidingsjaar voorgeskryf is, te ondergaan;

(*j*) die peil van liggaamlike geskiktheid en die geneeskundige ondersoek van lede van die Suid-Afrikaanse Weermag en die Reserwe;

(*k*) die stigting, instandhouding, beheer en bestuur van kommando's en kadetafdelings;

(*l*) die ontwerp, toekenning, gebruik, versorging en bewaring van vaandels, standaarde en vlae vir militêre gebruik, en alle aangeleenthede met betrekking tot militêre seremonie;

(*m*) ere-aanstellings en -range in die Suid-Afrikaanse Weermag;

(*n*) die verskaffing deur die werkgewers van persone wat by vermelde bedrywe of nywerhede werksaam is, van vermelde besonderhede ten opsigte van daardie persone, die verstrekking deur bedoelde persone van hul adresse aan 'n vermelde beampte en die bekendmaking deur hulle aan daardie beampte van enige veranderings in hul adresse;

(*o*) die verskaffing deur enigiemand in die Unie van volledige en juiste inligting betreffende geboue, persele, voertuie, vliegtuie, vaartuie, diere, eetware, voer, brandstof, olie, materiaal, artikels of enigiets in sy besit of onder sy beheer;

(*p*) die uitreiking en versorging van wapens, toebehore, ammunisie, met inbegrip van ammunisie wat vir gebruik in geval van nood in reserwe gehou moet word, voorrade, diere, vervoer, klere en uitrusting;

(*q*) die beheer en bestuur van en die tug wat uitgeoefen kan word in plekke as gevangenisse kragtens hierdie Wet aangewys;

(*r*) die registrasie van motorvoertuie wat die eiendom van die Staat in sy Departement van Verdediging is, en die lisensiëring van bestuurders van sulke voertuie;

(*s*) alle ander aangeleenthede wat ingevolge hierdie Wet voorgeskryf moet of kan word of wat nodig of dienstig is om voorgeskryf te word om die dissipline en doeltreffende beheer van die Suid-Afrikaanse Weermag, die Reserwe, die Kadetkorps of enige ingevolge hierdie Wet ingestelde hulp-, verpleeg- of burgerlike beskermingsdiens te verseker of om hierdie Wet uit te voer en daaraan gevolg te gee; en

(*t*) die strawwe wat vir oortredings van die regulasies opgelê kan word, nie 'n boete van vyftig pond of gevangenisstraf vir 'n tydperk van ses maande te bowe gaande nie.

(2) Die Goewerneur-generaal kan ingevolge sub-artikel (1) verskillende regulasies vir mans en vrouens of vir persone van verskillende rasse uitvaardig.

(3) Ondanks andersluidende bepalings in enige ander wet vervat, kan so 'n regulasie met betrekking tot die diensvoorwaardes van lede van die Suid-Afrikaanse Weermag, die Reserwe, die Kadetkorps of enige kragtens hierdie Wet ingestelde hulp-, verpleeg- of burgerlike beskermingsdiens, met terugwerkende krag vir 'n tydperk van hoogstens twaalf maande uitgevaardig word, behalwe vir sover dit voorsiening maak vir vermindering van die salaris, soldy, toelaes of voorregte van sulke lede of vir strawwe ten opsigte van 'n handeling of versuim waarvoor geen straf voorheen voorgeskryf was nie.

(4) For the purposes of sub-section (1), "motor vehicle" means any vehicle which is self propelled by mechanical or electrical power, and is intended or adapted for the conveyance of persons or goods.

Protection of Defence stores.

88. (1) The Minister may from time to time, by notice in the *Gazette*, designate a mark or marks to be applied to animals or articles to denote the ownership of the Union Government or of any visiting force in those animals or articles.

(2) Any person who, without lawful authority, the onus of the proof whereof shall be upon him, applies to any animal or article any such mark, or defaces or conceals any such mark on any animal or article or receives, possesses, sells or delivers any animal or article bearing any such mark or any animal or article which is forbidden under this Act to be sold, pledged or otherwise disposed of, shall be guilty of an offence.

(3) No animal or article the property of the Union Government or of any visiting force, which bears any such mark or which is forbidden by or in pursuance of this Act to be sold, pledged or otherwise disposed of, shall be capable of being seized or attached by or under any writ of execution which may be sued out against any member of the South African Defence Force or any visiting force, nor shall ownership of such animal or article pass by or under any order made for the sequestration of the estate of any such member.

Prohibition of access to military premises.

89. (1) The Minister may by order issued under his hand and published in the *Gazette* or made known in any other manner which he considers sufficient in the circumstances, prohibit or restrict the access of all persons to any military camp, barracks, dockyard, installation or other premises or any land or area of water, used for military or defence purposes or which is under military control.

(2) The officer in command of any such camp, barracks, dockyard, installation, premises, land or area may by order issued under his hand and made known in such manner as he considers sufficient in the circumstances, temporarily prohibit or restrict the access of all persons to such camp, barracks, dockyard, installation, premises, land or area.

(3) Any person who enters or is within or on any such camp, barracks, dockyard, installation, premises, land or area contrary to any prohibition or restriction contained in an order issued under sub-section (1) or (2), shall be guilty of an offence.

CHAPTER X.

Provisions Applicable in Time of War, Internal Disorder or Other Emergency.

Employment of Permanent Force.

90. Subject to the provisions of this Act, the whole or any portion or member of the Permanent Force may at any time be employed on service as provided in section *thirteen*.

Mobilization of Citizen Force, Reserve and commandos in time of war.

91. (1) The Governor-General may in time of war by proclamation in the *Gazette* call out and mobilize the whole or any portion of the Citizen Force, the whole or any portion of the Reserve and the whole or any portion of any commando for service in defence of the Union.

(2) If Parliament be sitting at the date of publication of any such proclamation, the Governor-General shall forthwith communicate the reason for the issue thereof to both Houses of Parliament, and if Parliament be not then sitting, the Governor-General shall summon Parliament to meet as soon as possible but not later than thirty days after the said date, and shall thereupon at its first sitting communicate the reason aforesaid.

Mobilization of Citizen Force, Reserve and commandos in time of internal disorder or other emergency.

92. (1) The Governor-General may by proclamation in the *Gazette* call out and mobilize the whole or any portion of the Citizen Force, the whole or any portion of the Reserve and the whole or any portion of any commando for service in the prevention or suppression of internal disorder in the Union or in the preservation of life, health or property or the maintenance of essential services.

(2) Where in the opinion of the Minister the urgency of the circumstances requires that the whole or any portion of the

(4) By die toepassing van sub-artikel (1), beteken „motorvoertuig" enige voertuig wat self deur meganiese of elektriese krag aangedryf word en vir die vervoer van persone of goedere ingerig of bedoel is.

Beskerming van Verdedigingsvoorrade.

88. (1) Die Minister kan van tyd tot tyd by kennisgewing in die *Staatskoerant* 'n merk of merke aanwys om op diere of artikels aangebring te word om die eiendomsreg van die Unieregering of van 'n besoekende mag op daardie diere of artikels aan te dui.

(2) Iemand wat sonder wettige gesag, waarvan die bewyslas op hom rus, so 'n merk op enige dier of artikel aanbring, of so 'n merk op enige dier of artikel skend of verberg, of enige dier of artikel wat so 'n merk dra of wat ingevolge hierdie Wet nie verkoop, verpand of andersins van die hand gesit mag word nie, ontvang, besit, verkoop of lewer, is aan 'n misdryf skuldig.

(3) Geen dier of artikel wat die eiendom van die Unieregering of van 'n besoekende mag is, en wat so 'n merk dra of wat ingevolge of uit hoofde van hierdie Wet nie verkoop, verpand of andersins van die hand gesit mag word nie, is vir beslaglegging deur middel van of kragtens 'n lasbrief vir eksekusie teen 'n lid van die Suid-Afrikaanse Weermag of 'n besoekende mag uitgereik, vatbaar nie, en die eiendomsreg op so 'n dier of artikel gaan ook nie oor deur middel van of kragtens 'n bevel wat vir die sekwestrasie van die boedel van so 'n lid uitgereik is nie.

Verbod op toegang tot militêre persele.

89. (1) Die Minister kan by bevel deur hom uitgereik en onderteken en in die *Staatskoerant* gepubliseer of op enige ander wyse wat hy onder die omstandighede genoegsaam ag, bekend gemaak, die toegang van alle persone tot enige militêre kamp, kaserne, skeepswerf, installasie of ander perseel of grond of wateroppervlakte wat vir militêre of verdedigingsdoeleindes gebruik word of onder militêre beheer is, verbied of beperk.

(2) Die offisier in bevel van so 'n kamp, kaserne, skeepswerf, installasie of perseel of sodanige grond of so 'n gebied kan by 'n deur hom uitgereikte en ondertekende bevel, bekend gemaak op die wyse wat hy onder die omstandighede genoegsaam ag, die toegang van alle persone tot so 'n kamp, kaserne, skeepswerf, installasie of perseel of sodanige grond of so 'n gebied of oppervlakte tydelik verbied of beperk.

(3) Iemand wat in stryd met 'n verbod of beperking in 'n ingevolge sub-artikel (1) of (2) uitgereikte bevel vervat, so 'n kamp, kaserne, skeepswerf, installasie of perseel of sodanige grond of so 'n gebied binnegaan of daarin of daarop is, is aan 'n misdryf skuldig.

HOOFSTUK X.

Bepalings van Toepassing in Oorlogstyd, tydens Binnelandse Onluste of ander Noodtoestand.

Indiensstelling van Staande Mag.

90. Behoudens die bepalings van hierdie Wet, kan die geheel of enige deel of lid van die Staande Mag te eniger tyd in diens gestel word soos in artikel *dertien* bepaal.

Mobilisasie van Burgermag, Reserwe en kommando's in oorlogstyd.

91. (1) Die Goewerneur-generaal kan in oorlogstyd, by proklamasie in die *Staatskoerant*, die geheel of enige deel van die Burgermag, die geheel of enige deel van die Reserwe en die geheel of enige deel van 'n kommando oproep en mobiliseer om diens ter verdediging van die Unie te doen.

(2) Indien die Parlement op die datum van afkondiging van so 'n proklamasie in sitting is, deel die Goewerneur-generaal onmiddellik die rede vir die uitvaardiging daarvan aan beide Huise van die Parlement mee, en indien die Parlement nie dan in sitting is nie, moet die Goewerneur-generaal so gou moontlik daarna, maar nie later as dertig dae na bedoelde datum nie, die Parlement byeenroep en vervolgens by die eerste sitting daarvan bedoelde rede meedeel.

Mobilisasie van Burgermag, Reserwe en kommando's tydens binnelandse onluste of ander noodtoestand.

92. (1) Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*, die geheel of enige deel van die Burgermag, die geheel of enige deel van die Reserwe en die geheel of enige deel van 'n kommando oproep en mobiliseer om diens ter voorkoming of onderdrukking van binnelandse onluste in die Unie, of ter behoud of bewaring van lewens, gesondheid of eiendom of ter instandhouding van noodsaaklike dienste te doen.

(2) Waar die omstandighede volgens die Minister se oordeel sodanig is dat dit dringend nodig is om die geheel of enige deel van voormelde Mag of die Reserwe of 'n kommando vir voor-

said Force or the Reserve or a commando be called out for the aforesaid service before a proclamation in terms of sub-section (1) can be issued, he may in anticipation of such proclamation by order call out the whole or that portion of the said Force or the Reserve or a commando, and any such order shall have the same force and effect as if it were a proclamation issued in terms of that sub-section calling out the whole or that portion of the said Force or the Reserve or a commando, as the case may be, and shall remain in force until such proclamation is issued, but not in any case for a period of more than four days.

(3) Notwithstanding anything contained in sub-section (1) or (2), any member of the said Force or the Reserve or a commando who is at any time present at any place during a period of instruction or exercise while undergoing training, or is at any time engaged in performing military duty, shall on the orders of a prescribed officer perform service in the preservation of life, health or property or the maintenance of essential services: Provided that the duration of such service shall not extend beyond the time which would have been occupied by the said instruction, exercise or duty.

Definition of expression "any portion".

93. For the purposes of sections *ninety*, *ninety-one* and *ninety-two*, the expression "portion", in relation to any Force or the Reserve or a commando, includes persons belonging to that Force or the Reserve or that commando, who are of or below or above a specified age or are engaged in a specified profession, trade, occupation or calling or in a profession, trade, occupation or calling other than a specified profession, trade, occupation or calling or are resident in a particular area, and, in relation to the Reserve of Officers, the Permanent Force Reserve, the Citizen Force Reserve or any commando, also any member of such Reserve or commando to whom a registered letter addressed to his registered address and calling upon him to present himself at a stated time and place, is sent by an officer designated for the purpose in the proclamation or order issued in terms of one or other of the said sections.

Members of the Reserve to be posted to Defence Force.

94. (1) Except as provided in sub-sections (2) and (3), any member of the Reserve called out for service in terms of section *ninety-one* or *ninety-two* shall be posted to the Citizen Force and shall while rendering such service be deemed to be a member of that Force.

(2) A member of the Permanent Force Reserve called out for such service shall be posted to the Permanent Force, but nothing in this sub-section contained shall be construed as preventing his secondment to or employment in or with the Citizen Force.

(3) A member of a commando called out for such service may, if the public interest so requires, be posted to the Citizen Force, and shall, while rendering such service and while so posted, be deemed to be a member of that Force.

Territorial restrictions on employment of Defence Force in time of war.

95. (1) (*a*) A member of the South African Defence Force may be required in time of war to perform service against an enemy anywhere in South Africa, whether within or outside the Union and may with his written consent be required to perform such service outside South Africa.

(*b*) For the purposes of this sub-section, service on a ship or in an aircraft which operates from a base in South Africa, shall be deemed to be service in South Africa.

(2) No member of the South African Defence Force who has consented to perform service as aforesaid outside South Africa, shall be entitled to withdraw such consent—

(*a*) in time of war if he has so consented in respect of such war; or

(*b*) during the period of his appointment or engagement in the Permanent Force or for whole-time service in the Citizen Force.

(3) Notwithstanding anything to the contrary contained in sub-section (1), any member of the South African Defence Force who is in enemy detention, or has escaped or has been released from such detention, beyond the territorial limits within which he is liable to serve, shall, notwithstanding that he is beyond those territorial limits, remain subject to the provisions of this Act and of any other law to which he would have been subject as a member of the said Force had he not been beyond such territorial limits: Provided that no such member who has escaped or has been released from enemy detention as aforesaid

melde diens op te roep voordat 'n proklamasie ooreenkomstig sub-artikel (1) uitgevaardig kan word, kan hy in afwagting van so 'n proklamasie by bevel die geheel of bedoelde deel van daardie Mag of die Reserwe of 'n kommando oproep, en so 'n bevel het dieselfde regskrag asof dit 'n ooreenkomstig daardie sub-artikel uitgevaardigde proklamasie was wat die geheel of daardie deel van daardie Mag of die Reserwe of 'n kommando, na gelang van die geval, oproep, en bly van krag totdat so 'n proklamasie uitgevaardig is, maar in geen geval langer as vier dae nie.

(3) Ondanks die bepalings van sub-artikel (1) of (2), moet enige lid van voormelde Mag of die Reserwe of 'n kommando wat te eniger tyd op enige plek aanwesig is gedurende 'n tydperk van instruksie of oefening terwyl hy opleiding ondergaan, of te eniger tyd besig is om militêre pligte uit te voer, op bevel van 'n voorgeskrewe offisier diens ter behoud of bewaring van lewens, gesondheid of eiendom of ter instandhouding van noodsaaklike dienste doen: Met dien verstande dat sodanige diens nie 'n langer tydperk duur as wat deur bedoelde instruksie, oefening of diens in beslag geneem sou gewees het nie.

Omskrywing van uitdrukking „deel".

93. By die toepassing van artikels *negentig*, *een-en-negentig* en *twee-en-negentig*, beteken die uitdrukking „deel", met betrekking tot 'n Mag of die Reserwe of 'n kommando, ook persone wat by daardie Mag of die Reserwe of daardie kommando behoort, en wat van of benede of bo 'n bepaalde ouderdom is, of 'n bepaalde beroep, bedryf, ambag of roeping beoefen, of 'n ander beroep, bedryf, ambag of roeping as 'n bepaalde beroep, bedryf, ambag of roeping beoefen, of in 'n besondere gebied woon, en met betrekking tot die Reserwe van Offisiere, die Staandemagreserwe, die Burgermagreserwe of enige kommando, ook enige lid van so 'n Reserwe of kommando aan wie deur 'n offisier vir die doel in die ooreenkomstig een of ander van daardie artikels uitgevaardigde proklamasie of order aangewys, 'n aangetekende brief aan sy aangetekende adres gerig word waarby hy opgeroep word om hom op 'n vermelde tyd en plek aan te meld.

Lede van Reserwe by Weermag ingedeel te word.

94. (1) Behoudens die bepalings van sub-artikels (2) en (3), word 'n lid van die Reserwe wat ooreenkomstig artikel *een-en-negentig* of *twee-en-negentig* tot diens opgeroep word, by die Burgermag ingedeel, en word hy terwyl hy aldus diens doen, geag 'n lid van daardie Mag te wees.

(2) 'n Lid van die Staandemagreserwe wat aldus tot diens opgeroep is, word by die Staande Mag ingedeel, maar die bepalings van hierdie artikel word nie so uitgelê dat dit belet dat hy tydelik na die Burgermag oorgeplaas of daarby of daarin in diens gestel word nie.

(3) 'n Lid van 'n kommando wat aldus tot diens opgeroep is, kan indien die openbare belang dit vereis, by die Burgermag ingedeel word, en word, terwyl hy aldus diens doen en aldus ingedeel is, geag 'n lid van daardie Mag te wees.

Gebiedsbeperkings op gebruik van Weermag in oorlogstyd.

95. (1) (*a*) 'n Lid van die Suid-Afrikaanse Weermag kan in oorlogstyd tot diens teen 'n vyand op enige plek in Suid-Afrika, hetsy binne of buite die Unie, verplig word, en kan met sy skriftelike toestemming tot sodanige diens buite Suid-Afrika verplig word.

(*b*) By die toepassing van hierdie sub-artikel, word diens op 'n skip of in 'n vliegtuig wat vanaf 'n basis in Suid-Afrika optree, geag diens in Suid-Afrika te wees.

(2) 'n Lid van die Suid-Afrikaanse Weermag wat toegestem het om diens soos voormeld buite Suid-Afrika te doen, is nie geregtig nie om bedoelde toestemming terug te trek—

(*a*) in oorlogstyd indien hy ten opsigte van die betrokke oorlog aldus toegestem het; of

(*b*) gedurende die tydperk waarvoor hy in die Staande Mag of vir voltydse diens in die Burgermag aangestel of in diens geneem is.

(3) Ondanks andersluidende bepalings van sub-artikel (1), bly 'n lid van die Suid-Afrikaanse Weermag wat buite die gebied waarin hy verplig is om te dien, deur 'n vyand aangehou word of uit sodanige aanhouding ontsnap het of daaruit bevry is, al is hy buite bedoelde gebied, onderworpe aan die bepalings van hierdie Wet en van enige ander wet waaraan hy as 'n lid van daardie Mag onderworpe sou gewees het indien hy nie buite daardie gebied was nie: Met dien verstande dat geen lid wat soos voormeld uit aanhouding deur die vyand ontsnap het of daaruit bevry is, en wat as gevolg van oorlogstoestande noodsaaklikerwys op 'n plek buite bedoelde

and who, by reason of the circumstances of war, is necessarily detained in military service at any place beyond the said territorial limits shall while so detained be compelled to render any military service except in the performance of such duties as he may be required to perform in or within the precincts of any military camp or other place where he is being necessarily so detained or in the course of his conveyance by means of any aircraft, vehicle or vessel.

Release and discharge from service.

96. (1) Any person called out for service in terms of section *ninety-one* or *ninety-two*, may be held to that service until such time as the Governor-General may, by proclamation in the *Gazette*, declare that the portion of the South African Defence Force with which he is serving is released from that service.

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

Exemption from service.

97. (1) No person shall be liable to be called out for service in terms of section *ninety-one* or *ninety-two*, if he is—

(*a*) certified by the prescribed medical authority as medically unfit for that service;
(*b*) an officer of Parliament;
(*c*) a judge of the Supreme Court of South Africa or an officer thereof (other than an advocate, attorney, notary or conveyancer) or a judicial officer of any other court of law of the Union;
(*d*) a minister of religion of a prescribed denomination;
(*e*) a member of the South African Police or the South African Railways and Harbours Police;
(*f*) an officer as defined in section *two* of the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911);
(*g*) employed in a lighthouse;
(*h*) employed in a full-time capacity in a public hospital as a medical or dental officer;
(*i*) the secretary or other head of a department of State or of a Provincial Administration or the Administration of South-West Africa; or
(*j*) engaged in any prescribed employment or occupation.

(2) Any other person called out for service as aforesaid may be exempted from such service if it appears to an exemption board, constituted as provided in section *ninety-eight*, that it is in the public interest that he should be so exempted.

(3) A person who *bona fide* belongs and adheres to a recognized religious denomination, by the tenets whereof its members may not participate in war, may be granted exemption from serving in any combatant capacity in time of war, but shall, if called upon to do so, serve in a non-combatant capacity.

(4) Where any question arises as to whether a person is exempt from service under this section, the burden of proving the claim to exemption shall lie on the claimant, and all claims to and applications for exemption shall be heard and decided by an exemption board constituted as provided in section *ninety-eight*.

(5) Any exemption from service under this section shall hold good only during the continuance of the employment, occupation, condition, status, public interest or other consideration on which it is based.

Appointment and proceedings of exemption boards.

98. (1) Whenever the circumstances so require, the Minister shall appoint one or more exemption boards whose duty it shall be to consider and decide upon applications for exemption under section *ninety-seven*.

(2) Any such board shall be constituted as prescribed, but so that the chairman thereof shall be a magistrate or a person who has at some time held office as a magistrate for a continuous period of not less than five years, and so that not more than fifty per cent of the members (including the chairman) thereof shall be members of the South African Defence Force.

(3) The provisions of sub-section (3) of section *sixty-eight* and sub-sections (2) and (3) of section *sixty-nine* shall *mutatis mutandis* apply with reference to an exemption board appointed

gebied in militêre diens aangehou word, gedwing kan word om terwyl hy aldus aangehou word militêre diens te doen nie, behalwe vir die verrigting van pligte wat hy in of in die omgewing van 'n militêre kamp of ander plek waar hy noodsaaklikerwys aldus aangehou word, of in die loop van sy vervoer per vliegtuig, voertuig of vaartuig, verplig kan word om te verrig.

Vrylating en ontslag uit diens.

96. (1) Iemand wat ooreenkomstig artikel *een-en-negentig* of *twee-en-negentig* tot diens opgeroep is, kan verplig word om daardie diens te doen tot tyd en wyl die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar dat die deel van die Suid-Afrikaanse Weermag waarin hy dien van daardie diens onthef is.

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

Vrystelling van diens.

97. (1) Niemand kan ingevolge artikel *een-en-negentig* of *twee-en-negentig* vir diens opgeroep word nie, indien hy—

(*a*) deur die voorgeskrewe geneeskundige gesag as geneeskundig ongeskik vir daardie diens gesertifiseer is;
(*b*) 'n beampte van die Parlement is;
(*c*) 'n regter van die Hooggeregshof van Suid-Afrika of 'n beampte daarvan (behalwe 'n advokaat, prokureur, notaris of transportbesorger) of 'n regterlike beampte van enige ander geregshof van die Unie is;
(*d*) 'n predikant van 'n voorgeskrewe kerkgenootskap is;
(*e*) 'n lid van die Suid-Afrikaanse Polisie of die Suid-Afrikaanse Spoorweg- en Hawepolisie is;
(*f*) 'n beampte is soos in artikel *twee* van die „Wet op Gevangenissen en Verbetergestichten, 1911" (Wet No. 13 van 1911), omskryf;
(*g*) in 'n vuurtoring in diens is;
(*h*) voltyds in 'n publieke hospitaal as 'n geneeskundige of tandheelkundige beampte in diens is;
(*i*) die sekretaris of ander hoof van 'n Staatsdepartement of van 'n Provinsiale Administrasie of die Administrasie van Suidwes-Afrika is; of
(*j*) by 'n voorgeskrewe werk of bedryf betrokke is.

(2) Enige ander persoon wat soos voormeld tot diens opgeroep is, kan van daardie diens vrygestel word indien dit aan 'n vrystellingsraad, saamgestel soos in artikel *agt-en-negentig* bepaal, blyk dat dit in die openbare belang is dat hy aldus vrygestel word.

(3) Iemand wat *bona fide* aan 'n erkende kerkgenootskap, volgens die leerstellings waarvan sy lede nie aan oorlog mag deelneem nie, behoort en dit aanhang, kan van diens in vegtende hoedanigheid in oorlogstyd vrygestel word, maar moet indien hy daartoe opgeroep word, in nie-vegtende hoedanigheid dien.

(4) Waar die vraag ontstaan of iemand ingevolge hierdie artikel van diens vrygestel is, rus die las om die eis om vrystelling te bewys, op die eiser, en alle eise en aansoeke om vrystelling word deur 'n vrystellingsraad, saamgestel soos in artikel *agt-en-negentig* bepaal, verhoor en beslis.

(5) Enige vrystelling van diens ingevolge hierdie artikel geld slegs vir die duur van die werk, bedryf, toestand, status, openbare belang of ander oorweging waarop dit berus.

Aanstelling en verrigtings van vrystellingsrade

98. (1) Wanneer omstandighede dit vereis, stel die Minister een of meer vrystellingsrade aan wie se plig dit is om aansoeke om vrystelling ingevolge artikel *sewe-en-negentig* te oorweeg en daaroor te beslis.

(2) So 'n raad word saamgestel soos voorgeskryf, maar so dat die voorsitter daarvan 'n magistraat is of iemand wat op een of ander tyd vir 'n ononderbroke tydperk van minstens vyf jaar die amp van magistraat beklee het, en so dat hoogstens vyftig persent van die lede daarvan (met inbegrip van die voorsitter) lede van die Suid-Afrikaanse Weermag is.

(3) Die bepalings van sub-artikel (3) van artikel *agt-en-sestig* en sub-artikels (2) en (3) van artikel *nege-en-sestig* is *mutatis mutandis* van toepassing met betrekking tot 'n kragtens hierdie artikel aangestelde vrystellingsraad, en by die toepassing van

under this section, and in the application of the said sub-section (2) the reference therein to the registering officer shall be construed as a reference to a prescribed officer.

Security of harbours and aerodromes.

99. (1) In time of war the Governor-General may issue orders and instructions, which may be made known in such manner as he deems most suitable in the circumstances—

(*a*) forbidding or restricting in any way he may think fit all entrance to or egress of vessels or aircraft from a harbour or aerodrome;

(*b*) forbidding or restricting in any way he may think fit the movements of vessels or aircraft when within the limits of a harbour or aerodrome;

(*c*) for the examination of all vessels or aircraft seeking to enter or leave a harbour or an aerodrome or being within a harbour or on an aerodrome or within the airspace above the Union and for requiring or forcing any such aircraft within the airspace above the Union to land within the Union for the purpose of being examined;

(*d*) for the taking of such other steps as may be thought necessary or desirable for securing the safety of any harbour or aerodrome or otherwise for the purposes of defence, the generality of this provision not being limited by the particular matters provided for in paragraphs (*a*), (*b*) and (*c*) of this sub-section.

(2) For the purposes of this section—

"harbour" means any harbour under the jurisdiction of the South African Railways and Harbours Administration, any area of land and sea which the Governor-General may designate as a harbour or any area of land and sea which the Governor-General may assign to any harbour; and

"aerodrome" means a defined area of land or water (including any building, installation and equipment thereon) intended to be used either wholly or in part in connection with the arrival, departure or movement of aircraft, and includes any area which the Governor-General may by Proclamation in the *Gazette* designate as an aerodrome, and the airspace above any aerodrome.

(3) The Governor-General may vest in any person such powers as he may deem necessary for the execution or enforcement of any order or instruction issued in pursuance of this section.

Commandeering.

100. (1) In time of war or internal disorder the Governor-General may authorize and appoint officers of the South African Defence Force or of the public service to obtain in the manner and subject to the conditions prescribed, from any person or any public or other body corporate or unincorporate, and without the consent of such person or body, to take possession of buildings and other premises, vehicles, aircraft, vessels, machinery, equipment, animals, foodstuffs, forage, fuels, oils and any other materials, articles or things necessary for the mobilization or the maintenance of the South African Defence Force or any portion thereof or of other forces acting in co-operation therewith.

(2) Compensation shall be payable in respect of anything obtained or taken under sub-section (1), to the person or body concerned.

Censorship.

101. (1) In time of war the Governor-General may establish and do all things necessary to enforce a censorship over all or any description of postal, telegraphic, telephonic or radio matter or communications passing within, into or from the Union, and over all or any description of letters, written or printed matter, parcels, pictures, drawings, sketches, photographs or gramophone records (including any article, apparatus or device upon which or by means of which intelligence or sounds of any kind have been recorded and can be reproduced) addressed or intended to be delivered or conveyed to any person, and prescribe the conditions under which the postal, telegraph, telephone or radio services may be used.

(2) The conditions so prescribed, and any regulations, orders or instructions relating to the establishment or enforcement of a censorship in terms of this section, shall override any provisions of any law or regulations relating to the management of the postal, telegraph, telephone or radio services of the Union.

bedoelde sub-artikel (2) word die verwysing daarin na die registrasiebeampte as 'n verwysing na 'n voorgeskrewe offisier uitgelê.

Veiligheid van hawens en vliegvelde.

99. (1) In oorlogstyd kan die Goewerneur-generaal orders en instruksies uitvaardig wat bekendgemaak kan word op die wyse wat hy onder die omstandighede die geskikste ag—

(*a*) waarby alle toegang tot 'n hawe of vliegveld, of uitgang daaruit van vaartuie of vliegtuie op die wyse wat hy goedvind, verbied of beperk word;

(*b*) waarby die beweging van vaartuie of vliegtuie, wanneer binne die grense van 'n hawe of vliegveld aanwesig, op die wyse wat hy goedvind, verbied of beperk word;

(*c*) vir die ondersoek van alle vaartuie of vliegtuie wat 'n hawe of vliegveld wil binnegaan of verlaat of wat binne 'n hawe of op 'n vliegveld of binne die lugruim bo die Unie is, en om die landing in die Unie van so 'n vliegtuig wat binne die lugruim bo die Unie is, te eis of af te dwing ten einde ondersoek te word;

(*d*) om die ander stappe te doen wat ter versekering van die veiligheid van enige hawe of vliegveld of andersins vir verdedigingsdoeleindes nodig geag word, sonder afbreuk aan die algemeenheid van hierdie bepaling uit hoofde van die besondere aangeleenthede waarvoor in paragrawe (*a*), (*b*) en (*c*) van hierdie sub-artikel voorsiening gemaak word.

(2) By die toepassing van hierdie artikel beteken—

„hawe" 'n hawe onder die gesag van die Suid-Afrikaanse Spoorweg- en Hawensadministrasie, enige grond- en seegebied wat die Goewerneur-generaal as 'n hawe aanwys of enige grond- en seegebied wat die Goewerneur-generaal aan 'n hawe toewys; en

„vliegveld" 'n omskrewe grond- of seegebied (met inbegrip van enige gebou, installasie en uitrusting daarop) wat bedoel is om geheel of gedeeltelik gebruik te word in verband met die aankoms, vertrek of beweging van vliegtuie, en ook enige gebied wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* as 'n vliegveld mag aanwys, en die lugruim bo enige vliegveld.

(3) Die Goewerneur-generaal kan enigiemand met bevoegdhede beklee wat hy vir die uitvoering of toepassing van enige uit hoofde van hierdie artikel uitgevaardigde order of instruksie nodig ag.

Kommandering.

100. (1) In oorlogstyd of tydens binnelandse onluste kan die Goewerneur-generaal offisiere van die Suid-Afrikaanse Weermag of amptenare in die Staatsdiens magtig en aanstel om op die voorgeskrewe wyse en onderworpe aan die voorgeskrewe voorwaardes van enigiemand of enige openbare of ander liggaam, hetsy met regspersoonlikheid beklee al dan nie, geboue en ander persele, voertuie, vliegtuie, vaartuie, masjinerie, uitrusting, diere, eetware, voer, brandstof, olie en enige ander materiaal, artikel of enigiets wat nodig is vir die mobilisasie of die instandhouding van die Suid-Afrikaanse Weermag of enige deel daarvan of van ander magte wat in samewerking daarmee optree, te verkry en sonder toestemming van daardie persoon of liggaam daarvan besit te neem.

(2) Vergoeding is aan die betrokke persoon of liggaam betaalbaar ten opsigte van enigiets ingevolge sub-artikel (1) verkry of geneem.

Sensorskap.

101. (1) In oorlogstyd kan die Goewerneur-generaal 'n sensorskap instel oor alle of enige soorte pos-, telegraaf-, telefoon- en radiostukke of kommunikasies wat binne die Unie, daarin of daaruit gestuur word, en oor alle of enige soorte briewe, geskrewe stukke of drukwerk, pakkette, prente, tekenings, sketse, foto's of grammofoonplate (met inbegrip van enige artikel, apparaat of toestel waarop of deur middel waarvan inligting of klanke van enige aard opgeneem is en weer voortgebring kan word) wat aan enigiemand geadresseer is of bedoel is om aan iemand afgelewer of oorgebring te word, en enigiets doen wat nodig is om so 'n sensorskap toe te pas, en die voorwaardes voorskryf waaronder van pos-, telegraaf-, telefoon- of radiodienste gebruik gemaak mag word.

(2) Die aldus voorgeskrewe voorwaardes, en enige regulasies, orders of instruksies met betrekking tot die instelling of toepassing van 'n sensorskap kragtens hierdie artikel, geld ondanks die bepalings van enige wet of regulasie met betrekking tot die bestuur van die pos-, telegraaf-, telefoon- of radiodienste van die Unie.

(3) Any person who contravenes or fails to comply with any regulation, order or instruction issued in terms of this section shall be guilty of an offence.

(4) In addition to the powers vested in him under any law, the Postmaster-General may delay the transmission of any telegraphic or radio communication which in his opinion improperly discloses or deals with information relating to defence, the publication of which is prohibited under section *one hundred and eighteen*, and may with the sanction of the Minister or a person acting under his authority refuse to transmit any such communication in whole or in part.

(5) No person shall be entitled to the refund of any charges paid in respect of any postal article, telegram, radio-telegram or telephone call which is detained, delayed, diverted or interrupted in pursuance of this section.

Railway facilities and air services.

102. (1) The Governor-General may in time of war authorize any officer of the South African Defence Force to assume control over any railway system or air service, or any portion thereof, within the Union.

(2) The Minister may in time of war requisition the authorities controlling any line of railway or air service in the Union to supply suitable engines and rolling stock or aircraft for the conveyance of members of the South African Defence Force or other forces acting in co-operation therewith, and their guns, armament, ammunition, baggage, stores, supplies, vehicles and animals, and to convey the same by rail or by air to or from any point within or outside the Union, as may be necessary.

Emergency regulations.

103. (1) In time of war the Governor-General may, subject to the provisions of sub-sections (3), (4) and (6), by proclamation in the *Gazette* make such regulations as appear to him to be necessary or expedient for providing for the defence of the Union, the safety of the public, the maintenance of public order and the effective prosecution of such war, and for making adequate provision for dealing with circumstances which in his opinion have arisen as a result of such war.

(2) Without prejudice to the generality of the powers conferred by this section—

(*a*) such regulations may provide for—

(i) the empowering of such persons or bodies as may be specified therein to make orders, rules and by-laws for any of the purposes for which the Governor-General is by this section authorized to make regulations, and to impose penalties, to be specified in such orders, rules or by-laws, for any contravention of or failure to comply with the provisions thereof;

(ii) the imposition and recovery of such fees as may be specified therein; and

(iii) the imposition of penalties specified therein for any contravention of or failure to comply with any provisions of the regulations or any directions issued or conditions prescribed by or under the regulations, which penalties may include the confiscation of property by means of which the offence has been committed, but which penalties, exclusive of any such confiscation of property, shall not exceed a fine of two thousand pounds or imprisonment with or without compulsory labour for a period of two years or both such fine and such imprisonment; and

(*b*) different regulations may be made for different areas and for different classes of persons.

(3) Nothing in this section contained shall be deemed to authorize the making of any regulation whereby—

(*a*) is imposed any liability to render compulsory military service other than that provided for in this Act; or

(*b*) any law relating to the qualifications, nomination, election or tenure of office of members of the Senate or the House of Assembly or a Provincial Council or the Legislative Assembly of South-West Africa, or to the holding of sessions of Parliament or a Provincial Council or the said Legislative Assembly, or to the

(3) Iemand wat 'n kragtens hierdie artikel uitgevaardigde regulasie, order of instruksie oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig.

(4) Die Posmeester-generaal kan, afgesien van die bevoegdhede wat ingevolge een of ander wetsbepaling by hom berus, die versending vertraag van enige telegrafiese of radiokommunikasie wat volgens sy oordeel inligting met betrekking tot verdediging, waarvan die publikasie kragtens artikel *honderd-en-agtien* verbied is, onbehoorlikerwys openbaar maak of daaroor handel, en kan met goedkeuring van die Minister of iemand wat op sy gesag optree, weier om so 'n kommunikasie of enige deel daarvan te versend.

(5) Niemand is geregtig op terugbetaling van enige gelde wat betaal is ten opsigte van 'n posstuk, telegram, radio-telegram of telefoonoproep wat kragtens hierdie artikel teruggehou, vertraag, afgewend of onderbreek is nie.

Spoorweg-fasiliteite en lugdienste.

102. (1) Die Goewerneur-generaal kan in oorlogstyd enige offisier van die Suid-Afrikaanse Weermag magtig om beheer te neem oor enige spoorwegstelsel of lugdiens, of enige deel daarvan, binne die Unie.

(2) Die Minister kan in oorlogstyd die owerheid wat enige spoorlyn of lugdiens in die Unie beheer, aansê om geskikte lokomotiewe en rollende materiaal of vliegtuie te verskaf vir die vervoer van lede van die Suid-Afrikaanse Weermag of ander magte wat in samewerking daarmee optree, en hul gewere, bewapening, ammunisie, bagasie, voorrade, kommissariaat, voertuie en diere, en om dit per spoor of per lug na of van enige plek binne of buite die Unie te vervoer soos nodig mag wees.

Noodregulasies.

103. (1) In oorlogstyd kan die Goewerneur-generaal, behoudens die bepalings van sub-artikels (3), (4) en (6) by proklamasie in die *Staatskoerant* regulasies uitvaardig wat hy nodig of raadsaam ag om voorsiening te maak vir die verdediging van die Unie, die veiligheid van die publiek, die handhawing van die openbare orde en die doeltreffende voortsetting van bedoelde oorlog, en om voldoende voorsiening te maak om te handel met omstandighede wat na sy oordeel as gevolg van daardie oorlog ontstaan het.

(2) Sonder afbreuk aan die algemeenheid van die bevoegdhede by hierdie artikel verleen—

(*a*) kan bedoelde regulasies voorsiening maak vir—

(i) die verlening aan die daarin aangewese persone of liggame van die bevoegdheid om bevele, reëls en verordenings uit te vaardig vir enige van die oogmerke waarvoor die Goewerneur-generaal by hierdie artikel gemagtig word om regulasies uit te vaardig, en om strawwe wat in bedoelde bevele, reëls of verordenings vermeld moet word, op te lê vir 'n oortreding van die voorskrifte daarvan of versuim om daaraan te voldoen;

(ii) die oplegging en verhaal van die daarin vermelde gelde; en

(iii) die oplegging van die daarin vermelde strawwe vir 'n oortreding van die voorskrifte van die regulasies, of enige bevele uitgevaardig of voorwaardes voorgeskryf deur of kragtens die regulasies, of versuim om daaraan te voldoen, en bedoelde strawwe kan ook die verbeurdverklaring insluit van goed deur middel waarvan die misdryf gepleeg is, maar mag afgesien van so 'n verbeurdverklaring van goed, nie n boete van tweeduisend pond of gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van twee jaar of beide daardie boete en daardie gevangenisstraf te bowe gaan nie; en

(*b*) kan verskillende regulasies vir verskillende gebiede en vir verskillende kategorieë van persone uitgevaardig word.

(3) Die bepalings van hierdie artikel word nie geag die uitvaardiging te magtig nie van 'n regulasie waarby—

(*a*) 'n ander verpligting tot die verrigting van militêre diens opgelê word as dié waarvoor in hierdie Wet voorsiening gemaak word nie; of

(*b*) 'n wet aangaande die kwalifikasies, nominasie, verkiesing of ampsduur van lede van die Senaat of die Volksraad of 'n Provinsiale Raad of die Wetgewende Vergadering van Suidwes-Afrika, of aangaande die hou van sittings deur die Parlement of 'n Provinsiale Raad of bedoelde Wetgewende Vergadering, of

powers, privileges or immunities of Parliament or a Provincial Council or the said Legislative Assembly, or of the members or committees thereof, is altered or suspended.

(4) Any regulation made under this section shall be laid on the Tables of both Houses of Parliament within fourteen days after promulgation thereof if Parliament is then in ordinary session, or if Parliament is not then in ordinary session, within fourteen days after the commencement of its next ensuing ordinary session, and shall remain on the said Tables for a period of at least twenty-eight consecutive days, and if Parliament is prorogued before that period has elapsed, such regulation shall again be laid on the said Tables as aforesaid within fourteen days after the commencement of its next ensuing ordinary session.

(5) If both Houses of Parliament by resolution passed in the same session (being a session during which any such regulation has in terms of sub-section (4) been laid on the Tables of both Houses of Parliament) disapprove of such regulation or of any provision thereof, such regulation or such provision thereof shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such regulation or of such provision thereof up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such regulation or such provision thereof.

(6) This section shall not apply in respect of any war until it has been declared to be applicable in respect thereof by the Governor-General by proclamation in the *Gazette*, and any such proclamation shall cease to have any force or effect upon the expiration of a period of thirty days after the date of publication thereof unless it has within that period been approved by resolution by both Houses of Parliament, but without prejudice to the validity during the said period of any regulation issued thereunder or of anything done under any such regulation or to any right, privilege, obligation or liability acquired, accrued or incurred during the said period under and by virtue of any such regulation.

CHAPTER XI.

Discipline, Legal Procedure and Offences.

Military Discipline Code.

104. (1) The provisions of the First Schedule together with the rules made under sub-section (3) shall comprise, and may for all purposes be cited as, the Military Discipline Code.

(2) The Governor-General may, with the approval by resolution, of both Houses of Parliament, by proclamation in the *Gazette* insert any new provision in or amend or repeal any provision of the First Schedule.

(3) The Governor-General may in consultation with a rules board consisting of the Chiefs of Staff, the Adjutant-General and the Senior Legal Officer of the South African Defence Force and of such other persons as he may determine, make, alter or repeal such rules for giving effect to the First Schedule as he may deem necessary or expedient or as may be provided for in the said Schedule.

(4) No rule or alteration or repeal of a rule made under sub-section (3) shall come into operation until a period of thirty days from the date of promulgation thereof has elapsed.

(5) The Military Discipline Code shall to the extent and subject to the conditions prescribed therein, apply—

(*a*) to all members of the Permanent Force;

(*b*) to members of the Citizen Force, Commandos, the Cadet Officers Training Corps and the Reserve in relation to any service, training or duty undertaken or to be undertaken by them in pursuance of this Act: Provided that no such member shall, except when called out for service in defence of the Union or in the prevention or suppression of internal disorder in the Union, or, in the case of members of the Citizen Force, when engaged for temporary whole-time service in terms of section *twenty*, or in pursuance of a sentence imposed by a competent court, other than a military court, be subject under the Military Discipline Code to any punishment other than—

(i) cashiering;

(ii) dismissal from the South African Defence Force;

aangaande die bevoegdhede, voorregte of vryhede van die Parlement of 'n Provinsiale Raad of bedoelde Wetgewende Vergadering of van die lede of komitees daarvan, verander of geskors word.

(4) Enige kragtens hierdie artikel uitgevaardigde regulasie word binne veertien dae na afkondiging daarvan in beide Huise van die Parlement ter Tafel gelê indien die Parlement dan in gewone sitting is, of indien die Parlement nie dan in gewone sitting is nie, binne veertien dae na die aanvang van sy eersvolgende gewone sitting, en bly op genoemde Tafels vir 'n tydperk van minstens agt-en-twintig agtereenvolgende dae, en indien die Parlement geprorogeer word voordat daardie tydperk verstryk het, word bedoelde regulasie weer soos voormeld binne veertien dae na die aanvang van sy eersvolgende gewone sitting ter Tafel gelê.

(5) Indien beide Huise van die Parlement by besluit wat gedurende dieselfde sitting geneem word (naamlik 'n sitting waarin so 'n regulasie ooreenkomstig sub-artikel (4) in beide Huise van die Parlement ter Tafel gelê is) bedoelde regulasie of 'n bepaling daarvan afkeur, verval die regskrag van daardie regulasie of daardie bepaling daarvan vir sover dit aldus afgekeur word, dog sonder afbreuk aan die geldigheid van enigiets wat ingevolge daardie regulasie of bepaling daarvan gedoen is tot die datum waarop die regskrag daarvan aldus verval het, of aan enige reg, voorreg, verpligting of aanspreeklikheid wat op bedoelde datum reeds ingevolge en uit hoofde van daardie regulasie of bepaling daarvan verkry, toegeval of opgeloop is.

(6) Hierdie artikel geld nie ten opsigte van enige oorlog nie totdat dit deur die Goewerneur-generaal by proklamasie in die *Staatskoerant* ten opsigte daarvan van toepassing verklaar is, en so 'n proklamasie hou op om van krag te wees by verstryking van 'n tydperk van dertig dae na die datum van publikasie daarvan, tensy dit binne bedoelde tydperk deur beide Huise van die Parlement by besluit goedgekeur is, dog sonder afbreuk aan die geldigheid gedurende bedoelde tydperk van enige regulasie daarkragtens uitgevaardig of enigiets kragtens so 'n regulasie gedoen of aan enige reg, voorreg, verpligting of aanspreeklikheid gedurende bedoelde tydperk ingevolge en uit hoofde van so 'n regulasie verkry, toegeval of opgeloop.

HOOFSTUK XI.

DISSIPLINE, REGSPROSEDURE EN MISDRYWE.

Reglement van Dissipline.

104. (1) Die bepalings van die Eerste Bylae tesame met die kragtens sub-artikel (3) uitgevaardigde reëls maak die Reglement van Dissipline uit en kan vir alle doeleindes as sodanig aangehaal word.

(2) Die Goewerneur-generaal kan met goedkeuring, by besluit, van beide Huise van die Parlement, by proklamasie in die *Staatskoerant* enige nuwe bepaling in die Eerste Bylae invoeg of enige bepaling daarvan wysig of herroep.

(3) Die Goewerneur-generaal kan in oorleg met 'n reglementsraad, bestaande uit die Stafhoofde, die Adjudant-generaal en die Senior Regsoffisier van die Suid-Afrikaanse Weermag en uit sodanige ander persone as wat hy mag bepaal, die reëls uitvaardig, wysig of herroep om aan die Eerste Bylae uitvoering te gee, wat hy nodig of dienstig ag of waarvoor in bedoelde Bylae voorsiening gemaak word.

(4) Geen ingevolge sub-artikel (3) uitgevaardigde reël of wysiging of herroeping daarvan word van krag voordat 'n tydperk van dertig dae na die datum van afkondiging daarvan verstryk het nie.

(5) Die Reglement van Dissipline is vir sover en behoudens die voorwaardes daarin voorgeskryf, van toepassing—

(*a*) op alle lede van die Staande Mag;

(*b*) op lede van die Burgermag, Kommando's, die Opleidingskorps vir Kadetoffisiere en die Reserwe, met betrekking tot enige diens, opleiding of plig wat uit hoofde van hierdie Wet deur hulle onderneem word of moet word: Met dien verstande dat so 'n lid nie, behalwe wanneer hy tot diens ter verdediging van die Unie of ter voorkoming of onderdrukking van binnelandse onluste in die Unie opgeroep is, of (in die geval van lede van die Burgermag) wanneer hy ooreenkomstig artikel *twintig* vir tydelike voltydse diens aangeneem is, of ingevolge 'n vonnis deur 'n ander bevoegde hof as 'n militêre hof opgelê, aan 'n ander straf ingevolge die Reglement van Dissipline onderhewig is nie, as—

(i) kassering;

(ii) afdanking uit die Suid-Afrikaanse Weermag;

(iii) discharge with ignominy from the South African Defence Force;
(iv) forfeiture of service or of seniority in rank;
(v) reduction to the ranks or to a lower rank or grade;
(vi) detention not extending beyond the date of expiration of the period of service, training or duty upon which he is engaged;
(vii) fines and deprivations, forfeitures and stoppages of pay and allowances;
(viii) severe reprimand;
(ix) reprimand;
(x) admonition;
(xi) confinement to barracks; or
(xii) extra guards and pickets.

Jurisdiction of ordinary courts in regard to offences under Military Discipline Code.

105. (1) Any division of the Supreme Court of South Africa or, subject to any other law prescribing its jurisdiction, a magistrate's court may try any person for any offence under the Military Discipline Code and may impose any punishment which may be imposed for that offence under that Code and which is within the jurisdiction of such court, including, in the case of a magistrate's court, a sentence of detention: Provided that no person shall be sentenced to corporal punishment in respect of any offence under the said Code.

(2) In imposing any punishment for an offence under this Act or the said Code the court shall take cognizance of the gravity of the offence in relation to its military bearing and have due regard to the necessity for the maintenance in the South African Defence Force of a proper standard of military discipline.

(3) If a non-commissioned officer of the South African Defence Force is convicted of any offence under this Act or the said Code he may, in addition to any penalty imposed by the court, be reduced to the ranks or to a lower rank or grade by the prescribed authority.

Jurisdiction of ordinary and military courts.

106. (1) Any person subject to military law who has been tried for an offence by any division of the Supreme Court of South Africa or by a magistrate's court, shall not be liable to be tried in respect of that offence by a military court.

(2) Whenever any person who has been sentenced by a military court for any offence is convicted of the same offence by any division of the Supreme Court of South Africa or by a magistrate's court, such court shall in imposing punishment have regard to the punishment imposed for the offence by the military court.

Appeals and reviews.

107. There shall be no appeal from the finding or sentence of a military court, but nothing in this Act shall be construed as derogating from the right of any division of the Supreme Court of South Africa to review the proceedings of a military court.

Jurisdiction of military courts in respect of offences under this Act.

108. A military court may try any member of the Permanent Force, or any other member of the South African Defence Force called out for service in terms of Chapter X, for any offence under this Act as if the offence were an offence under the Military Discipline Code: Provided that such court shall not impose in respect of any such offence a penalty which is beyond the jurisdiction of such a court in terms of the Military Discipline Code or exceeds the penalty prescribed for that offence by this Act.

Offences by persons against members of other forces.

109. Whenever the South African Defence Force and any other force are associated together under one command, the provisions of this Act and the Military Discipline Code shall *mutatis mutandis* apply with reference to any act or omission on the part of a member of the South African Defence Force in respect of or in relation to the members or institutions of that other force in the same manner as if it were an act or omission on the part of that member in respect of or in relation to the members or institutions of the South African Defence Force.

Arrest and trial.

110. (1) Any member of the Citizen Force or of the Reserve charged with an offence under this Act, including any offence under the Military Discipline Code, may—

(*a*) if he is on service or undergoing training or on duty with any portion of the South African Defence Force,

(iii) ontslag met oneer uit die Suid-Afrikaanse Weermag;
(iv) verbeuring van diens of van rangsansiënniteit;
(v) degradering tot die gelid of na 'n laer rang of graad;
(vi) detensie wat nie langer duur as tot die datum waarop die tydperk van die diens, opleiding of plig waarmee hy besig is, verstryk nie;
(vii) boetes en onthoudings, verbeurings en terughoudings van soldy en toelaes;
(viii) ernstige berisping;
(ix) berisping;
(x) vermaning;
(xi) kaserne-arres;
(xii) ekstra wagte en pikette.

Regsbevoegdheid van gewone howe met betrekking tot misdrywe kragtens Reglement van Dissipline.

105. (1) Enige afdeling van die Hooggeregshof van Suid-Afrika of, met inagneming van enige ander wet wat sy regsbevoegdheid bepaal, 'n magistraatshof kan enigiemand weens 'n misdryf kragtens die Reglement van Dissipline verhoor, en kan enige straf binne die regsbevoegdheid van daardie hof oplê, wat ingevolge bedoelde Reglement vir daardie misdryf opgelê kan word, en, in die geval van 'n magistraatshof, ook 'n vonnis van detensie: Met dien verstande dat niemand ten opsigte van 'n misdryf kragtens bedoelde Reglement tot lyfstraf gevonnis word nie.

(2) By die oplê van 'n straf weens 'n misdryf ingevolge hierdie Wet of bedoelde Reglement, neem die hof kennis van die erns van die misdryf met inagneming van die uitwerking daarvan uit 'n militêre oogpunt, en hou hy rekening met die noodsaaklikheid om 'n behoorlike standaard van militêre dissipline in die Suid-Afrikaanse Weermag te handhaaf.

(3) Indien 'n onderoffisier van die Suid-Afrikaanse Weermag weens 'n misdryf kragtens hierdie Wet of bedoelde Reglement skuldig bevind word, kan hy, benewens enige straf wat deur die hof opgelê is, deur die voorgeskrewe gesag tot die gelid of tot 'n laer rang of graad gedegradeer word.

Regsbevoegdheid van gewone en militêre howe.

106. (1) Iemand aan die militêre reg onderworpe wat deur 'n afdeling van die Hooggeregshof van Suid-Afrika of deur 'n magistraatshof weens 'n misdryf verhoor is, kan nie ten opsigte van daardie misdryf deur 'n militêre hof verhoor word nie.

(2) Wanneer iemand wat deur 'n militêre hof weens 'n misdryf gestraf is, deur 'n afdeling van die Hooggeregshof van Suid-Afrika of deur 'n magistraatshof aan dieselfde misdryf skuldig bevind word, moet die hof by die oplê van straf rekening hou met die straf wat vir die misdryf deur die militêre hof opgelê is.

Appèlle en hersienings.

107. Daar is geen appèl teen die bevinding of vonnis van 'n militêre hof nie, maar die bepalings van hierdie Wet word nie uitgelê asof dit aan die reg van 'n afdeling van die Hooggeregshof van Suid-Afrika om die verrigtinge van 'n militêre hof te hersien, afbreuk doen nie.

Regsbevoegdheid van militêre howe ten opsigte van misdrywe ingevolge hierdie Wet.

108. 'n Militêre hof kan 'n lid van die Staande Mag of 'n ander lid van die Suid-Afrikaanse Weermag wat kragtens Hoofstuk X tot diens opgeroep is, weens enige misdryf kragtens hierdie Wet verhoor asof daardie misdryf 'n misdryf kragtens die Reglement van Dissipline was: Met dien verstande dat bedoelde hof nie ten opsigte van so 'n misdryf 'n straf oplê wat volgens die Reglement van Dissipline buite die regsbevoegdheid van daardie hof val of swaarder as die by daardie Wet vir daardie misdryf voorgeskrewe straf is nie.

Misdrywe deur persone teen lede van ander magte.

109. Wanneer die Suid-Afrikaanse Weermag en enige ander mag saam onder dieselfde bevel staan, is die bepalings van hierdie Wet en die Reglement van Dissipline *mutatis mutandis* van toepassing met betrekking tot enige handeling of versuim van 'n lid van die Suid-Afrikaanse Weermag ten opsigte van of met betrekking tot die lede of instellings van daardie ander mag op dieselfde wyse asof dit 'n handeling of versuim van daardie lid ten opsigte van of met betrekking tot die lede of instellings van die Suid-Afrikaanse Weermag was.

Arres en verhoor.

110. (1) 'n Lid van die Burgermag of van die Reserwe wat weens 'n misdryf kragtens hierdie Wet, met inbegrip van 'n misdryf kragtens die Reglement van Dissipline, aangekla is, kan—

(*a*) indien hy in diens is of opleiding ondergaan of pligte verrig by enige deel van die Suid-Afrikaanse Weer-

be arrested and taken into military custody by any other member of the South African Defence Force acting under prescribed authority, pending the investigation and disposal of the charge; or

(*b*) if he is not so on service or undergoing training or on duty, be summoned to appear or be arrested and brought before a magistrate's court in accordance with law, or be summoned under the Military Discipline Code to appear before a military court for the investigation and disposal of any charge brought against him under that Code.

(2) If the charge brought against any such member taken into military custody be not disposed of by the military court before the expiry of the period of his service, training or duty, he shall on the expiry of that period be released from military custody and may thereupon be summoned to appear or arrested and brought before a magistrate's court on that charge.

Warrants.

111. The prescribed officer may issue warrants for the detention in any prison or gaol of any member of the South African Defence Force charged with an offence triable by a military court or for the imprisonment in any prison or gaol of any person sentenced to imprisonment by a military court, and the superintendent, gaoler or other keeper of any such prison or gaol to whom any such warrant is addressed shall act in accordance therewith.

Place of imprisonment for military offences.

112. Any person sentenced under the Military Discipline Code to imprisonment or detention may be ordered to undergo the sentence of imprisonment or detention in any place which the Governor-General may appoint for such purpose in lieu of a place established as a prison or gaol under the law relating to prisons, and whenever a court orders that any person be imprisoned for any offence under this Act, including any offence under the Military Discipline Code, for a period not exceeding fourteen days, the court may in its discretion order the offender to be imprisoned in a place so appointed.

Limitation of actions.

113. No civil action shall be capable of being instituted against the State or any person in respect of anything done or omitted to be done in pursuance of this Act, if a period of six months (or where the cause of action arose outside the Union and outside the territorial waters thereof, two years) has elapsed since the date on which the cause of action arose, and notice in writing of any such civil action and of the cause thereof shall be given to the defendant one month at least before the commencement thereof.

Desertion.

114. Any member of the South African Defence Force or of the Reserve who, when called out for service in terms of Chapter X, fails to join the unit to which he has been assigned or otherwise fails to comply with the requirements of any proclamation, notice or letter issued in terms of that Chapter, within seven days after the date on which he was so called out or the proclamation, notice or letter was published or served upon him, as the case may be, may be apprehended as a deserter and may be tried and punished under the Military Discipline Code for the offence of desertion.

Misuse of uniforms.

115. (1) Any person who wears any uniform of the South African Defence Force or any dress having the appearance or bearing the regimental badge or other distinctive marks of any such uniform, or who in time of war wears a uniform of any force of a country which is allied to the Union, or any dress having the appearance or bearing the regimental badge or other distinctive marks of any such uniform, shall be guilty of an offence, unless—

(*a*) he is a member of the South African Defence Force or of a force of such country, as the case may be, who by reason of his rank is entitled to wear such uniform; or

(*b*) he has been granted permission by the proper authority to wear such uniform.

(2) Any person who wears or displays any uniform of the South African Defence Force or any dress having the appearance or bearing the marks of any such uniform, or who in time of

mag, deur enige ander lid van die Suid-Afrikaanse Weermag wat op voorgeskrewe gesag handel, in arres gestel en in militêre bewaring geneem word totdat die aanklag ondersoek en afgehandel is; of

(*b*) indien hy nie aldus in diens is of opleiding ondergaan of pligte verrig nie, volgens wet gedagvaar word om voor 'n magistraatshof te verskyn, of in arres gestel en voor 'n magistraatshof gebring word, of kragtens die Reglement van Dissipline gedagvaar word om voor 'n militêre hof te verskyn vir die ondersoek en afhandeling van enige aanklag kragtens daardie Reglement teen hom ingedien.

(2) Indien die aanklag ingedien teen so 'n lid wat in militêre bewaring geneem is, nie deur die militêre hof afgehandel word voordat die tydperk van sy diens of opleiding of vir die verrigting van sy pligte verstryk het nie, word hy by die verstryking van daardie tydperk uit militêre bewaring ontslaan en kan hy daarna gedagvaar word om op daardie aanklag voor 'n magistraatshof te verskyn of in arres gestel en op daardie aanklag voor 'n magistraatshof gebring word.

Lasbriewe.

111. Die voorgeskrewe offisier kan lasbriewe uitreik vir die aanhouding in 'n gevangenis of tronk van 'n lid van die Suid-Afrikaanse Weermag wat weens 'n deur 'n militêre hof beregbare misdryf aangekla is, of vir die gevangesetting in 'n gevangenis of tronk van iemand wat deur 'n militêre hof tot gevangenisstraf gevonnis is, en die superintendent, sipier of ander bewaarder van so 'n gevangenis of tronk aan wie so 'n lasbrief gerig is, moet daarvolgens handel.

Plek van gevangesetting vir militêre misdrywe.

112. Iemand wat kragtens die Reglement van Dissipline tot gevangenisstraf of detensie gevonnis is, kan beveel word om die vonnis van gevangenisstraf of detensie te ondergaan in enige plek wat die Goewerneur-generaal vir daardie doel mag aanwys in plaas van in 'n plek wat kragtens die wetsbepalings met betrekking tot gevangenisse as 'n gevangenis of tronk ingestel is, en wanneer 'n hof beveel dat iemand weens 'n misdryf kragtens hierdie Wet, met inbegrip van 'n misdryf kragtens die Reglement van Dissipline, gevangenisstraf vir 'n tydperk van hoogstens veertien dae ondergaan, kan die hof na goeddunke beveel dat die oortreder in 'n aldus aangewese plek opgesluit word.

Verjaring van aksies.

113. Geen siviele geding kan teen die Staat of enige persoon ingestel word ten opsigte van enigiets uit hoofde van hierdie Wet gedoen of nagelaat nie, indien 'n tydperk van ses maande (of waar die eisoorsaak buite die Unie en buite die territoriale waters daarvan ontstaan het, twee jaar) verloop het sedert die datum waarop die eisoorsaak ontstaan het en kennis van so 'n siviele geding en van die eisoorsaak daarvan moet minstens een maand voor die begin daarvan skriftelik aan die verweerder gegee word.

Desersie.

114. 'n Lid van die Suid-Afrikaanse Weermag of van die Reserwe wat, wanneer hy ooreenkomstig Hoofstuk X tot diens opgeroep is, versuim om by die eenheid waarby hy ingedeel is, aan te sluit, of andersins versuim om aan die vereistes van 'n ooreenkomstig daardie Hoofstuk uitgereikte proklamasie, kennisgewing of brief te voldoen binne sewe dae na die datum waarop hy aldus opgeroep of die proklamasie, kennisgewing of brief gepubliseer of aan hom bestel was, na gelang van die geval, kan as 'n deserteur gevange geneem en kragtens die Reglement van Dissipline weens die misdryf van desersie verhoor en gestraf word.

Misbruik van uniforms.

115. (1) Iemand wat 'n uniform dra van die Suid-Afrikaanse Weermag of 'n tenu dra wat die voorkoms van so 'n uniform het, of waarop die regimentskenteken of ander onderskeidende tekens van so 'n uniform verskyn, of wat in oorlogstyd 'n uniform dra van 'n mag van 'n land wat aan die Unie verbonde is of 'n tenu dra wat die voorkoms van so 'n uniform het of waarop die regimentskenteken of ander onderskeidende tekens van so 'n uniform verskyn, is aan 'n misdryf skuldig, tensy—

(*a*) hy 'n lid van die Suid-Afrikaanse Weermag of van 'n mag van bedoelde land, na gelang van die geval, is wat uit hoofde van sy rang geregtig is om daardie uniform te dra; of

(*b*) toestemming deur die bevoegde gesag aan hom verleen is om daardie uniform te dra.

(2) Iemand wat 'n uniform van die Suid-Afrikaanse Weermag, of 'n tenu wat die voorkoms van so 'n uniform het, of waarop kentekens van so 'n uniform verskyn, of wat in oor-

war wears or displays a uniform of any force of a country which is allied to the Union, or any dress having the appearance or bearing the marks of any such uniform, in such a manner and in such circumstances as to bring or to be likely to bring contempt or ridicule upon the uniform or service of any such Force, or who employs any other person so to wear or display that uniform or dress, shall be guilty of an offence.

(3) Any person who, without due authority, uses as a crest or other distinctive mark, any representation of a badge or of any distinctive mark of the South African Defence Force or of any service, corps or unit thereof, shall be guilty of an offence.

Unauthorized use of decorations.

116. (1) Any person who—

(*a*) wears or uses any military decoration or the distinctive ribbon thereof; or

(*b*) represents himself to be a person who is or has been entitled to wear or use any such decoration or ribbon,

shall be guilty of an offence, unless he is a person to whom such decoration has been awarded or he has been authorized by competent authority to wear or use such decoration or ribbon.

(2) Any person who for gain supplies or offers to supply any military decoration, or the distinctive ribbon thereof, to a person who is not entitled to wear or use such decoration or ribbon, or who is not authorized to acquire such decoration or ribbon, shall be guilty of an offence.

(3) For the purposes of this section, "military decoration" means any order, decoration, medal, bar or clasp instituted by Her Majesty or by the Governor-General which has been or may be awarded to members of the South African Defence Force and includes, in time of war, any order, decoration, medal, bar or clasp of a force of any country which during such war is allied to the Union, and any other decoration, medal, emblem, badge or wound stripe which the Governor-General has by proclamation in the *Gazette* declared to be a military decoration, but shall not include a regimental badge or any brooch or ornament containing or representing such badge.

Use of name, title, etc. indicating connection with Force.

117. (1) No organization, association or other body of persons, corporate or unincorporate, shall, without the approval of the Minister, take, use or in any manner whatever publish any name, title, description or symbol indicating or purporting to indicate or calculated or likely to lead persons to infer that it has been established under or in pursuance of any provision of this Act or in or by the South African Defence Force or any arm, service, corps or unit therein or that it is in any manner connected or associated with such force, arm, service, corps or unit, if it has not been so established or is not so connected or associated.

(2) Any approval granted under sub-section (1) may in the discretion of the Minister be withdrawn by notice sent by registered post to the chairman, secretary or other executive officer of the organization, association or body concerned as from a date specified in such notice which shall not be earlier than three months after the date of the notice.

Improper disclosure of information.

118. (1) No person shall in time of war publish in any newspaper, magazine, book or pamphlet or by radio or any other means, any information relating to the movements or dispositions of the South African Defence Force or any force of a country which is allied to the Union, or of any South African or allied ships or aircraft or any statement, comment or suggestion calculated directly or indirectly to convey such information, except where the information has been furnished or the publication thereof has been authorized by the Minister or under his authority.

(2) No person shall at any time publish in any manner whatsoever any secret or confidential information relating to the defence of the Union, or any information relating to any works proposed, undertaken or completed for or connected with the fortification or defence of the Union except where the information has been furnished or the publication thereof has been authorized by the Minister or under his authority.

(3) Any proprietor, printer, publisher or editor of any newspaper, magazine, book or pamphlet in which any such information as aforesaid is published, and any person responsible for the publication of such information by such or any other means,

logstyd 'n uniform van 'n mag van 'n land wat aan die Unie verbonde is of 'n tenu wat die voorkoms van so 'n uniform het of waarop kentekens van so 'n uniform verskyn, dra of vertoon op 'n wyse en onder omstandighede waardeur die uniform of diens van bedoelde Mag geminag of belaglik gemaak word of waarskynlik sal word, of wat iemand anders gebruik om daardie uniform of tenu aldus te dra of te vertoon, is aan 'n misdryf skuldig.

(3) Iemand wat sonder behoorlike magtiging 'n voorstelling van 'n kenteken of van 'n onderskeidende teken van die Suid-Afrikaanse Weermag of van 'n diens, korps of eenheid daarvan as 'n wapen of ander onderskeidende teken gebruik, is aan 'n misdryf skuldig.

Ongemagtigde gebruik van dekorasies.

116. (1) Iemand wat—

(*a*) 'n militêre dekorasie of die onderskeidende lint daarvan, dra of gebruik; of

(*b*) homself voordoen as iemand wat geregtig is of was om so 'n dekorasie of lint te dra of te gebruik,

is aan 'n misdryf skuldig, tensy hy iemand is aan wie daardie dekorasie toegeken is of hy deur 'n bevoegde gesag gemagtig is om daardie dekorasie of lint te dra of te gebruik.

(2) Iemand wat vir wins 'n militêre dekorasie of die onderskeidende lint daarvan verskaf of aanbied om dit te verskaf aan iemand wat nie geregtig is om daardie dekorasie of lint te dra of te gebruik nie, of wat nie gemagtig is om daardie dekorasie of lint te verkry nie, is aan 'n misdryf skuldig.

(3) By die toepassing van hierdie artikel beteken „militêre dekorasie" enige deur Haar Majesteit of deur die Goewerneur-generaal ingestelde orde, dekorasie, medalje, balkie of gespe wat aan lede van die Suid-Afrikaanse Weermag toegeken is of kan word, en (in oorlogstyd) ook enige orde, dekorasie, medalje, balkie of gespe van 'n Mag van 'n aan die Unie verbonde land, en enige ander dekorasie, medalje, embleem, kenteken of wondstreep wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* as 'n militêre dekorasie verklaar het, maar nie ook 'n regimentskenteken of enige borsspeld of ornament wat so 'n kenteken bevat of voorstel nie.

Gebruik van naam, titel, ens., wat verband met Mag aandui.

117. (1) Geen organisasie, vereniging of ander liggaam van persone, hetsy met regspersoonlikheid beklee, al dan nie, mag sonder goedkeuring van die Minister enige naam, titel, beskrywing of teken aanneem, gebruik of op enige wyse hoegenaamd bekend maak wat aandui of heet aan te dui of daarop bereken is om persone te laat vermoed of persone waarskynlik sal laat vermoed dat dit ingevolge of uit hoofde van 'n bepaling van hierdie Wet of in of deur die Suid-Afrikaanse Weermag of enige weermagsdeel, diens, korps of eenheid daarin ingestel is of dat dit op enige wyse met bedoelde mag, weermagsdeel, diens, korps of eenheid in verband staan of geassosieer is, indien dit nie aldus ingestel, verbonde of geassosieer is nie.

(2) Enige goedkeuring wat ingevolge sub-artikel (1) verleen is, kan na goeddunke van die Minister by kennisgewing per aangetekende pos aan die voorsitter, sekretaris of ander uitvoerende beampte van die betrokke organisasie, vereniging of liggaam gestuur, ingetrek word met ingang van 'n in die kennisgewing bepaalde datum wat nie vroeër as drie maande na die datum van die kennisgewing is nie.

Onbehoorlike openbaarmaking van inligting.

118. (1) Niemand mag in oorlogstyd in 'n nuusblad, tydskrif, boek of pamflet of per radio of op ander wyse inligting met betrekking tot die bewegings of opstellings van die Suid-Afrikaanse Weermag of 'n mag van 'n land wat 'n bondgenoot van die Unie is, of van Suid-Afrikaanse of geallieerde skepe of vliegtuie, of enige verklaring, kommentaar of aanduiding wat daarop bereken is om regstreeks of onregstreeks sulke inligting oor te dra, publiseer nie, behalwe waar die inligting verstrek of die publikasie daarvan gemagtig is deur of op gesag van die Minister.

(2) Niemand mag te eniger tyd op enige wyse hoegenaamd geheime of vertroulike inligting met betrekking tot die verdediging van die Unie, of inligting met betrekking tot enige werke wat beoog word of onderneem of voltooi is vir of in verband met die versterking of verdediging van die Unie, publiseer nie, behalwe waar die inligting verstrek of die publikasie daarvan gemagtig is deur of op gesag van die Minister.

(3) 'n Eienaar, drukker, uitgewer of redakteur van 'n nuusblad, tydskrif, boek of pamflet waarin inligting soos voormeld gepubliseer is, en iemand wat vir die publikasie van sulke inligting op so 'n wyse of 'n ander wyse verantwoordelik is,

shall be guilty of an offence, and proceedings in respect thereof may be taken against all or any of such persons.

(4) Any person who discloses to any other person any secret or confidential information relating to the defence of the Union which came to his knowledge by reason of his membership of the South African Defence Force or by reason of his employment in the public service of the Union or in any other office, post, appointment or capacity under the Government or by reason of any contract relating to the defence of the Union or any employment by a contractor under such a contract, or which was given to him in confidence by any person who was authorized or whose duty it was to give him such information, shall be guilty of an offence, unless such disclosure was authorized by the Minister or under his authority or by order of a competent court or it was the duty of such person in the interests of the State to disclose such information to such other person.

(5) In any proceedings in respect of a contravention of sub-section (2) or (4), it shall be presumed, until the contrary is proved—

(*a*) that any information relating to the defence of the Union is secret or confidential; and

(*b*) where the accused is proved to be or to have been a member of the South African Defence Force or to be or to have been employed in the public service of the Union or in any other office, post, appointment or capacity under the Government, or to hold or to have held any contract relating to the defence of the Union or to be or to have been employed by a contractor under such a contract, that the secret or confidential information came to his knowledge by reason of such membership, employment or contract.

(6) For the purposes of this section any information relating to military equipment shall be deemed to be secret or confidential unless publication of such information has been authorized by the Minister or under his authority.

(7) Nothing in this section contained shall be construed as preventing any person from being prosecuted and punished under any other law relating to the unlawful disclosure of information.

Prohibition on taking of photographs or making of sketches, etc. in defined areas.

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

(*a*) take any photograph or make any sketch, plan, model or note of any area defined by the Minister by notice in the *Gazette*, or of any part thereof or object therein; or

(*b*) have in his possession in any area so defined any camera or other apparatus which may be used for the taking of photographs.

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

Obstructing South African Defence Force.

120. Any person who wilfully obstructs or interferes with any portion of the South African Defence Force or of any auxiliary service, voluntary nursing service or civilian protective service established under this Act, or any member of any such Force or service, in the performance of any service or duty shall be guilty of an offence.

Aiding or inducing member of South African Defence Force to dereliction of duty.

121. Any person who—

(*a*) agrees with or induces, or attempts to induce, any member of the South African Defence Force to neglect or to act in conflict with his duty in that Force; or

(*b*) is a party to or aids or abets or incites to the commission of any act whereby any lawful order given to any member of that Force, or any law or regulation with which it is the duty of any member of that Force to comply, may be evaded or infringed,

shall be guilty of an offence.

Offences relating to intoxicating liquor.

122. (1) Any person who—

(*a*) supplies or is a party to supplying any member of the South African Defence Force with intoxicating liquor when that member is on duty and is prohibited

is aan 'n misdryf skuldig, en 'n vervolging ten opsigte daarvan kan teen al daardie persone of enige van hulle ingestel word.

(4) Iemand wat geheime of vertroulike inligting met betrekking tot die verdediging van die Unie aan 'n ander persoon openbaar maak, wat hy te wete gekom het weens sy lidmaatskap van die Suid-Afrikaanse Weermag of weens sy diens in die Unie-staatsdiens of in enige ander amp, pos, aanstelling of hoedanigheid in diens van die Regering of weens enige kontrak met betrekking tot die verdediging van die Unie of enige diens by 'n kontrakteur onder so 'n kontrak, of wat vertroulik aan hom verstrek is deur iemand wat gemagtig was of wie se plig dit was om daardie inligting aan hom te verstrek, is aan 'n misdryf skuldig, tensy daardie openbaarmaking deur of op gesag van die Minister of op bevel van 'n bevoegde hof gemagtig was, of dit so iemand se plig was om in belang van die Staat die inligting aan daardie ander persoon openbaar te maak.

(5) By 'n vervolging weens oortreding van sub-artikel (2) of (4), word, totdat die teendeel bewys word, vermoed—

(*a*) dat enige inligting met betrekking tot die verdediging van die Unie geheim of vertroulik is; en

(*b*) waar bewys word dat die beskuldigde 'n lid van die Suid-Afrikaanse Weermag is of was of in die Unie-staatsdiens of in 'n ander amp, pos, aanstelling of hoedanigheid in diens van die Regering is of was, of 'n kontrak met betrekking tot die verdediging van die Unie het of gehad het of by 'n kontrakteur onder so 'n kontrak in diens is of was, dat hy die geheime of vertroulike inligting weens sodanige lidmaatskap, diens of kontrak te wete gekom het.

(6) By die toepassing van hierdie artikel word inligting met betrekking tot militêre uitrusting geag geheim of vertroulik te wees tensy publikasie van die betrokke inligting deur of op gesag van die Minister gemagtig is.

(7) Die bepalings van hierdie artikel word nie so uitgelê dat dit verhinder dat iemand kragtens ander wetsbepalings met betrekking tot die onwettige openbaarmaking van inligting, aangekla en gestraf word nie.

Verbod op neem van foto's of maak van sketse, ens., in omskrewe gebiede.

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

(*a*) 'n foto neem of 'n skets, plan, model of aantekening maak van enige deur die Minister by kennisgewing in die *Staatskoerant* omskrewe gebied of van enige deel daarvan of voorwerp daarin nie; of

(*b*) in enige aldus omskrewe gebied 'n kamera of ander apparaat wat vir die neem van foto's gebruik kan word, in sy besit hê nie.

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

Dwarsboming van Suid-Afrikaanse Weermag.

120. Iemand wat opsetlik enige deel van die Suid-Afrikaanse Weermag of van 'n kragtens hierdie Wet ingestelde hulp-, verpleeg- of burgerlike beskermingsdiens, of 'n lid van so 'n Mag of diens, by die verrigting van 'n diens of die uitvoering van 'n plig belemmer of dwarsboom, is aan 'n misdryf skuldig.

Verlening van hulp aan lid van Suid-Afrikaanse Weermag by pligsversuim of aansporing daartoe.

121. Iemand wat—

(*a*) met 'n lid van die Suid-Afrikaanse Weermag ooreenkom of hom aanspoor of probeer aanspoor om sy pligte in daardie Mag te versuim of in stryd daarmee te handel; of

(*b*) deelneem aan of hulp verleen by of aanspoor tot 'n handeling waardeur 'n wettige bevel aan 'n lid van daardie Mag gegee of 'n wet of regulasie wat 'n lid van die Mag moet nakom, ontwyk of oortree mag word,

is aan 'n misdryf skuldig.

Misdrywe met betrekking tot bedwelmende drank.

122. (1) Iemand wat—

(*a*) aan 'n lid van die Suid-Afrikaanse Weermag bedwelmende drank verskaf wanneer daardie lid in diens is en kragtens regulasies, orders of instruksies

under regulations, orders or instructions from receiving or taking intoxicating liquor;

(*b*) supplies intoxicating liquor for other than medicinal purposes to any cadet in uniform or to any citizen in uniform who has been enrolled for training under section *twenty-three* or Chapter VIII or has been enrolled as a member of a commando under section *thirty-five*; or

(*c*) is in possession of intoxicating liquor within a camp or barracks used for the training or exercise of cadets or of citizens who are undergoing any course of training for which they have been so enrolled,

shall be guilty of an offence.

(2) For the purposes of paragraph (*c*) of sub-section (1), "camp" or "barracks" shall not include any officers' mess or Permanent Force mess or any institution or other place to which access by the cadets and citizens mentioned in that paragraph is prohibited.

Personation.

123. Any person who by word, conduct or demeanour falsely represents himself to be a member of the South African Defence Force or a particular member thereof or a person holding a particular rank or appointment therein, shall be guilty of an offence.

Offences in connection with commandeering.

124. Any person who falsely represents himself to be an officer authorized and appointed in terms of section *one hundred* or who in any manner contravenes the regulations made for the purpose of that section, shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand pounds or to imprisonment with or without compulsory labour for a period not exceeding ten years or to both such fine and such imprisonment.

Wrongful disposal of property.

125. Any member of the South African Defence Force who without authority gives, sells, pledges, lends or otherwise disposes of any moneys, animals, arms, ammunition, accoutrements, clothing, supplies or any other articles entrusted to or held by him for the service of the South African Defence Force, shall be guilty of an offence, and may, apart from any penalty which may be imposed upon him for such an offence under this Act, be ordered by the court or other competent authority which imposes that penalty, to make good any loss or deficiency caused by the gift, sale, pledge, loan or other disposition, and every such gift, sale, pledge, loan or other disposition shall be null and void.

Failure to attend training.

126. Any member of the South African Defence Force or the Reserve who without just cause, the burden of proof whereof shall lie on him, fails to attend at any time and place appointed for instruction, training or exercise, or who evades or fails to perform duly and with proper zeal the full course of training allotted to him in any training year, shall be guilty of an offence.

Offences and penalties.

127. (1) Any person who contravenes or fails to comply with any provision of this Act for which no penalty is specially prescribed, shall be guilty of an offence and liable on conviction—

(*a*) in the case of an offence referred to in section *eighty-eight*, *one hundred and one* or *one hundred and eighteen*, to a fine not exceeding five hundred pounds or imprisonment for a period not exceeding five years or to both such fine and such imprisonment;

(*b*) in the case of an offence referred to in section *one hundred and twenty-two*, to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding one year or to both such fine and such imprisonment;

(*c*) in the case of any other offence, to a fine not exceeding one hundred pounds or imprisonment for a period not exceeding six months.

CHAPTER XII.

VISITING AND OTHER FORCES.

Discipline and internal administration of visiting forces.

128. (1) A military court or other authority of any country may exercise within the Union in relation to members of a visiting force of that country in matters concerning discipline

verbied is om bedwelmende drank te ontvang of te gebruik, of aan die verskaffing medepligtig is;

(*b*) bedwelmende drank vir ander as geneeskundige doeleindes verskaf aan 'n kadet in uniform of aan 'n burger in uniform wat ooreenkomstig artikel *drie-en-twintig* of Hoofstuk VIII vir opleiding ingeskryf is of ooreenkomstig artikel *vyf-en-dertig* as lid van 'n kommando ingeskryf is; of

(*c*) binne 'n kamp of kaserne wat gebruik word vir die opleiding of oefening van kadette of van burgers wat 'n opleidingskursus ondergaan waarvoor hulle aldus ingeskryf is, in besit is van bedwelmende drank,

is aan 'n misdryf skuldig.

(2) By die toepassing van paragraaf (*c*) van sub-artikel (1), word onder „kamp" of „kaserne" nie ook 'n offisiers- of Staandemagmenasie of enige inrigting of ander plek waar toegang vir kadette en in daardie paragraaf bedoelde burgers verbied is, inbegrepe nie.

Identiteitsbedrog.

123. Iemand wat hom deur woord, gedrag of handelwyse valslik voordoen as 'n lid van die Suid-Afrikaanse Weermag of 'n besondere lid daarvan of iemand wat 'n besondere rang of betrekking daarin beklee, is aan 'n misdryf skuldig.

Misdrywe in verband met kommandering.

124. Iemand wat hom valslik as 'n ooreenkomstig artikel *honderd* gemagtigde en aangestelde offisier voordoen, of wat op enige wyse die vir die toepassing van daardie artikel uitgevaardigde regulasies oortree, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens duisend pond of met gevangenisstraf met of sonder dwangarbeid vir 'n tydperk van hoogstens tien jaar of met beide daardie boete en daardie gevangenisstraf.

Onregmatige beskikking oor eiendom.

125. 'n Lid van die Suid-Afrikaanse Weermag wat sonder magtiging geld, diere, wapens, ammunisie, toebehore, klere, voorrade of enige ander artikel wat vir die doeleindes van die Suid-Afrikaanse Weermag aan hom toevertrou is of deur hom gehou word, gee, verkoop, verpand, leen of op enige ander wyse daaroor beskik, is aan 'n misdryf skuldig, en kan, afgesien van enige straf wat hom kragtens hierdie Wet vir daardie misdryf opgelê kan word, deur die hof of ander bevoegde gesag wat daardie straf oplê, beveel word om enige verlies of tekort wat deur die skenking, verkoping, verpanding, lening of ander beskikking veroorsaak is, aan te suiwer, en iedere sodanige skenking, verkoping, verpanding, lening of ander beskikking is nietig.

Versuim om opleiding by te woon.

126. 'n Lid van die Suid-Afrikaanse Weermag of die Reserwe wat sonder grondige rede, waarvan die bewyslas op hom rus, versuim om op 'n vir onderrig, opleiding of oefening aangewese tyd en plek te verskyn, of wat vermy of versuim om die volledige opleidingskursus wat in enige opleidingsjaar hom opgedra is, behoorlik en met gepaste ywer te ondergaan of uit te voer, is aan 'n misdryf skuldig.

Misdrywe en strawwe.

127. Iemand wat 'n bepaling van hierdie Wet waarvoor 'n straf nie spesiaal voorgeskryf is nie, oortree of versuim om daaraan te voldoen, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

(*a*) in die geval van 'n misdryf in artikel *agt-en-tagtig*, *honderd-en-een* of *honderd-en-agtien* bedoel, met 'n boete van hoogstens vyfhonderd pond of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of beide daardie boete en daardie gevangenisstraf;

(*b*) in die geval van 'n misdryf in artikel *honderd twee-en-twintig* bedoel, met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens een jaar of beide daardie boete en daardie gevangenisstraf;

(*c*) in die geval van enige ander misdryf, met 'n boete van hoogstens honderd pond of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

HOOFSTUK XII.

BESOEKENDE EN ANDER MAGTE.

Tug en interne administrasie van besoekende magte.

128. (1) 'n Militêre hof of ander gesag van enige land kan binne die Unie met betrekking tot lede van 'n besoekende mag van daardie land al die bevoegdhede wat deur die wet van daardie land aan so 'n hof of gesag verleen word, uitoefen

and the internal administration of that force (including the administration of the property or the estate of a deceased member of that force) all such powers as are conferred upon such court or authority by the law of that country.

(2) The provisions which under the laws of the Union are applicable in connection with the powers, immunities and privileges of a military court of the Union and in connection with proceedings before such a court shall, in so far as they can be applied, be applicable also with reference to a military court of a country exercising jurisdiction by virtue of this Act.

(3) (*a*) Where any sentence has, whether within or without the Union, been passed upon a member of a visiting force by a military court of any country, that country shall, for the purposes of any legal proceedings within the Union, be deemed to have been properly constituted and its proceedings shall be deemed to have been regularly conducted and the sentence shall be deemed to be within the jurisdiction of the court and in accordance with the law of that country, and if executed according to the tenor thereof shall be deemed to have been lawfully executed, and any member of such visiting force who is detained in custody in pursuance of any such sentence, or pending the determination by a military court of that country of a charge brought against him, shall for the purposes of any such proceedings be deemed to be in legal custody.

(*b*) For the purposes of such proceedings a certificate under the hand of the officer in command of a visiting force that a member of that force is being detained for either of the causes aforesaid, shall be conclusive evidence of the cause of his detention, but not of his being such a member, and a certificate under the hand of such an officer that the persons specified in the certificate sat as a military court of the country to which that force belongs, shall be conclusive evidence of that fact.

(4) No proceedings in respect of pay, terms of service or discharge of a member of a visiting force shall be entertained by any court of the Union.

(5) For the purpose of enabling the military courts and military authorities of any country to exercise more effectively the powers conferred upon them by this section, the Minister may, if so requested by the government of that country or by the officer in command of a visiting force, from time to time by general or special orders to the South African Defence Force direct the members thereof to arrest members of the visiting force alleged to have been guilty of offences against the law of that country and to hand over any person so arrested to the appropriate authorities of the visiting force.

Relations of visiting forces to the civil power and civilians.

129. (1) The Governor-General may by proclamation in the *Gazette* authorize any Minister of State or any other person in the Union to perform, at the request of such authority of any country as may be specified in the proclamation, but subject to such limitations as may be so specified, any function in relation to a visiting force of that country and members thereof which that Minister or person performs or could perform in relation to any portion of the South African Defence Force of like nature to the visiting force, or in relation to members of such a portion thereof, and for the purpose of the performance of any such function, any power exercisable by virtue of any law by such Minister or person in relation to the South African Defence Force or members thereof, shall be exercisable by him or them in relation to the visiting force and members thereof: Provided that nothing in this sub-section shall be deemed to authorize any interference with the visiting force in matters relating to discipline or to the internal administration of that force.

(2) If the Governor-General by proclamation in the *Gazette* so provides, members of the visiting force, if sentenced by a military court of the country to which such force belongs, to penal servitude, imprisonment or detention, may under the authority of the Minister, given at the request of the officer in command of the visiting force, be detained in custody in prisons, gaols or detention barracks in the Union during the whole or any part of the term of their sentences, and the Governor-

in verband met aangeleenthede wat die tug en interne administrasie van daardie mag (met inbegrip van die administrasie van die eiendom of die boedel van 'n afgestorwe lid van daardie mag) raak.

(2) Die bepalings wat volgens die wette van die Unie van toepassing is in verband met die bevoegdhede, vryhede en voorregte van 'n militêre hof van die Unie, en in verband met die verrigtings voor so 'n hof, is vir sover hulle toegepas kan word, ook van toepassing met betrekking tot 'n militêre hof van 'n land wat kragtens hierdie Wet regsbevoegdheid uitoefen.

(3) (*a*) Waar binne of buite die Unie 'n vonnis deur 'n militêre hof van enige land 'n lid van 'n besoekende mag opgelê is, word daardie hof vir die doeleindes van enige regsgeding in die Unie, geag behoorlik saamgestel en word sy verrigtings geag behoorlik gevoer te gewees het, en word die vonnis geag binne die regsbevoegdheid van die hof en in ooreenstemming met die wet van daardie land, en, indien volgens die strekking daarvan ten uitvoer gelê, geldiglik ten uitvoer gelê te gewees het, en 'n lid van so 'n besoekende mag wat uit hoofde van so 'n vonnis of hangende die beslissing deur 'n militêre hof van daardie land van 'n aanklag teen hom ingedien, in bewaring aangehou word, word vir die doeleindes van so 'n geding geag in wettige bewaring te wees.

(*b*) Vir die doeleindes van so 'n geding is 'n sertifikaat onderteken deur die bevelvoerder van 'n besoekende mag dat 'n lid van daardie mag op een of ander van voormelde gronde aangehou word, afdoende bewys van die oorsaak van sy aanhouding, maar nie daarvan dat hy so 'n lid is nie, en is 'n sertifikaat onderteken deur so 'n offisier dat die in die sertifikaat vermelde persone as 'n militêre hof van die land waartoe daardie mag behoort, gesit het, afdoende bewys van daardie feit.

(4) Geen geding ten aansien van soldy, diensvoorwaardes of ontslag van 'n lid van 'n besoekende mag word deur enige hof van die Unie verhoor nie.

(5) Ten einde die militêre howe en militêre owerhede van enige land in staat te stel om die bevoegdhede wat by hierdie artikel aan hulle verleen word, meer doeltreffend uit te oefen, kan die Minister, indien hy deur die regering van daardie land of deur die bevelvoerder van 'n besoekende mag daartoe versoek word, van tyd tot tyd deur algemene of spesiale orders aan die Suid-Afrikaanse Weermag, die lede daarvan beveel om lede van die besoekende mag wat beweer word aan misdrywe teen die wette van daardie land skuldig te wees, in hegtenis te neem en iemand aldus in hegtenis geneem aan die gepaste owerhede van die besoekende mag te oorhandig.

Verhouding tussen besoekende magte en burgerlike gesag en burgerlikes.

129. (1) Die Goewerneur-generaal kan, by proklamasie in die *Staatskoerant*, 'n Staatsminister of iemand anders in die Unie magtig om, op versoek van 'n in die proklamasie vermelde gesag van enige land, maar behoudens sulke beperkings as wat aldus vermeld mag word, enige werksaamheid met betrekking tot 'n besoekende mag van daardie land en lede daarvan te verrig wat daardie Minister of persoon met betrekking tot enige deel van die Suid-Afrikaanse Weermag soortgelyk aan die besoekende mag, of met betrekking tot lede van so 'n deel daarvan, verrig of kan verrig, en vir die verrigting van so 'n werksaamheid kan enige bevoegdheid wat kragtens een of ander wet deur bedoelde Minister of persoon met betrekking tot die Suid-Afrikaanse Weermag of lede daarvan verrig kan word, deur hom of hulle met betrekking tot die besoekende mag en lede daarvan verrig word: Met dien verstande dat die bepalings van hierdie sub-artikel nie geag word enige inmenging met die besoekende mag ten aansien van die dissipline of die interne administrasie van daardie mag te veroorloof nie.

(2) Indien die Goewerneur-generaal by proklamasie in die *Staatskoerant* aldus bepaal, kan lede van die besoekende mag, indien deur 'n militêre hof van die land waartoe daardie mag behoort, tot dwangarbeid, gevangenisstraf of detensie gevonnis, onder magtiging deur die Minister op versoek van die bevelvoerder van die besoekende mag verleen, in gevangenisse, tronke of detensiekasernes in die Unie in bewaring aangehou word gedurende die geheel of enige deel van die termyn van hul vonnisse, en die Goewerneur-generaal kan by dieselfde

General may by the same or a subsequent proclamation in the *Gazette* make provision relating to any of the following matters, namely—

(*a*) the reception of such persons from and their return to the military authorities of the country concerned;

(*b*) their treatment while in such custody or while so imprisoned;

(*c*) the circumstances under which they are to be discharged; and

(*d*) the manner in which they are to be dealt with in the event of their unsoundness of mind while in such custody or while so imprisoned.

(3) Any costs incurred in the maintenance and return of, or otherwise in connection with, any person dealt with in accordance with the provisions of sub-section (2), shall be defrayed in such manner as may, with the consent of the Minister of Finance, be agreed upon between the Minister and the government of the country concerned.

(4) Save as hereinafter provided, the provisions of any law, including this Act, which—

(*a*) exempts or provides for the exemption of any vessel, vehicle, aircraft, machine or apparatus of, or employed for the purposes of, the South African Defence Force or any portion thereof from the operation of any law; or

(*b*) confers a privilege or immunity on any person by virtue of a connection with the South African Defence Force or any portion thereof; or

(*c*) exempts any property, trade or business, in whole or in part, from the operation of any law or from any tax, rate, licence, imposition, toll or charge, by virtue of such a connection; or

(*d*) imposes upon any person or undertaking obligations in relation to the South African Defence Force or any portion thereof, or any member or military court thereof; or

(*e*) penalizes misconduct by any person in relation to the South African Defence Force or any portion thereof, or any member or military court thereof,

shall, with any necessary modifications apply in relation to a visiting force as it would apply in relation to the South African Defence Force: Provided that the Governor-General may, by proclamation in the *Gazette*, direct that any such law either shall not apply or shall apply with such exceptions and subject to such adaptations or modifications as may be specified in the proclamation.

(5) A proclamation under this section may apply either generally or in relation to any particular visiting force or in relation to any particular place.

Deserters from other forces.

130. (1) Subject to the provisions of this section, section *one hundred and forty-one* of the Military Discipline Code shall within the Union apply in relation to a deserter or absentee without leave, from any military force of any country (including any member of a reserve or auxiliary force of that country, who, having failed to obey a notice calling upon him to appear at any place for service, is by the law of that country liable to the same punishment as a deserter, or to the same punishment as an absentee without leave), as it applies in relation to a deserter or absentee without leave from the South African Defence Force.

(2) No person who is alleged to be a deserter from a force of any country shall be apprehended or dealt with under this section except in compliance with a request from the government of that country, and a person so dealt with shall be handed over to the authorities of that country at such a place within the Union as may be agreed: Provided that a person who is alleged to be a deserter or absentee without leave from a visiting force may be apprehended and dealt with in compliance with a request from the officer in command of that force.

(3) For the purposes of any proceedings under this section—

(*a*) a document purporting to be a certificate under the hand of the Minister of External Affairs or of the Minister, that a request has been made under sub-section (2) of this section, shall be admissible without proof as evidence of the making of such a request;

of 'n latere proklamasie in die *Staatskoerant* voorsiening maak met betrekking tot enige van die volgende aangeleenthede, te wete—

(*a*) die ontvangs van sulke persone van en hul uitlewering aan die militêre owerhede van die betrokke land;

(*b*) hul behandeling terwyl hulle in sodanige bewaring is of aldus gevangenisstraf ondergaan;

(*c*) die omstandighede waaronder hulle ontslaan moet word; en

(*d*) die wyse waarop in geval van kranksinnigheid terwyl hulle aangehou word of in gevangeskap is, met hulle gehandel moet word.

(3) Die koste verbonde aan die onderhoud en uitlewering van of andersins in verband met iemand met wie ooreenkomstig die bepalings van sub-artikel (2) gehandel is, word gedek op die wyse waarop met goedkeuring van die Minister van Finansies tussen die Minister en die regering van die betrokke land ooreengekom word.

(4) Behoudens die hieronder volgende bepalings, is enige wetsbepalings, met inbegrip van hierdie Wet, wat—

(*a*) 'n vaartuig, voertuig, vliegtuig, masjien of apparaat wat behoort aan of gebruik word vir die doeleindes van die Suid-Afrikaanse Weermag of enige deel daarvan, van die toepassing van enige wetsbepaling vrystel, of vir sodanige vrystelling voorsiening maak; of

(*b*) aan iemand uit hoofde van enige verband met die Suid-Afrikaanse Weermag of 'n deel daarvan 'n voorreg of vryheid verleen; of

(*c*) enige eiendom, handel of besigheid uit hoofde van so 'n verband geheel of gedeeltelik van die toepassing van enige wet of van 'n belasting, plaaslike belasting, lisensiereg, heffing, tolreg of betaling vrystel; of

(*d*) aan 'n persoon of onderneming verpligtings met betrekking tot die Suid-Afrikaanse Weermag of 'n deel daarvan of 'n lid of 'n militêre hof daarvan oplê; of

(*e*) wangedrag deur enigiemand ten aansien van die Suid-Afrikaanse Weermag of 'n deel daarvan of 'n lid of 'n militêre hof daarvan strafbaar maak,

met nodige wysigings van toepassing met betrekking tot 'n besoekende mag, op dieselfde wyse as wat dit met betrekking tot die Suid-Afrikaanse Weermag van toepassing sou wees: Met dien verstande dat die Goewerneur-generaal by proklamasie in die *Staatskoerant* kan gelas dat so 'n wet òf nie van toepassing is nie òf van toepassing is met die uitsonderings en onderworpe aan die aanpassings of wysigings wat in die proklamasie bepaal mag word.

(5) 'n Proklamasie kragtens hierdie artikel kan òf in die algemeen òf met betrekking tot 'n bepaalde besoekende mag of met betrekking tot 'n bepaalde plek van toepassing wees.

Deserteurs uit ander magte.

130. (1) Behoudens die bepalings van hierdie artikel, is artikel *honderd een-en-veertig* van die Reglement van Dissipline binne die Unie van toepassing met betrekking tot 'n deserteur of 'n afwesige sonder verlof uit 'n militêre mag van enige land (met inbegrip van 'n lid van 'n reserwe- of hulpmag van daardie land, wat nadat hy versuim het om te voldoen aan 'n kennisgewing wat hom oproep om op enige plek vir diens te verskyn, volgens die wet van daardie land onderhewig is aan dieselfde straf as 'n deserteur of aan dieselfde straf as 'n afwesige sonder verlof) op dieselfde wyse as wat dit van toepassing is met betrekking tot 'n deserteur of 'n afwesige sonder verlof uit die Suid-Afrikaanse Weermag.

(2) Niemand wat beweer word 'n deserteur uit 'n mag van enige land te wees, word kragtens hierdie artikel in hegtenis geneem of mee gehandel nie, behalwe ingevolge 'n versoek van die regering van daardie land, en iemand met wie aldus gehandel word, moet op 'n ooreengekome plek in die Unie aan die owerhede van daardie land uitgelewer word: Met dien verstande dat iemand wat beweer word 'n deserteur of afwesige sonder verlof uit 'n besoekende mag te wees, ingevolge 'n versoek van die bevelvoerder van daardie mag in hegtenis geneem en mee gehandel kan word.

(3) Vir die doeleindes van enige verrigtings ingevolge hierdie artikel, is—

(*a*) 'n dokument wat 'n deur die Minister van Buitelandse Sake of die Minister ondertekende sertifikaat heet te wees, dat 'n versoek ooreenkomstig sub-artikel (2) van hierdie artikel gedoen is, sonder bewys as getuienis van so 'n versoek toelaatbaar;

(*b*) a document purporting to be a certificate under the hand of the officer in command of a unit or detachment of a force of any country that a named and described person was at the date of the certificate a deserter or absentee without leave from that force, shall be admissible without proof as evidence of the facts so certified.

Attachment of personnel.

131. (1) The Minister may—

(*a*) attach temporarily to the South African Defence Force any member of a force or of a reserve of any country who is placed at his disposal for that purpose by the military authorities of that country;

(*b*) subject to anything to the contrary contained in the conditions applicable to his service, place any member of the South African Defence Force at the disposal of the military authorities of any country for the purpose of being attached temporarily by those authorities to the forces of that country.

(2) While a member of a force of any other country is attached temporarily to the South African Defence Force, he shall be subject to the law applying to that portion of the South African Defence Force to which he is attached and shall be treated and shall have the same power of command and punishment over members of the South African Defence Force as if he were a member of that Force of a rank equivalent to that held by him as a member of the force of such country: Provided that the Governor-General may, by proclamation in the *Gazette*, direct that in relation to members of a force of any country specified in the proclamation, the laws relating to the South African Defence Force shall apply with such exceptions and subject to such adaptations and modifications as may be so specified.

Members of visiting forces not subject to jurisdiction of local courts in certain respects.

132. (1) Notwithstanding anything to the contrary in any other law, no court of the Union shall have jurisdiction to try any member of a visiting force or of a civilian component of such a force for an offence against the person or against property which, in the case of—

(*a*) an offence against the person, was committed with or in relation to a person who, at the time of the commission of the offence, was a member of or directly associated with the same or another visiting force of the same country; or

(*b*) an offence against property, was committed in relation to the property of the country to which the visiting force belongs or of a member of the same or another visiting force of the same country or of a person directly associated with any such force,

or for any offence which arose out of and in the course of the performance of his duties as such a member.

(2) The provisions of sub-section (1) shall not apply—

(*a*) if the alleged offender, at the time of the commission of the offence, was not subject to the jurisdiction of the military courts of the country to which the visiting force belongs;

(*b*) in relation to a member of a civilian component of a visiting force unless the offence in question is also an offence under the law of the country to which the visiting force concerned, belongs;

(*c*) in respect of any case in which the competent Attorney-General or the Solicitor-General has certified that he has been notified by the appropriate authority of the country to which the visiting force belongs, that it is not proposed to charge the offender under the law of that country.

(3) Nothing in sub-section (1) shall affect the validity of any trial or of anything done or omitted in the course of a trial unless either before its commencement or during the course thereof, objection was made on the ground that by virtue of that sub-section, the court has no jurisdiction to try the offender.

(4) For the purpose of this section—

"offence against the person" means—

(*a*) murder, administering poison with intent to murder, culpable homicide, assault whether coupled with any particular intent or not, rape, criminal injuria, incest, sodomy, procuring abortion, abduction, child-stealing;

(*b*) 'n dokument wat 'n deur die bevelvoerder van 'n eenheid of afdeling van 'n mag van enige land ondertekende sertifikaat heet te wees, dat 'n genoemde en beskrewe persoon op die datum van die sertifikaat 'n deserteur of afwesige sonder verlof uit daardie mag was, sonder bewys as getuienis van die aldus gesertifiseerde feite toelaatbaar.

Toevoeging van personeel.

131. (1) Die Minister kan—

(*a*) enige lid van 'n mag of van 'n reserwe van enige land, wat vir daardie doel deur die militêre owerhede van daardie land tot sy beskikking gestel word, tydelik in die Suid-Afrikaanse Weermag opneem;

(*b*) behoudens andersluidende bepalings in die voorwaardes wat op sy diens van toepassing is, 'n lid van die Suid-Afrikaanse Weermag tot beskikking van die militêre owerhede van enige ander land stel, om tydelik deur daardie owerhede in die magte van daardie land opgeneem te word.

(2) Solank 'n lid van 'n mag van 'n ander land tydelik in die Suid-Afrikaanse Weermag opgeneem is, is hy onderworpe aan die wetsbepalings van toepassing op daardie deel van die Suid-Afrikaanse Weermag waarin hy opgeneem is, en word hy behandel en het hy oor lede van die Suid-Afrikaanse Weermag dieselfde bevelvoerende en strafbevoegdhede asof hy 'n lid van daardie mag was gelyk in rang aan die rang wat hy as lid van die mag van daardie land beklee: Met dien verstande dat die Goewerneur-generaal by proklamasie in die *Staatskoerant* kan gelas dat met betrekking tot die lede van 'n mag van 'n in die proklamasie bepaalde land, die wetsbepalings wat op die Suid-Afrikaanse Weermag betrekking het, geld met die uitsonderings en onderworpe aan die aanpassings en wysigings wat aldus bepaal mag word.

Lede van besoekende magte in sekere opsigte nie aan regsmag van plaaslike howe onderworpe nie.

132. (1) Ondanks andersluidende wetsbepalings, is geen hof van die Unie regsbevoeg om 'n lid van 'n besoekende mag of van 'n burgerlike onderdeel van so 'n mag te verhoor nie, weens 'n misdryf teen die persoon of teen eiendom wat, in die geval van—

(*a*) 'n misdryf teen die persoon, gepleeg is met of met betrekking tot iemand wat ten tye van die pleeg van die misdryf, 'n lid was van of regstreeks verbonde was aan dieselfde of 'n ander besoekende mag van dieselfde land; of

(*b*) 'n misdryf teen eiendom, gepleeg is met betrekking tot die eiendom van die land waartoe die besoekende mag behoort of van 'n lid van dieselfde of 'n ander besoekende mag van dieselfde land of van iemand wat regstreeks aan so 'n mag verbonde is,

of weens enige misdryf wat in verband met die uitvoering en in die loop van die verrigting van sy pligte as so 'n lid, ontstaan het.

(2) Die bepalings van sub-artikel (1) is nie van toepassing nie—

(*a*) indien die beweerde oortreder, ten tye van die pleeg van die misdryf, nie aan die regsmag van die militêre howe van die land waartoe die besoekende mag behoort, onderworpe was nie;

(*b*) met betrekking tot 'n lid van 'n burgerlike onderdeel van 'n besoekende mag, tensy die betrokke misdryf ook 'n misdryf is ingevolge die wette van die land waartoe die betrokke besoekende mag behoort;

(*c*) ten opsigte van 'n saak waarin die bevoegde Prokureur-generaal of die Sollisiteur-generaal gesertifiseer het dat die gepaste gesag van die land waartoe die besoekende mag behoort, hom meegedeel het dat dit nie die voorneme is om die oortreder ingevolge die wette van daardie land aan te kla nie.

(3) Geen bepaling van sub-artikel (1) raak die geldigheid van enige verhoor of van enigiets wat gedurende 'n verhoor gedoen of nagelaat is nie tensy òf voor die aanvang daarvan òf gedurende die verhoor, beswaar gemaak is op grond daarvan dat die hof kragtens daardie sub-artikel geen regsmag het om die oortreder te verhoor nie.

(4) By die toepassing van hierdie artikel beteken—

„misdryf teen die persoon"—

(*a*) moord, toediening van gif met opset om moord te pleeg, strafbare manslag, aanranding hetsy dit met 'n besondere opset gepaard gaan al dan nie, verkragting, strafregtelike *injuria*, bloedskande, domieso, vrugafdrywing, ontvoering, kinderroof;

(*b*) a contravention of section *one hundred and thirteen* or *one hundred and fourteen* of the General Law Amendment Act, 1935 (Act No. 46 of 1935), section *two* or *four* of the Girls' and Mentally Defective Women's Protection Act, 1916 (Act No. 3 of 1916), section *seventy-four* of the Mental Disorders Act, 1916 (Act No. 38 of 1916), sub-section (1) of section *sixteen*, section *seventeen*, *nineteen* or *twenty-three* of the Children's Act, 1937 (Act No. 31 of 1937), or section *ninety-two* of the Liquor Act, 1928 (Act No. 30 of 1928); or

(*c*) any offence relating to—

(i) the negligent driving of a motor vehicle whereby any person is injured;

(ii) the procuring or detention of a female for the purpose of unlawful carnal intercourse; or

(iii) the keeping of a brothel;

"offence against property" means—

(*a*) theft whether at common law or as provided by statute, housebreaking with intent to commit a crime, robbery, fraud, forgery and uttering a forged instrument knowing it to be forged, extortion, receiving stolen property knowing it to have been stolen, malicious injury to property;

(*b*) any offence relating to the driving of a motor vehicle without the consent of the owner; or

(*c*) a contravention of section *one* of the General Law Amendment Act, 1956 (Act No. 50 of 1956).

(5) Any reference to an offence mentioned in sub-section (4) shall be deemed to include a reference to—

(*a*) an attempt to commit that offence;

(*b*) a conspiracy to aid or procure the commission of or to commit that offence;

(*c*) an incitement or instigation, or a command or procurement to commit that offence; or

(*d*) being accessory to the commission of that offence.

Mutual powers of command.

133. (1) Whenever a Union force and any other force are serving together, whether alone or not—

(*a*) any member of the other force shall be treated and shall have over members of the Union force, the like powers of command as if he were a member of the Union force of relative rank; and

(*b*) if the forces are acting in combination any officer of the other force appointed by, or in accordance with regulations made by or on the authority of the Governor-General after consultation with the appropriate authority of the country to which that force belongs, to command the combined forces or any part thereof, shall be treated and shall have over members of the Union force, the like powers of command and punishment and may be invested with the like authority to convene and confirm the findings and sentences of courts martial as if he were an officer of the Union force of relative rank and holding the same command.

(2) For the purpose of this section, a Union force and any other force shall be deemed to be serving together or acting in combination whenever the Governor-General has by proclamation in the *Gazette*, declared that they are so serving or acting, and the relative rank of members of the Union force and of such other force shall be as prescribed.

Proof of membership of visiting force.

134. A certificate issued under the hand or on the authority of the appropriate authority of any country, stating that at a time specified therein a person so specified was or was not a member of a visiting force of that country or of a civilian component of such a force shall, unless the contrary is proved, be evidence of the facts so stated.

Inquests on and removal of bodies of deceased members of visiting forces.

135. (1) Notwithstanding anything to the contrary in any law, no inquest shall, unless the Minister otherwise directs, be held as to the cause of death of any deceased person who at the time of his death was a member of a visiting force or of a civilian component of such a force.

(2) Whenever a magistrate holding an inquest is satisfied that a person subject to the jurisdiction of the military courts of

(*b*) 'n oortreding van artikel *honderd-en-dertien* of *honderd-en-veertien* van die Algemene Regswysigingswet, 1935 (Wet No. 46 van 1935), artikel *twee* of *vier* van die „Meisjes en Geestelik Gekrenkte Vrouwen Beschermings Wet, 1916" (Wet No. 3 van 1916), artikel *vier-en-sewentig* van die „Wet op Geestesgebreken, 1916" (Wet No. 38 van 1916), sub-artikel (1) van artikel *sestien*, artikel *sewentien*, *negentien* of *drie-en-twintig* van die Kinderwet, 1937 (Wet No. 31 van 1937) of artikel *twee-en-negentig* van die Drankwet, 1928 (Wet No. 30 van 1928); of

(*c*) 'n misdryf met betrekking tot—

(i) die nalatige bestuur van 'n motorvoertuig waardeur iemand beseer is;

(ii) die verkryging of aanhouding van 'n vrouspersoon vir doeleindes van onwettige vleeslike gemeenskap; of

(iii) die aanhou van 'n bordeel;

„misdryf teen eiendom"—

(*a*) diefstal hetsy volgens die gemene reg of soos by wet bepaal, huisbraak met die opset om 'n misdaad te pleeg, roof, bedrog, vervalsing en uitgifte van 'n vervalste dokument met wete dat dit vervals is, afpersing, ontvang van gesteelde goed met wete dat dit gesteel is, kwaadwillige saakbeskadiging;

(*b*) enige misdryf met betrekking tot die bestuur van 'n motorvoertuig sonder toestemming van die eienaar; of

(*c*) 'n oortreding van artikel (1) van die Algemene Regswysigingswet, 1956 (Wet No. 50 van 1956).

(5) Enige verwysing na 'n oortreding in sub-artikel (4) vermeld, word geag ook 'n verwysing te wees na—

(*a*) 'n poging om daardie misdryf te pleeg;

(*b*) 'n sameswering om hulp te verleen by of die pleeg van daardie misdryf te verkry of daardie misdryf te pleeg;

(*c*) 'n uitlokking of aanstigting of 'n bevel of verkryging om daardie misdryf te pleeg; of

(*d*) medepligtigheid by die pleeg van daardie misdryf.

Wedersydse bevoegdhede om bevel te voer.

133. (1) Wanneer 'n mag van die Unie en 'n ander mag saam dien, hetsy alleen of nie—

(*a*) word 'n lid van die ander mag behandel en het hy oor lede van die mag van die Unie dieselfde bevoegdhede om bevel te voer asof hy lid van die mag van die Unie was met 'n dienooreenkomstige rang; en

(*b*) word, waar die magte in kombinasie optree, 'n offisier van die ander mag aangestel deur die Goewerneur-generaal of ooreenkomstig regulasies deur of op gesag van die Goewerneur-generaal uitgevaardig na oorlegpleging met die gepaste gesag van die land waartoe daardie mag behoort, om oor die gekombineerde magte of 'n deel daarvan bevel te voer, behandel en het hy oor lede van die mag van die Unie, dieselfde bevoegdhede om bevel te voer en te straf en kan hy met dieselfde bevoegdheid om krygsrade te belê en die bevindings en vonnisse daarvan te bekragtig, beklee word asof hy 'n offisier van die mag van die Unie was met 'n dienooreenkomstige rang en met dieselfde bevelvoerende gesag.

(2) By die toepassing van hierdie artikel, word 'n mag van die Unie en 'n ander mag geag saam te dien of in kombinasie op te tree wanneer die Goewerneur-generaal by proklamasie in die *Staatskoerant* verklaar het dat hulle aldus dien of optree, en die ooreenstemmende range van lede van die mag van die Unie en van so 'n ander mag, is soos voorgeskryf.

Bewys van lidmaatskap van besoekende mag.

134. 'n Sertifikaat uitgereik en onderteken deur of op gesag van die gepaste owerheid van enige land, waarin verklaar word dat op 'n daarin vermelde tydstip iemand aldus vermeld 'n lid van 'n besoekende mag van daardie land of van 'n burgerlike onderdeel van so 'n mag was of nie was nie, is, tensy die teendeel bewys word, bewys van die aldus verklaarde feite.

Lykskouings op en verwydering van lyke van afgestorwe lede van besoekende mag.

135. (1) Ondanks andersluidende wetsbepalings, word, tensy die Minister anders gelas, geen lykskouing gehou ten opsigte van die oorsaak van die dood van 'n afgestorwene wat ten tye van sy dood 'n lid van 'n besoekende mag of van 'n burgerlike onderdeel van so 'n mag was nie.

(2) Wanneer 'n magistraat wat 'n lykskouing hou, oortuig is dat iemand onderworpe aan die regsmag van die militêre

any other country is being detained for the purpose of being charged or has been charged before a court of that country with an offence arising out of the death which is the subject of the inquest, he shall, unless the Minister otherwise directs, adjourn the inquest and furnish the assistant registrar of births and deaths with such particulars necessary for the registration of the death as he may have ascertained at the inquest up to the time of its adjournment.

(3) No inquest which has been adjourned in terms of sub-section (2), shall be resumed unless the Minister so directs: Provided that where an inquest is resumed on the Minister's directions, the magistrate having jurisdiction shall commence the proceedings *de novo* but shall not furnish the assistant registrar of births and deaths with any particulars or further particulars for the registration of the death.

(4) Section *twenty-seven* of the Births, Marriages and Deaths Registration Act, 1923 (Act No. 17 of 1923), shall not apply in respect of any case where the body of a deceased person who at the time of his death was a member of a visiting force or of a civilian component of such a force, is to be buried at any place outside the Union except as regards the burial of the body of a deceased person in relation to whose death an inquest has been held or resumed in pursuance of instructions given by the Minister under sub-section (1) or (3).

CHAPTER XIII.

GENERAL.

Decorations and medals.

136. (1) The Governor-General may, in respect of conduct or service in peace or war which in his opinion requires or deserves suitable recognition, institute decorations and medals which he may award subject to such rules as he may in the case of every such decoration or medal consider necessary, to members of the South African Defence Force or the Cadet Corps or any auxiliary service, voluntary nursing service or civilian protective service established under this Act or any armed force attached to, serving with or rendering service to the South African Defence Force.

(2) No decoration or medal instituted under sub-section (1), shall be awarded to a member of any armed force other than the South African Defence Force unless the government of the force to which such member belongs has signified its concurrence in the award of such decoration or medal to such member.

(3) The Governor-General may in respect of every decoration or medal instituted under sub-section (1), make regulations relating to the grant, forfeiture and restoration thereof and such other matters concerning such decoration or medal as he may deem expedient.

(4) Any decoration or medal instituted prior to the commencement of this Act by Royal Warrant on the advice of Her Majesty's Ministers of State for the Union may, notwithstanding anything to the contrary in such Warrant contained, but subject to the rules for the governance thereof, be awarded, and any Warrant relating to any such decoration or medal may be amended or cancelled, by the Governor-General.

Language of instruction.

137. (1) Every officer and every non-commissioned officer of the South African Defence Force shall be instructed in giving and receiving executive words of command in each of the official languages of the Union, and the training and instruction of any citizen shall be given in the official language which he best understands.

(2) Whenever it is not practicable in the case of a particular unit of the said Force to give training or instruction entirely in one of such official languages, provision shall be made for the training or instruction of the minority of the members of that unit to be given as far as possible in the official language which they best understand.

Places for training or service.

138. Any training required to be undergone and, subject to the provisions of section *ninety-five*, any service to be performed under this Act, shall be undergone or performed at such places, whether within or outside the Union, as the Minister may direct.

Pay and allowances not to be assigned or attached.

139. No member of the South African Defence Force shall, without the approval of the Minister or a person thereto authorized by the Minister, assign the whole or any part of any pay or allowance due to him in respect of service in that Force, nor shall the whole or any part of such pay or allowance be capable of being seized or attached under or by virtue of any writ of execution, other than a garnishee order issued in terms

howe van 'n ander land aangehou word met die doel om voor 'n hof van daardie land aangekla te word of aldus aangekla is, weens 'n misdryf wat voorspruit uit die dood wat die onderwerp van die lykskouing uitmaak, moet hy, tensy die Minister anders gelas, die lykskouing verdaag en die assistent-registrateur van geboortes en sterfgevalle voorsien van sulke besonderhede wat vir die registrasie van die sterfgeval nodig is as wat hy by die lykskouing tot op die datum van die verdaging daarvan vasgestel het.

(3) Geen lykskouing wat ooreenkomstig sub-artikel (2) verdaag is, word hervat nie, tensy die Minister aldus gelas: Met dien verstande dat waar 'n lykskouing in opdrag van die Minister hervat word, die magistraat wat regsmag het, die verrigtinge *de novo* begin maar nie die assistent-registrateur van geboortes en sterfgevalle van enige besonderhede of verdere besonderhede vir die registrasie van die sterfgeval, voorsien nie.

(4) Artikel *sewe-en-twintig* van die „Wet op de Registratie van Geboorten, Huweliken en Sterfgevallen, 1923" (Wet No. 17 van 1923), is nie van toepassing nie ten opsigte van enige geval waar die liggaam van 'n afgestorwene wat ten tye van sy dood 'n lid van 'n besoekende mag of van 'n burgerlike onderdeel van so 'n mag was, op 'n plek buite die Unie begrawe staan te word nie, behalwe wat betref die teraardebestelling van die liggaam van 'n afgestorwene met betrekking tot wie se dood 'n lykskouing uit hoofde van 'n opdrag deur die Minister ingevolge sub-artikel (1) of (3) gegee, gehou of hervat is.

HOOFSTUK XIII.

ALGEMEEN.

Dekorasies en medaljes.

136. (1) Die Goewerneur-generaal kan ten opsigte van gedrag of diens in vredes- of oorlogstyd wat volgens sy oordeel geskikte erkenning verg of verdien, dekorasies en medaljes instel wat hy onderworpe aan sulke reëls as wat hy in die geval van elke sodanige dekorasie of medalje nodig ag, kan toeken aan lede van die Suid-Afrikaanse Weermag of die Kadetkorps of 'n ingevolge hierdie Wet ingestelde hulp-, vrywillige verplegings- of burgerlike beskermingsdiens, of enige gewapende mag wat in die Suid-Afrikaanse Weermag opgeneem is of daarin dien.

(2) Geen kragtens sub-artikel (1) ingestelde dekorasie of medalje word aan 'n lid van enige ander gewapende mag as die Suid-Afrikaanse Weermag toegeken nie, tensy die Regering van die mag waartoe daardie lid behoort sy instemming tot die toekenning van die dekorasie of medalje aan daardie lid te kenne gegee het.

(3) Die Goewerneur-generaal kan ten opsigte van iedere dekorasie of medalje kragtens sub-artikel (1) ingestel, regulasies uitvaardig met betrekking tot die toekenning, verbeuring en teruggawe daarvan en die ander sake rakende bedoelde dekorasie of medalje wat hy dienstig ag.

(4) Enige dekorasie of medalje wat voor die inwerkingtreding van hierdie Wet op advies van Haar Majesteit se Staatsministers van die Unie by Koninklike Bevelskrif ingestel is, kan, ondanks andersluidende bepalings in daardie Bevelskrif vervat, maar behoudens die reëls vir die beheer daarvan, deur die Goewerneur-generaal toegeken word, en enige Bevelskrif met betrekking tot so 'n dekorasie of medalje kan deur die Goewerneur-generaal gewysig of herroep word.

Taal van onderrig.

137. (1) Iedere offisier en iedere onderoffisier van die Suid-Afrikaanse Weermag moet in die gee en ontvang van uitvoeringsbevele in beide offisiële tale van die Unie onderrig word, en die opleiding en onderrig van 'n burger moet geskied in die offisiële taal wat hy die beste verstaan.

(2) Wanneer dit in die geval van 'n bepaalde eenheid van daardie Mag nie uitvoerbaar is om opleiding of onderrig uitsluitlik in een van bedoelde offisiële tale te laat geskied nie, moet voorsiening gemaak word vir die opleiding of onderrig van die minderheid van die lede van daardie eenheid sover moontlik in die offisiële taal wat hulle die beste verstaan.

Plekke vir opleiding en diens.

138. Enige opleiding wat ondergaan en, behoudens die bepalings van artikel *vyf-en-negentig*, enige diens wat gedoen moet word kragtens hierdie Wet, moet op die plekke, hetsy binne of buite die Unie, wat die Minister mag beveel, ondergaan of gedoen word.

Soldy en toelaes word nie oorgedra of in beslag geneem nie.

139. Geen lid van die Suid-Afrikaanse Weermag kan, sonder goedkeuring van die Minister of 'n daartoe deur die Minister gemagtigde persoon, enige soldy of toelae ten opsigte van diens in daardie Mag aan hom verskuldig of enige deel daarvan oormaak nie, en bedoelde soldy of toelae of enige deel daarvan is ook nie vir beslaglegging ingevolge of kragtens 'n lasbrief vir eksekusie, behalwe 'n skuldbeslagorder wat

of any law in force in the Union, sued out against any member entitled to such pay or allowance, nor shall the same pass under or by virtue of any order made for the sequestration of the estate of any such member.

Exemption from stamp duties.

140. Notwithstanding anything in any other law contained, no stamp duty shall be payable in time of war in respect of the receipt of pay or allowances by any member of the South African Defence Force, or at any other time in respect of the receipt of such pay or allowances by any member of that Force other than a member of the Permanent Force.

Exemption from registration and licensing of Defence vehicles and drivers.

141. Nothing in any law relating to the registration and licensing of motor vehicles or the licensing of drivers of such vehicles, shall apply in respect of any motor vehicle as defined in sub-section (4) of section *eighty-seven* which is the property of the State in its Department of Defence.

Exemption from laws relating to conveyance of firearms.

142. The provisions of any law relating to the conveyance of firearms shall not apply with reference to the conveyance of firearms by any person where such conveyance takes place in connection with training, service or duty under this Act.

Exemption from tolls, etc.

143. (1) At any wharf, landing place, bridge, pont, ferry or toll-bar where the payment of a toll or due may lawfully be demanded, that toll or due shall not be payable by any member of the South African 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.

(2) Any person duly authorized to collect tolls or dues at any such place aforesaid who wilfully subjects a member of the South African Defence Force, or any animal or vehicle on service as aforesaid, to unreasonable delay or detention shall be guilty of an offence.

Railway charges.

144. Any member of the South African Defence Force travelling on the service of that Force shall when provided with a Government warrant, be conveyed over any portion of any railway system in the Union at fares which shall be determined by agreement between the South African Railways and Harbours Administration and the Department of Defence acting in consultation with the Treasury.

Death or disablement caused by military service.

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

(*a*) to a member of the South African Defence Force (other than a member of the Permanent Force) who is suffering from disablement caused or aggravated by his military service or training, irrespective of the date on which such disablement arose or was so aggravated, provided such disablement is not due to the member's own serious misconduct; and

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

(2) The provisions of the War Pensions Act, 1942 (Act No. 44 of 1942), shall *mutatis mutandis* apply to or in respect of a discharged member whose disablement (in the opinion of the military pensions board to which the matter is referred in terms of the said Act) arose in the circumstances described in paragraph (*a*) of sub-section (1).

(3) A member whose disablement arose in the circumstances described in paragraph (*a*) of sub-section (1), but who is not as a result of such disablement discharged from the South African Defence Force, may be provided with any medical or other treatment necessary for such disablement, and the Secretary for Defence may with the approval of the Treasury grant to such member for any period during which he is undergoing treatment or during which, in the opinion of the said Secretary, his disablement renders him incapable of pursuing his normal occupation, an allowance at a rate not exceeding four hundred and fifty pounds *per annum*, in addition to the emoluments of his rank.

(4) The provisions of the War Pensions Act, 1942, shall *mutatis mutandis* apply to or in respect of a widow, child, parent or other dependant of a member whose death in the opinion of the aforesaid military pensions board occurred in the circumstances described in paragraph (*b*) of sub-section (1).

ingevolge 'n in die Unie geldende wet uitgereik is, teen 'n lid wat op sodanige soldy en toelae geregtig is, vatbaar nie, en gaan ook nie oor ingevolge of kragtens 'n order wat vir die sekwestrasie van die boedel van so 'n lid gemaak is nie.

Vrystelling van seëlregte.

140. Ondanks andersluidende wetsbepalings, is geen seëlregte in oorlogstyd ten opsigte van die ontvangs van soldy of toelaes deur 'n lid van die Suid-Afrikaanse Weermag, of op enige ander tyd ten opsigte van die ontvangs van bedoelde soldy of toelaes deur 'n ander lid van daardie Mag as 'n lid van die Staande Mag, betaalbaar nie.

Vrystelling van registrasie en lisensiëring van Verdedigingsdepartement se voertuie en bestuurders.

141. Geen wetsbepalings betreffende die registrasie en lisensiëring van motorvoertuie of die lisensiëring van bestuurders van sulke voertuie, is ten opsigte van 'n motorvoertuig, soos in sub-artikel (4) van artikel *sewe-en-tagtig* omskryf, wat die eiendom van die Staat in sy Departement van Verdediging is, van toepassing nie.

Vrystelling van wette betreffende vervoer van vuurwarpens.

142. Die bepalings van enige wet op die vervoer van vuurwapens is nie met betrekking tot die vervoer van vuurwapens deur enige persoon van toepassing nie, waar sodanige vervoer in verband met opleiding, diens of pligte ingevolge hierdie Wet geskied.

Vrystelling van tolgelde, ens.

143. (1) By 'n skeepswerf, aanlêplek, brug, pont, veer of tolhek waar tolgeld of 'n reg wettiglik geëis kan word, is daardie tolgeld of reg nie betaalbaar nie deur 'n lid van die Suid-Afrikaanse 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.

(2) Iemand wat behoorlik gemagtig is om tolgelde of regte by 'n plek soos voormeld te vorder, en wat opsetlik 'n lid van die Suid-Afrikaanse Weermag of 'n dier of voertuig wat soos voormeld in diens is, op onredelike wyse vertraag of aanhou, is aan 'n misdryf skuldig.

Spoorgelde.

144. 'n Lid van die Suid-Afrikaanse Weermag wat in diens van daardie Mag reis, word indien hy van 'n Staatsorder voorsien is, oor enige deel van enige spoorwegstelsel in die Unie vervoer teen 'n reisgeld wat by ooreenkoms tussen die Suid-Afrikaanse Spoorweg- en Hawensadministrasie en die Departement van Verdediging handelende in oorleg met die Tesourie bepaal word.

Dood of ongeskiktheid deur militêre diens veroorsaak.

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

(*a*) op 'n lid van die Suid-Afrikaanse Weermag wat nie 'n lid van die Staande Mag is nie, en wat ly aan ongeskiktheid deur sy militêre diens of opleiding veroorsaak of vererger, ongeag die datum waarop die ongeskiktheid ontstaan het of aldus vererger is, mits daardie ongeskiktheid nie aan die lid se eie ernstige wangedrag te wyte is nie; en

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

(2) Die bepalings van die Oorlogspensioenwet, 1942 (Wet No. 44 van 1942), is *mutatis mutandis* van toepassing op of ten opsigte van 'n ontslane lid wie se ongeskiktheid (volgens die oordeel van die militêre pensioenraad waarna die saak kragtens bedoelde Wet verwys is) onder die omstandighede in paragraaf (*a*) van sub-artikel (1) beskryf, ontstaan het.

(3) 'n Lid wie se ongeskiktheid onder die omstandighede in paragraaf (*a*) van sub-artikel (1) beskryf, ontstaan het, maar wat nie as gevolg van daardie ongeskiktheid uit die Suid-Afrikaanse Weermag ontslaan word nie, kan die nodige geneeskundige of ander behandeling vir daardie ongeskiktheid ontvang, en die Sekretaris van Verdediging kan met goedkeuring van die Tesourie aan so 'n lid 'n toelaag volgens 'n tarief van hoogstens vierhonderd-en-vyftig pond per jaar, benewens sy rangsoldy, toeken vir die tydperk waarin hy behandeling ondergaan of waarin sy ongeskiktheid hom volgens die oordeel van bedoelde Sekretaris onbekwaam maak om sy gewone beroep te beoefen.

(4) Die bepalings van die Oorlogspensioenwet, 1942, is *mutatis mutandis* van toepassing op of ten opsigte van 'n weduwee, kind, ouer of ander afhanklike van 'n lid wie se dood volgens die oordeel van voormelde militêre pensioenraad onder die omstandighede in paragraaf (*b*) van sub-artikel (1) beskryf, plaasgevind het.

Injuries received or illness contracted on service or training.

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

(2) Any member while receiving the treatment referred to in sub-section (1) may, for such period and under such conditions as may be prescribed, be paid the emoluments of his rank, provided the wound, injury or illness was not due to the member's own serious misconduct.

Conveyance of members of South African Defence Force.

147. Any member of the South African Defence Force may in connection with or for the purposes of his service, training or duty, be conveyed by any means whatever as may be ordered by his superior officer.

Clubs, messes, etc.

148. Clubs, messes and trading and other institutions for the use or benefit of members of the South African Defence Force, or other forces, the families of such members, and other prescribed persons or classes of persons, may be established and conducted under such conditions and in such manner as may be prescribed.

Exemption from licences, etc.

149. (1) No licence moneys, tax, duty or fee (other than customs or excise duty where leviable by law) shall be payable by any person under any law in respect of any certified institution in or in connection with any camp, station or ship for any portion of the South African Defence Force or in connection with any naval station in the Union, or in respect of any article on sale at such an institution.

(2) The production of an official document bearing the signature of the Minister or of a person authorized by the Minister to sign any such document, and indicating that he has certified the institution, shall be sufficient evidence that it is an institution falling within this section.

(3) For the purpose of this section "institution" means any club, mess or other institution established in terms of section *one hundred and forty-eight*.

Presumption as to delivery of notices.

150. (1) Any notice sent by registered post to any person's registered address shall, unless the contrary is proved, be deemed to have been delivered to him at the time when it would have reached him in the ordinary course of post, and any notice issued under this Act relating to any person and exhibited at a prescribed public office in the magisterial district in which his registered address is, shall be deemed to have been duly served on such person.

(2) All magistrates, postmasters and officers in charge of police stations are required to exhibit such notices issued under this Act, and to keep on hand and issue on request to applicants such forms as are sent to them by the prescribed authority.

Act to apply both within and outside Union.

151. This Act shall apply to all members of the South African Defence Force, and the Reserve, and of any auxiliary or nursing service established under this Act, whether such members are serving within or outside the Union, and whenever it is necessary to enforce this Act outside the Union, any sentence, fine or penalty pronounced or imposed for the purpose of such enforcement shall be as valid and effectual and shall be carried into effect as if it had been pronounced or imposed in the Union.

Repeal of laws and savings.

152. (1) Subject to the provisions of sub-sections (2), (3) and (4), the laws mentioned in the Second Schedule are hereby repealed to the extent set out in the third column of that Schedule.

(2) Any regulation or notice issued or appointment made or anything done under the provisions of any law repealed by sub-section (1), shall be deemed to have been issued, made or done under the corresponding provisions of this Act, and shall in so far as it relates to any force, reserve or service established or any training or service provided for under any such repealed law, be construed as if it related to the corresponding force,

146. (1) 'n Lid van die Suid-Afrikaanse Weermag (uitgesonderd 'n lid van die Staande Mag) of die Kadetkorps wat terwyl hy op militêre diens is of opleiding ondergaan 'n wond, besering of siekte opdoen onder ander omstandighede as die in paragraaf (*a*) van sub-artikel (1) van artikel *honderd vyf-en-veertig* beskryf, kan onder die voorwaardes en vir die tydperk wat voorgeskryf mag word, die nodige geneeskundige en ander behandeling vir daardie wond, besering of siekte ontvang, al duur daardie behandeling ook tot na die verstryking van die tydperk van die diens, kamp, kursus, parade of ander opleiding waarmee hy besig was toe hy die wond, besering of siekte opgedoen het. **Beserings of siektes tydens diens of opleiding opgedoen.**

(2) Die rangsoldy van 'n lid kan vir so 'n tydperk terwyl hy die in sub-artikel (1) bedoelde behandeling ontvang en onder sulke voorwaardes as wat voorgeskryf mag word, aan hom betaal word, mits die wond, besering of siekte nie aan die lid se eie ernstige wangedrag te wyte was nie.

147. 'n Lid van die Suid-Afrikaanse Weermag kan in verband met of vir die oogmerke van sy diens, opleiding of pligte, op enige wyse hoegenaamd soos deur sy hoër offisier beveel, vervoer word. **Vervoer van lede van Suid-Afrikaanse Weermag.**

148. Klubs, menasies, handels- en ander inrigtings vir die gebruik of voordeel van lede van die Suid-Afrikaanse Weermag of ander magte, die gesinne van sulke lede en ander voorgeskrewe persone of kategorieë van persone, kan onder die voorwaardes en op die wyse wat voorgeskryf mag word, gestig en bestuur word. **Klubs, menasies, ens.**

149. (1) Geen lisensiegelde, belasting, reg of geld (behalwe doeane- of aksynsregte waar dit kragtens wet hefbaar is) is deur enigiemand ingevolge enige wetsbepaling betaalbaar nie ten opsigte van 'n gesertifiseerde inrigting in of in verband met 'n kamp, stasie of skip vir enige deel van die Suid-Afrikaanse Weermag of in verband met enige vlootstasie in die Unie of ten opsigte van enige artikel wat by so 'n inrigting te koop is. **Vrystelling van lisensies, ens.**

(2) Die vertoning van 'n amptelike dokument onder die handtekening van die Minister of iemand deur die Minister gemagtig om so 'n dokument te teken, wat aandui dat hy die inrigting gesertifiseer het, is voldoende getuienis dat dit 'n inrigting is wat onder hierdie artikel val.

(3) By die toepassing van hierdie artikel beteken „inrigting" enige klub, menasie of ander kragtens artikel *honderd agt-en-veertig* gestigte inrigting.

150. (1) Enige kennisgewing wat per aangetekende pos aan iemand se aangetekende adres gestuur is, word, tensy die teendeel bewys word, geag aan hom afgelewer te gewees het op die tydstip waarop dit hom in die gewone loop van die posdiens sou bereik het, en enige kragtens hierdie Wet uitgereikte kennisgewing met betrekking tot enigiemand wat by 'n voorgeskrewe openbare kantoor in die magistraatsdistrik waarin sy aangetekende adres is, vertoon is, word geag behoorlik aan daardie persoon bestel te wees. **Vermoede van ontvangs van kennisgewings.**

(2) Alle magistrate, posmeesters en bevelvoerders van polisiestasies moet sulke kragtens hierdie Wet uitgereikte kennisgewings vertoon en vorms wat deur die voorgeskrewe gesag aan hulle gestuur word, voorhande hou en op versoek aan applikante uitreik.

151. Hierdie Wet is op alle lede van die Suid-Afrikaanse Weermag en die Reserwe, en van enige kragtens hierdie Wet ingestelde hulp- of verpleegdiens van toepassing, hetsy bedoelde lede binne of buite die Unie dien, en wanneer dit nodig is om hierdie Wet buite die Unie toe te pas, is enige vonnis, boete of straf uitgespreek of opgelê vir die doel van sodanige toepassing, net so geldig en van krag en word dit uitgevoer op dieselfde wyse asof dit in die Unie uitgespreek of opgelê was. **Wet geld sowel buite as binne Unie.**

152. (1) Behoudens die bepalings van sub-artikels (2), (3) en (4), word die in die Tweede Bylae vermelde wette hierby herroep vir sover in die derde kolom van daardie Bylae uiteengesit. **Herroeping van wette en voorbehoude.**

(2) 'n Regulasie of kennisgewing uitgereik of aanstelling gemaak of enigiets gedoen kragtens die bepalings van 'n by sub-artikel (1) herroepe wet, word geag ingevolge die ooreenstemmende bepalings van hierdie Wet uitgereik, gemaak of gedoen te gewees het, en word, vir sover dit op enige kragtens so 'n herroepe wet ingestelde mag, reserwe of diens of op opleiding of diens waarvoor kragtens so 'n herroepe wet voorsiening gemaak is, betrekking het, uitgelê asof dit op die oor-

reserve, service or training established or provided for under this Act.

(3) Any person who at the commencement of this Act is a member of any force, reserve or service established under any such repealed law, shall be deemed to have been duly enrolled as a member of the corresponding force, reserve or service established under this Act and to have been assigned to the unit, corps or duties in which he is serving at such commencement, and any training undergone or service performed by any such person in any such force, reserve or service prior to such commencement, shall be deemed to have been undergone or performed in the corresponding force, reserve or service established under this Act.

(4) For the purposes of this section, any force, reserve or service established or training or service provided for under any such repealed law, shall be deemed to correspond to the force, reserve or service established or training or service provided for under this Act, to which in name, designation or description it most closely corresponds.

Application to South-West Africa.

153. (1) This Act shall apply also in the territory of South-West Africa.

(2) The cost of administration of this Act, in so far as it applies in the said territory, shall, subject to such contribution by the Administration of the said territory towards such cost as may be agreed upon by the said Administration and the Treasury, be defrayed from moneys appropriated by Parliament for the purpose.

Short title and commencement.

154. This Act shall be called the Defence Act, 1957, and shall come into operation on a date to be fixed by the Governor-General by proclamation in the *Gazette*.

First Schedule.

DEFINITIONS.

1. (1) In this Code any expression to which a meaning has been assigned in the Act, bears the meaning so assigned thereto, and unless the context otherwise indicates—

(i) "board of inquiry" means a board of inquiry convened under section *one hundred and thirty-five* or *one hundred and thirty-six*; (xxii)

(ii) "board of review" means a board of review established under section *one hundred and forty-six*; (x)

(iii) "camp" includes a ship; (xv)

(iv) "capital offence" means any offence, whether under this Code or otherwise, in respect of which sentence of death may be imposed; (ix)

(v) "civil court" means any court of criminal jurisdiction in the Union; (iv)

(vi) "civil offence" means any offence in respect of which any penalty may be imposed by a court of law, not being an offence under sections *four* to *fifty*, inclusive, of this Code; (v)

(vii) "convening authority" means any person empowered by warrant to convene courts martial; (i)

(viii) "counsel" means any advocate entitled to practise and appear before a provincial division of the Supreme Court of South Africa, and includes any attorney entitled to practise and appear in a magistrate's court in the Union and any defending officer; (xxiii)

(ix) "council of review" means the council of review established under section *one hundred and forty-five*; (xi)

(x) "court martial" means a court martial convened by virtue of the provisions of section *sixty-six* or *sixty-seven*; (xvii)

(xi) "defending officer" means an officer subject to this Code appointed by a convening authority to undertake the defence at a trial by court martial of an accused not represented by any other counsel; (xxi)

(xii) "desert", in relation to any person, includes, without in any way limiting its ordinary meaning—

(*a*) be absent without authority while on service from the unit or formation of such person with the intention of avoiding service;

(*b*) miss any form of transport, by which such person has been warned to travel, with the intention of not accompanying his unit or formation on service or not proceeding on service; and

(*c*) fail to report for any service under the Act within seven days after having been called up for such service; (vi)

(xiii) "enemy" includes any armed rebels or mutineers; (xxviii)

(xiv) "field punishment" means the performance in custody in the field of such labour and extra drills and duties as may be prescribed; (xxvi)

(xv) "field rank" means any rank not lower than that of major or any equivalent rank; (xiii)

(xvi) "General Officer Commanding, South African Defence Force", means the chief military excutive officer of the South African Defence Force, and in section *one hundred and twenty-eight* includes the officer commanding any portion of the South African Defence Force on service beyond the borders of the Union; (ii)

(xvii) "hospital" includes any military medical institution for the treatment of patients; (xiv)

en stemmende mag, reserwe, diens of opleiding kragtens hierdie Wet ingestel of voorsien, betrekking het.

(3) Iemand wat by die inwerkingtreding van hierdie Wet 'n lid is van 'n kragtens so 'n herroepe wet ingestelde mag, reserwe of diens, word geag behoorlik as 'n lid van die kragtens hierdie wet ingestelde ooreenstemmende mag, reserwe of diens ingeskryf, en by die eenheid, korps of pligte waarin hy tydens sodanige inwerkingtreding dien, ingedeel te gewees het, en enige opleiding of diens voor sodanige inwerkingtreding deur so iemand in so 'n mag, reserwe of diens ondergaan of verrig, word geag in die ooreenstemmende kragtens hierdie Wet ingestelde mag, reserwe of diens ondergaan of verrig te gewees het.

(4) By die toepassing van hierdie artikel word enige kragtens so 'n herroepe wet ingestelde mag, reserwe of diens of enige kragtens so 'n wet voorsiene opleiding of diens geag ooreen te stem met die kragtens hierdie Wet ingestelde mag, reserwe of diens of die kragtens hierdie Wet voorsiene opleiding of diens waarmee dit in naam, aanwysing of beskrywing die meeste ooreenkom.

Toepassing op Suidwes-Afrika.

153. (1) Hierdie Wet is ook op die gebied Suidwes-Afrika van toepassing.

(2) Die koste van die administrasie van hierdie Wet, vir sover dit op genoemde gebied van toepassing is, word, afgesien van die bydrae tot daardie koste deur die Administrasie van genoemde gebied waarop bedoelde Administrasie en die Tesourie mag ooreenkom, bestry uit gelde wat die Parlement vir die doel bewillig het.

Kort titel en inwerkingtreding.

154. Hierdie Wet heet die Verdedigingswet, 1957, en tree in werking op 'n datum wat die Goewerneur-generaal by proklamasie in die *Staatskoerant* vasstel.

Eerste Bylae.

WOORDBEPALING.

1. (1) In hierdie Reglement het enige uitdrukking waaraan in die Wet 'n betekenis toegewys is, die betekenis aldus daaraan toegewys, en tensy uit die samehang anders blyk, beteken—

(i) „beleggende outoriteit" iemand wat by bevelskrif gemagtig is om krygsrade te belê; (vii)

(ii) „Bevelvoerende Generaal, Suid-Afrikaanse Weermag" die militêre uitvoerende hoofbeampte van die Suid-Afrikaanse Weermag, en in artikel *honderd agt-en-twintig* ook die bevelvoerder van enige deel van die Suid-Afrikaanse Weermag in krygsdiens buite die grense van die Unie; (xvi)

(iii) „bewaking" 'n afdeling soldate afgesonder vir die beskerming van enige persoon of van enige plek, met inbegrip van 'n dorp of huis of ander eiendom; (xxv)

(iv) „burgerlike hof" 'n hof wat strafregtelike bevoegdheid in die Unie besit; (v)

(v) „burgerlike misdryf" 'n misdryf ten opsigte waarvan enige straf deur 'n geregshof opgelê kan word, uitgesonderd 'n misdryf ingevolge artikels *vier* tot en met *vyftig* van hierdie Reglement; (vi)

(vi) „deserteer", met betrekking tot enige persoon, sonder om die gewone betekenis daarvan op enige wyse te beperk, ook—

(*a*) tydens krygsdiens sonder verlof van daardie persoon se eenheid of formasie afwesig wees met die opset om krygsdiens te vermy;

(*b*) 'n vorm van vervoer waarmee daardie persoon aangesê is om te reis, nie haal nie, met die opset om sy eenheid of formasie nie op krygsdiens te vergesel nie of om nie op krygsdiens te gaan nie; en

(*c*) versuim om hom binne sewe dae na oproeping vir krygsdiens vir sodanige diens kragtens die Wet aan te meld; (xii)

(vii) „eed" ook 'n plegtige verklaring of bevestiging; (xxi)

(viii) „gevangenisstraf" gevangenisstraf met of sonder dwangarbeid; (xviii)

(ix) „halsmisdryf" 'n misdryf, hetsy ingevolge hierdie Reglement of andersins, ten opsigte waarvan die doodstraf opgelê kan word; (iv)

(x) „hersieningskommissie" 'n hersieningskommissie kragtens artikel *honderd ses-en-veertig* ingestel; (ii)

(xi) „hersieningsraad" die hersieningsraad kragtens artikel *honderd vyf-en-veertig* ingestel; (ix)

(xii) „hoërhof" 'n provinsiale of plaaslike afdeling van die Hooggeregshof van Suid-Afrika; (xxvii)

(xiii) „hoofoffisiersrang" 'n rang nie laer nie as die rang van majoor of 'n daarmee gelykstaande rang; (xv)

(xiv) „hospitaal" ook 'n militêre mediese inrigting vir die behandeling van pasiënte; (xvii)

(xv) „kamp" ook 'n skip; (iii)

(xvi) „krygsdiens" krygsdiens ter verdediging van die Unie of diens ter voorkoming of onderdrukking van binnelandse onluste in die Unie; (xxvi)

(xvii) „krygsraad" 'n krygsraad uit hoofde van die bepalings van artikel *ses-en-sestig* of *sewe-en-sestig* belê; (x)

(xviii) „lid", waar dit met betrekking tot 'n krygsraad of raad van ondersoek gebesig word, ook die president; (xix)

(xix) „meerdere", met betrekking tot 'n persoon wat aan hierdie Reglement onderworpe is, 'n aan hierdie Reglement onder-

(xviii) "imprisonment" means imprisonment with or without compulsory labour; (viii)

(xix) "member", when used in relation to a court martial or board of inquiry, includes the president; (xviii)

(xx) "military court" means any court or officer deriving jurisdiction from this Code or from an officer, to try persons charged with offences under this Code and to impose punishment; (xx)

(xxi) "oath" includes a solemn declaration or affirmation; (vii)

(xxii) "pay", in relation to any person, includes all amounts to which such person is entitled in respect of any training, duty or service undergone or performed by him as a member of the South African Defence Force, except amounts payable to him under the Government Service Pensions Act, 1955 (Act No. 58 of 1955); (xxiv)

(xxiii) "prescribed" means prescribed in the rules made under section *one hundred and four* of the Act; (xxvii)

(xxiv) "public property" means any property belonging to or in the possession or under the control of the Union Government or belonging to any force acting in co-operation with the South African Defence Force; (xxv)

(xxv) "safeguard" means a party of soldiers detached for the protection of any person or of any place, including any village or house or other property; (iii)

(xxvi) "service" means service in defence of the Union or in the prevention or suppression of internal disorder in the Union; (xvi)

(xxvii) "superior court" means a provincial or local division of the Supreme Court of South Africa; (xii)

(xxviii) "superior officer", in relation to a person subject to this Code, means any person subject to this Code who holds a higher rank than such firstmentioned person, or who holds the same or an equivalent rank but is in a position of authority over such firstmentioned person, and for the purposes of this definition any warrant officer or non-commissioned officer shall be deemed to be an officer; (xix)

(xxix) "vary" includes alter, remit, mitigate and commute. (xxix).

(2) Any reference in this Code to the South African Defence Force shall be construed as including a reference to any portion of that Force.

Application of Code.

2. (1) Save as is otherwise provided therein, the provisions of this Code shall apply only to the persons who are in terms thereof or in terms of the Act subject to those provisions, and to persons not otherwise subject thereto who, with the consent of the commanding officer of any portion of the South African Defence Force which is on service are with or accompany or perform duty with that portion of the said Force.

(2) Any person subject to this Code by virtue of any consent given under sub-section (1), shall be so subject thereto—

(*a*) where such consent has been given in writing, on the basis indicated in such consent; or

(*b*) where consent has not been given in writing, on the basis on which he has been accepted and treated for living and messing facilities.

Application of Code Beyond Area of Compulsory Service.

3. Any person subject to this Code who in time of war and owing to circumstances connected with such war is moved or taken beyond the area in which he may be required to render service, shall at all times remain subject to this Code as if he were within the said area until his return thereto can reasonably be effected.

Offences Endangering Safety of Forces Punishable with Death.

4. Any person who, being on service—

(*a*) shamefully abandons or surrenders or induces or compels any other person on service shamefully to abandon or surrender any garrison, place, post, guard, aircraft or vessel which it was the duty of such person or, as the case may be, such other person to defend;

(*b*) treacherously communicates with or gives intelligence to the enemy;

(*c*) treacherously makes known the parole, watchword or countersign to any person not entitled to receive it or treacherously gives a parole, watchword or countersign different from what he received;

(*d*) goes over to the enemy;

(*e*) having been made a prisoner of war, voluntarily serves with or aids the enemy;

(*f*) gives to the enemy or assists the enemy to acquire arms or ammunition or any material or equipment;

(*g*) knowingly commits any act calculated to imperil the success or safety of the South African Defence Force or any forces co-operating with the South African Defence Force or any part of any such forces; or

(*h*) conspires with any other person to mutiny or cause mutiny in the South African Defence Force or joins in any such mutiny,

shall be guilty of an offence and liable on conviction to be sentenced to death.

Offences by a Person in Command of Troops, Vessels or Aircraft.

5. Any person in command of troops of the South African Defence Force or of any vessel or aircraft who—

(*a*) when his duty requires him to engage the enemy, fails to do so or to do so as expeditiously or effectively as circumstances permit;

worpe persoon wat 'n hoër rang as eersbedoelde persoon beklee, of wat dieselfde of 'n gelykstaande rang beklee maar oor eersbedoelde persoon gesag uitoefen, en by die toepassing van hierdie omskrywing word 'n adjudant-offisier of onderoffisier geag 'n offisier te wees; (xxviii)

(xx) „militêre hof" 'n hof of offisier wat aan hierdie Reglement of 'n offisier die bevoegdheid ontleen om persone wat weens misdrywe ingevolge hierdie Reglement aangekla is te verhoor en om strawwe op te lê; (xx)

(xxi) „offisier-verdediger" 'n aan hierdie Reglement onderhewige offisier deur 'n beleggende outoriteit aangestel om by 'n verhoor voor 'n krygsraad die verdediging waar te neem van 'n beskuldigde wat nie deur 'n ander regsverteenwoordiger verteenwoordig word nie; (xi)

(xxii) „raad van ondersoek" 'n raad van ondersoek kragtens artikel *honderd vyf-en-dertig* of *honderd ses-en-dertig* belê; (i)

(xxiii) „regsverteenwoordiger" 'n advokaat wat geregtig is om voor 'n provinsiale afdeling van die Hooggeregshof van Suid-Afrika te praktiseer en te verskyn, en ook 'n prokureur wat geregtig is om in 'n magistraatshof in die Unie te praktiseer en te verskyn en 'n offisier-verdediger; (viii)

(xxiv) „soldy", met betrekking tot enigiemand, ook alle bedrae waarop so iemand geregtig is ten opsigte van opleiding, diens of krygsdiens wat hy as lid van die Suid-Afrikaanse Weermag ondergaan of verrig het, behalwe bedrae aan hom betaalbaar ingevolge die Regeringsdienspensioenwet, 1955 (Wet No. 58 van 1955); (xxii)

(xxv) „staatseiendom" eiendom wat behoort aan of in die besit of onder die beheer is van die Unieregering, of wat behoort aan enige mag wat in samewerking met die Suid-Afrikaanse Weermag optree; (xxiv)

(xxvi) „veldstraf" die verrigting in bewaring te velde van die arbeid en ekstra driloefeninge en pligte wat voorgeskryf mag word; (xiv)

(xxvii) „voorgeskryf" voorgeskryf in die reëls kragtens artikel *honderd-en-vier* van die Wet uitgevaardig; (xxiii)

(xxviii) „vyand" ook gewapende rebelle of muiters; (xiii)

(xxix) „wysig" ook verander, kwytskeld, versag en kommuteer. (xxix)

(2) 'n Verwysing in hierdie Reglement na die Suid-Afrikaanse Weermag word ook as 'n verwysing na enige deel van daardie Mag uitgelê.

TOEPASSING VAN REGLEMENT.

2. (1) Die bepalings van hierdie Reglement is, behalwe vir sover daarin anders bepaal, van toepassing alleen op die persone wat daarvolgens of ingevolge die Wet daaraan onderworpe is, en op persone, nie andersins daaraan onderworpe nie, wat met toestemming van die bevelvoerder van enige deel van die Suid-Afrikaanse Weermag wat in krygsdiens is saam met daardie deel van bedoelde Mag is of dit vergesel of diensplig te daarin vervul.

(2) Iemand wat uit hoofde van 'n kragtens sub-artikel (1) verleende toestemming aan hierdie Reglement onderworpe is, is aldus daaraan onderworpe—

(*a*) waar bedoelde toestemming skriftelik verleen is, op die grondslag in daardie toestemming vermeld; of

(*b*) waar bedoelde toestemming nie skriftelik verleen is nie, op die grondslag waarvolgens hy in verband met woon- en tafelgeriewe aangeneem en behandel is.

REGLEMENT GELD BUITE VERPLIGTE DIENSGEBIED.

3. 'n Aan hierdie Reglement onderworpe persoon wat in oorlogstyd en weens omstandighede verbonde aan bedoelde oorlog buite die gebied waarin hy verplig kan word om krygsdiens te verrig, verwyder of geneem word, bly te alle tye aan hierdie Reglement onderworpe asof hy binne bedoelde gebied was, totdat hy redelikerwys daarheen teruggeneem kan word.

MISDRYWE WAT VEILIGHEID VAN MAGTE IN GEVAAR STEL EN MET DIE DOOD STRAFBAAR IS.

4. Iemand wat, terwyl hy krygsdiens verrig—

(*a*) 'n garnisoen, plek, pos, wag, vliegtuig of vaartuig op skandelike wyse prysgee of uitlewer, of 'n ander persoon wat krygsdiens verrig, oorreed of dwing om dit aldus prys te gee of uit te lewer, waar hy of, al na die geval, daardie ander persoon dit volgens sy diensplig moes verdedig het;

(*b*) op verraderlike wyse met die vyand in verbinding tree of aan hom inligting verstrek;

(*c*) op verraderlike wyse die parool, wagwoord of herkenningsteken bekend maak aan iemand wat nie geregtig is om dit te ontvang nie of op verraderlike wyse 'n parool, wagwoord of herkenningsteken anders gee as wat hy dit ontvang het;

(*d*) na die vyand oorgaan;

(*e*) nadat hy krygsgevange geneem is, vrywilliglik saam met die vyand diens doen of aan die vyand hulp verleen;

(*f*) wapens of ammunisie of enige materiaal of uitrusting aan die vyand gee of die vyand help om dit te verkry;

(*g*) wetens 'n handeling verrig wat bereken is om die sukses of veiligheid van die Suid-Afrikaanse Weermag of enige magte wat met die Suid-Afrikaanse Weermag saamwerk of enige deel van sodanige magte, in gevaar te stel; of

(*h*) met iemand anders saamsweer om tot muitery in die Suid-Afrikaanse Weermag oor te gaan of so 'n muitery te veroorsaak of by so 'n muitery aansluit,

is aan 'n misdryf skuldig en kan by skuldigbevinding met die dood gestraf word.

MISDRYWE DEUR IEMAND IN BEVEL VAN TROEPE, VAARTUIE OF VLIEGTUIE.

5. Iemand in bevel van 'n troepemag van die Suid-Afrikaanse Weermag of van 'n vaartuig of vliegtuig wat—

(*a*) wanneer sy plig dit vereis, versuim om met die vyand slaags te raak of om dit so spoedig en doeltreffend te doen as wat die omstandighede toelaat;

(*b*) being in action without proper cause withdraws from the action or forsakes his post; or

(*c*) improperly fails to pursue an enemy or to consolidate any position gained,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding ten years.

OFFENCES IN RELATION TO CONDUCT IN ACTION.

6. Any person who—

(*a*) shamefully and in the presence of the enemy abandons or casts away any arms, ammunition, equipment or tools;

(*b*) behaves before the enemy in such a manner as to show cowardice;

(*c*) improperly delays or discourages any action against the enemy;

(*d*) improperly does or omits to do anything which results or is calculated to result in the capture by the enemy of any member of the South African Defence Force or of any forces co-operating with the South African Defence Force, or endangers or is calculated to endanger any such member, or which results or is calculated to result in the capture or destruction by the enemy of any aircraft, vessel, arms, ammunition or other war material;

(*e*) in action or prior to going into action, acts in a manner or uses words calculated to create alarm or despondency;

(*f*) without authority communicates with the enemy or sends a flag or signal of truce to the enemy;

(*g*) knowingly harbours or protects an enemy, not being a prisoner of war; or

(*h*) is taken prisoner of war through want of precaution, neglect of duty or disobedience to orders, or having been taken prisoner of war fails to rejoin the South African Defence Force when able to do so,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding ten years.

OFFENCES RELATING TO FAILURE TO REPORT ACTIVITIES LIKELY TO ENDANGER SAFETY OF FORCE.

7. Any person who, being aware or having reasonable suspicion that any other person—

(*a*) is communicating with the enemy or giving intelligence to the enemy;

(*b*) is giving to the enemy or is assisting the enemy to acquire arms, ammunition or any material or equipment; or

(*c*) is about to commit any act calculated to imperil the success or safety of the South African Defence Force or any forces co-operating with the South African Defence Force or any part of any such forces,

fails to report without delay to his superior officer the facts within his knowledge concerning the activities or contemplated or suspected activities of such other person, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding ten years.

OFFENCES RELATING TO SIGNALS, WATCHWORDS AND DISCLOSURE OF INFORMATION.

8. Any person who—

(*a*) without authority or contrary to his duty in any way uses, alters, adjusts or interferes with any instrument, machine or device designed or used for signalling, directing or detecting;

(*b*) without authority or contrary to his duty alters, mutilates or delays any signal;

(*c*) makes known the parole, watchword or countersign to any person not entitled to receive it;

(*d*) wilfully or negligently gives or conveys to a person entitled to receive it, any parole, watchword or countersign different to that which he has received;

(*e*) without proper authority discloses any information concerning the numbers, movements, location or preparations of the South African Defence Force or any forces co-operating therewith, or concerning any weapons, aircraft, vessels, stores, machines, instruments, devices or signal codes used or intended for use by such Force or forces, to the prejudice of such Force or forces; or

(*f*) contrary to his duty discloses the contents of any document, or is negligent in the performance of any duty, in consequence of which an unauthorized person becomes or might become aware of the contents of any document, to the prejudice of the South African Defence Force,

shall be guilty of an offence and liable on conviction, if he committed the offence while on service, to imprisonment for a period not exceeding five years, and in any other case to imprisonment for a period not exceeding two years.

INTERFERENCE WITH AIRCRAFT, VEHICLES, VESSELS, ETC.

9. Any person who, in circumstances not amounting to an offence under any other provision of this Code, contrary to his duty or without proper authority alters, adjusts or interferes with any aircraft, motor vehicle, vessel, weapon, machine or instrument used or intended for use by the South African Defence Force or any part or accessory of any such aircraft, motor vehicle, vessel, weapon, machine or instrument, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding two years.

MUTINY.

10. Any person who, in circumstances not amounting to an offence under any other provision of this Code, conspires with any other person

(*b*) as hy in 'n geveg is, hom sonder gegronde rede aan die geveg onttrek of sy pos verlaat; of

(*c*) op onbehoorlike wyse versuim om 'n vyand te agtervolg of 'n stelling wat gewen is te konsolideer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens tien jaar.

MISDRYWE MET BETREKKING TOT GEDRAG IN AKSIE.

6. Iemand wat—

(*a*) op skandelike wyse en in aanwesigheid van die vyand enige wapens, ammunisie, uitrusting of gereedskap prysgee of weggooi;

(*b*) hom voor die vyand op 'n lafhartige manier gedra;

(*c*) op onbehoorlike wyse enige aksie teen die vyand vertraag of ontmoedig;

(*d*) op onbehoorlike wyse enigiets doen of nalaat wat tot gevangeneming deur die vyand van 'n lid van die Suid-Afrikaanse Weermag, of van magte wat saam met die Suid-Afrikaanse Weermag optree, lei, of bereken is om daartoe te lei, of wat so 'n lid in gevaar stel of bereken is om hom in gevaar te stel of wat tot die verowering of vernietiging deur die vyand van 'n vliegtuig, vaartuig, wapens, ammunisie of ander oorlogsmateriaal lei of bereken is om daartoe te lei;

(*e*) in of voor 'n geveg, op 'n wyse optree of woorde besig wat bereken is om onrus of moedeloosheid te veroorsaak;

(*f*) sonder magtiging met die vyand in verbinding tree of 'n onderhandelingsvlag of -teken aan die vyand stuur;

(*g*) wetens 'n vyand wat nie 'n krygsgevangene is nie, herberg of beskerm; of

(*h*) weens onbehoedsaamheid of pligsversuim of ongehoorsaamheid aan bevele krygsgevange geneem word, of nadat hy krygsgevange geneem was, versuim om weer by die Suid-Afrikaanse Weermag aan te sluit wanneer hy daartoe in staat is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens tien jaar.

MISDRYWE MET BETREKKING TOT VERSUIM OM BEDRYWIGHEDE AAN TE GEE WAT VEILIGHEID VAN MAG IN GEVAAR KAN STEL.

7. Iemand wat terwyl hy bewus is of 'n redelike vermoede het dat 'n ander persoon—

(*a*) met die vyand in verbinding is of aan die vyand inligting verstrek;

(*b*) wapens, ammunisie of ander materiaal of uitrusting aan die vyand gee of die vyand help om dit te verkry; of

(*c*) op die punt staan om 'n handeling te verrig wat bereken is om die sukses of veiligheid van die Suid-Afrikaanse Weermag of enige magte wat saam met die Suid-Afrikaanse Weermag optree of enige deel van sodanige magte in gevaar te stel,

en wat nalaat om sonder versuim die feite waaroor hy beskik betreffende die bedrywighede of beoogde of vermoedelike bedrywighede van daardie ander persoon aan sy meerdere te rapporteer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens tien jaar.

MISDRYWE MET BETREKKING TOT TEKENS, WAGWOORDE EN OPENBAARMAKING VAN INLIGTING.

8. Iemand wat—

(*a*) sonder magtiging of in stryd met sy plig op enige wyse 'n instrument, masjien of uitvinding wat vir seinwerk, rigtingwerk of verklikwerk ingerig is of aangewend word, gebruik, verander of verstel of hom daarmee bemoei;

(*b*) sonder magtiging of in stryd met sy plig enige sein verander, skend of vertraag;

(*c*) die parool, wagwoord of herkenningsteken bekend maak aan iemand wat nie geregtig is om dit te ontvang nie;

(*d*) opsetlik of nalatiglik aan iemand wat geregtig is om dit te ontvang, 'n parool, wagwoord of herkenningsteken gee of oordra wat verskil van dié wat hy ontvang het;

(*e*) sonder behoorlike magtiging inligting betreffende die getalle, bewegings of voorbereidings van die Suid-Afrikaanse Weermag of magte wat saam daarmee optree, of die plek waar bedoelde Mag of magte hul bevind, of betreffende enige wapens, vliegtuie, vaartuie, voorrade, masjiene, instrumente, uitvindings of seinkodes wat deur bedoelde Mag of magte gebruik word of bedoel is om gebruik te word, tot nadeel van bedoelde Mag of magte openbaar maak; of

(*f*) in stryd met sy plig die inhoud van 'n dokument openbaar maak of in verband met die uitvoering van enige plig nalatig is, as gevolg waarvan 'n ongemagtigde persoon tot nadeel van die Suid-Afrikaanse Weermag met die inhoud van 'n dokument bekend word of sou kon geword het,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, indien hy die misdryf gepleeg het terwyl hy in krygsdiens was, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, en in enige ander geval met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

BEMOEIING MET VLIEGTUIE, VOERTUIE, VAARTUIE, ENS.

9. Iemand wat onder omstandighede waar dit nie op 'n misdryf ingevolge 'n ander bepaling van hierdie Reglement neerkom nie, in stryd met sy plig of sonder behoorlike magtiging 'n vliegtuig, motorvoertuig, vaartuig, wapen, masjien of instrument wat deur die Suid-Afrikaanse Weermag gebruik word of bedoel is om gebruik te word, of enige onderdeel van of toebehore by so 'n vliegtuig, motorvoertuig, vaartuig, wapen, masjien of instrument verander, verstel of hom daarmee bemoei, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

MUITERY.

10. Iemand wat onder omstandighede waar dit nie op 'n misdryf ingevolge 'n ander bepaling van hierdie Reglement neerkom nie, met

to mutiny or to cause a mutiny or joins in any mutiny or being present at a mutiny fails to do his utmost to suppress it, or being aware or suspecting that any other person is conspiring to cause any mutiny or has joined in any mutiny, fails to report without delay to his superior officer all the facts within his knowledge in that regard, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

INTERFERENCE WITH GUARDS, SENTRIES, ETC.

11. Any person who—

(*a*) forces or evades any safeguard;

(*b*) assaults any sentry or watchkeeper;

(*c*) in any manner whatever prevents a sentry or watchkeeper from doing his duty; or

(*d*) occasions false alarm,

shall be guilty of an offence and liable on conviction, if he committed the offence while on service, to imprisonment for a period not exceeding five years, and in any other case to imprisonment for a period not exceeding one year.

DERELICTION OF DUTY BY SENTRY, WATCHKEEPER, ETC.

12. Any person who—

(*a*) while on sentry duty or on duty as a watchkeeper leaves his post before he is regularly relieved or sleeps or is under the influence of intoxicating liquor or narcotic drugs; or

(*b*) while on duty with his unit or at a post or guard leaves such unit, post or guard without orders or good and sufficient cause,

shall be guilty of an offence and liable on conviction, if he committed the offence while on service, to imprisonment for a period not exceeding two years, and in any other case to imprisonment for a period not exceeding one year.

DESERTION.

13. Any person who deserts from the South African Defence Force shall be guilty of an offence and liable on conviction, if he committed the offence while on service, to imprisonment for a period not exceeding ten years, and in any other case to imprisonment for a period not exceeding two years.

ABSENCE WITHOUT LEAVE AND NON-ATTENDANCE WHERE REQUIRED TO ATTEND.

14. Any person who—

(*a*) absents himself without leave;

(*b*) fails to appear at a place of parade or duty or at any other place appointed by his commanding officer, or leaves any such place without good and sufficient cause;

(*c*) without good and sufficient cause goes into any prohibited area or beyond the fixed confines of his camp; or

(*d*) being required to attend any school or other educational institution, whether civilian or otherwise, fails to attend thereat or absents himself therefrom without leave,

shall be guilty of an offence and liable on conviction, if he committed the offence while on service, to imprisonment for a period not exceeding one year, and in any other case to imprisonment for a period not exceeding three months.

ASSAULTING SUPERIOR OFFICER.

15. Any person who assaults or points a firearm at or draws any weapon against his superior officer, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

ASSAULTING OR ILL-TREATING SUBORDINATE.

16. Any person who assaults or points a firearm at or draws any weapon against or ill-treats any person who is by reason of rank or appointment subordinate to him, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding three years.

USING THREATENING, INSUBORDINATE OR INSULTING LANGUAGE.

17. Any person who uses threatening or insulting language to, or by word or conduct displays insubordination or behaves with contempt towards his superior officer, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

MALINGERING, FEIGNING OR PRODUCING DISEASE, MAIMING ETC.

18. Any person who—

(*a*) malingers or feigns or produces disease or infirmity;

(*b*) maims or injures himself with the intention of avoiding any service or duty;

(*c*) wilfully commits or omits to perform an act, in consequence whereof he becomes or is likely to become unable to perform any service or duty; or

(*d*) wilfully maims or injures any other person subject to this Code, whether at the request or with the connivance of such other person or otherwise, thereby rendering such person unfit for service or duty,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding five years.

iemand anders saamsweer om muitery te pleeg of te veroorsaak of by 'n muitery aansluit of, terwyl hy by 'n muitery teenwoordig is, versuim om alles in sy vermoë te doen om dit te onderdruk, of, terwyl hy weet of vermoed dat iemand anders by 'n sameswering tot muitery betrokke is of by 'n muitery aangesluit het, in gebreke bly om sonder versuim al die feite binne sy kennis in daardie verband aan sy meerdere te rapporteer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

BEMOEIING MET WAGTE, SKILDWAGTE, ENS.

11. Iemand wat—
(*a*) by bewaking verbybreek of dit ontwyk;
(*b*) 'n skildwag of waghouer aanrand;
(*c*) op enige wyse hoegenaamd verhinder dat 'n skildwag of waghouer sy pligte nakom; of
(*d*) vals alarm veroorsaak,
is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, as hy die misdryf gepleeg het terwyl hy in krygsdiens was, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, en in enige ander geval met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

PLIGSVERSUIM DEUR 'N SKILDWAG, WAGHOUER, ENS.

12. Iemand wat—
(*a*) terwyl hy in skildwagdiens of as 'n waghouer diens doen, sy pos verlaat voordat hy behoorlik afgelos word of slaap of onder die invloed van bedwelmende drank of verdowingsmiddels verkeer; of
(*b*) terwyl hy by sy eenheid of by 'n pos of wagpos diens doen, daardie eenheid, pos of wagpos sonder bevele of goeie en voldoende rede verlaat,
is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, indien hy die misdryf gepleeg het terwyl hy in krygsdiens was, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar en in enige ander geval met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

DESERSIE.

13. Iemand wat uit die Suid-Afrikaanse Weermag deserteer, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, indien hy die misdryf gepleeg het terwyl hy in krygsdiens was, met gevangenisstraf vir 'n tydperk van hoogstens tien jaar, en in enige ander geval met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

AFWESIGHEID SONDER VERLOF EN AFWESIGHEID WAAR BYWONING VEREIS WORD.

14. Iemand wat—
(*a*) sonder verlof afwesig is;
(*b*) versuim om op 'n paradeterrein of diensplek of 'n ander deur sy bevelvoerder aangewese plek te verskyn, of so 'n terrein of plek sonder goeie en voldoende rede verlaat;
(*c*) sonder goeie en voldoende rede 'n verbode gebied binnegaan of buite die bepaalde grense van sy kamp gaan; of
(*d*) as hy 'n skool of ander opvoedkundige inrigting, hetsy burgerlik of andersins, moet bywoon, versuim om dit by te woon of sonder verlof daarvan afwesig bly,
is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, indien hy die misdryf gepleeg het terwyl hy in krygsdiens was, met gevangenisstraf vir 'n tydperk van hoogstens een jaar, en in enige ander geval met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

AANRANDING VAN MEERDERE.

15. Iemand wat sy meerdere aanrand of 'n vuurwapen op hom rig of hom met enige wapen dreig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

AANRANDING OF MISHANDELING VAN ONDERGESKIKTE.

16. Iemand wat 'n weens rang of aanstelling aan hom ondergeskikte persoon aanrand of 'n vuurwapen op hom rig of hom met enige wapen dreig of hom mishandel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens drie jaar.

GEBRUIK VAN DREIGENDE OF BELEDIGENDE TAAL EN WEERSPANNIGHEID.

17. Iemand wat teenoor sy meerdere dreigende of beledigende taal besig of hom deur woord of gedrag verset of teenoor hom 'n minagtende houding inneem, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

MALENGERING, SIEKTE VEINS OF VEROORSAAK, VERMINKING, ENS.

18. Iemand wat—
(*a*) malenger of siekte of swakheid veins of veroorsaak;
(*b*) homself vermink of beseer met die opset om krygsdiens of pligte te vermy;
(*c*) opsetlik 'n handeling verrig of nalaat, as gevolg waarvan hy onbekwaam word of waarskynlik onbekwaam sal word om krygsdiens of pligte te verrig; of
(*d*) opsetlik 'n ander aan hierdie Reglement onderworpe persoon vermink of beseer, hetsy op versoek of met oogluikende toelating van daardie persoon of andersins, en bedoelde persoon daardeur ongeskik maak om krygsdiens of pligte te verrig,
is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

DISOBEYING LAWFUL COMMANDS OR ORDERS.

19. (1) Any person who in wilful defiance of authority disobeys any lawful command given personally by his superior officer in the execution of his duty, whether orally, in writing or by signal, shall be guilty of an offence and liable on conviction, if he committed the offence while on service, to imprisonment for a period not exceeding five years, and in any other case to imprisonment for a period not exceeding two years.

(2) Any person who disobeys any lawful command given by his superior officer, in circumstances not amounting to an offence under sub-section (1), shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

(3) Any person who disobeys any lawful direction of the commander of any aircraft or vessel in which he is being conveyed, whether such commander is a member of any armed force or a civilian, and irrespective of the rank or status of such commander, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

(4) Any person who, being a patient in any hospital, wilfully disobeys any lawful direction concerning his hospital or medical treatment, given to him by any member of the hospital staff within whose hospital duty and authority it is to give such a direction, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

(5) Any person who neglects to obey any unit, formation or garrison order of which it is his duty to have knowledge, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

THEFT OF PUBLIC PROPERTY OR PROPERTY BELONGING TO A COMRADE, MESS, ETC.

20. Any person who—

(*a*) steals any public property or property belonging to any mess, wardroom or institution of the South African Defence Force; or

(*b*) steals any property belonging to a person subject to this Code; or

(*c*) receives any property referred to in paragraph (*a*) or (*b*) knowing it to have been stolen,

shall be guilty of an offence and liable on conviction, in the case of—

(i) an offence referred to in paragraph (*a*), to imprisonment for a period not exceeding ten years;

(ii) an offence referred to in paragraph (*b*), to imprisonment for a period not exceeding two years; or

(iii) an offence referred to in paragraph (*c*), to the punishment provided in sub-paragraph (i) or in sub-paragraph (ii), according as to whether the property received was property referred to in paragraph (*a*) or property referred to in paragraph (*b*).

OFFENCES IN RELATION TO THE ACQUISITION OR DISPOSAL OF PUBLIC PROPERTY.

21. Any person who—

(*a*) without authority sells, barters or otherwise disposes of or lends or pledges any public property or, being aware or suspecting that any other person is without authority selling, bartering or in any other way disposing of or lending or pledging such property, fails to report the facts within his knowledge in that regard to his superior officer without delay;

(*b*) when it is his duty to acquire by purchase or otherwise any property for the use of the South African Defence Force, demands, solicits or accepts contrary to his duty any commission, fee, reward or personal advantage in respect of such acquisition;

(*c*) having acquired property which it was his duty to acquire by purchase or otherwise for the use of the South African Defence Force, fails or neglects to cause such property to be delivered to an appropriate place or store; or

(*d*) agrees to pay or connives at the payment of any exorbitant price for any property purchased for the use of the South African Defence Force,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding ten years.

CAUSING OR ALLOWING A VESSEL OR AIRCRAFT TO BE HAZARDED, STRANDED OR WRECKED.

22. Any person who wilfully or negligently causes or allows a vessel or aircraft to be hazarded, stranded or wrecked, shall be guilty of an offence and, where no other penalty is prescribed in this Code, liable on conviction to imprisonment for a period not exceeding five years.

ABANDONING OR DIVERTING PUBLIC PROPERTY OR SUPPLIES.

23. Any person who—

(*a*) without good and sufficient cause wilfully abandons, damages or destroys any public property; or

(*b*) improperly diverts or detains supplies,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding two years.

NEGLIGENTLY LOSING KIT, EQUIPMENT, ARMS, ETC.

24. (1) Any person who—

(*a*) negligently loses his kit, arms or equipment or any public property or any property issued to him at public expense for personal use in the execution of his duties; or

ONGEHOORSAAMHEID AAN WETTIGE BEVELE OF OPDRAGTE.

19. (1) Iemand wat met die opset om gesag te trotseer, ongehoorsaam is aan 'n wettige bevel persoonlik deur sy meerdere in die uitvoering van sy plig gegee, hetsy mondeling, skriftelik of per sein, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar, indien hy die misdryf gepleeg het terwyl hy in krygsdiens was, met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar, en in enige ander geval met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

(2) Iemand wat onder omstandighede waar dit nie op 'n misdryf ingevolge sub-artikel (1) neerkom nie, ongehoorsaam is aan 'n wettige bevel deur sy meerdere gegee, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(3) Iemand wat 'n wettige opdrag van die gesagvoerder van 'n vliegtuig of vaartuig waarin hy vervoer word, nie gehoorsaam nie, hetsy bedoelde gesagvoerder 'n lid van 'n gewapende mag of 'n burgerlike persoon is, en ongeag die rang of status van daardie gesagvoerder, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(4) Iemand wat, terwyl hy in 'n hospitaal 'n pasiënt is, opsetlik 'n wettige opdrag met betrekking tot sy hospitaal- of geneeskundige behandeling aan hom gegee deur 'n lid van die hospitaalpersoneel binne wie se hospitaalpligte en gesag dit is om so 'n opdrag te gee, nie gehoorsaam nie, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(5) Iemand wat nalaat om 'n eenheids-, formasie- of garnisoensorder waarvan dit sy plig is om kennis te dra, te gehoorsaam, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

DIEFSTAL VAN STAATSEIENDOM OF EIENDOM WAT AAN 'N KAMERAAD, MENASIE, ENS. BEHOORT.

20. Iemand wat—

(*a*) Staatseiendom of eiendom behorende aan 'n menasie, offisiersbak of inrigting van die Suid-Afrikaanse Weermag steel; of

(*b*) eiendom behorende aan iemand wat aan hierdie Reglement onderworpe is, steel; of

(*c*) eiendom in paragraaf (*a*) of (*b*) bedoel, ontvang met wete dat dit gesteel is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar in die geval van—

(i) 'n in paragraaf (*a*) bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens tien jaar;

(ii) 'n in paragraaf (*b*) bedoelde misdryf, met gevangenisstraf vir 'n tydperk van hoogstens twee jaar; of

(iii) 'n in paragraaf (*c*) bedoelde misdryf, met die in sub-paragraaf (i) of in sub-paragraaf (ii) bepaalde straf na gelang die eiendom wat ontvang is in paragraaf (*a*) of in paragraaf (*b*) bedoelde eiendom was.

MISDRYWE MET BETREKKING TOT DIE VERKRYGING VAN OF BESKIKKING OOR STAATSEIENDOM.

21. Iemand wat—

(*a*) sonder magtiging Staatseiendom verkoop, of daarmee ruilhandel dryf of andersins daaroor beskik of dit uitleen of verpand, of terwyl hy weet of vermoed dat 'n ander persoon sonder magtiging sodanige eiendom verkoop, of daarmee ruilhandel dryf of andersins daaroor beskik of dit uitleen of verpand, in gebreke bly om die feite binne sy kennis in daardie verband sonder versuim aan sy meerdere te rapporteer;

(*b*) as dit sy plig is om deur aankoop of andersins eiendom vir die gebruik van die Suid-Afrikaanse Weermag te verkry, in stryd met sy plig 'n kommissie, gelde, beloning of persoonlike voordeel ten opsigte van sodanige verkryging eis, aanvra of aanvaar;

(*c*) nadat hy eiendom verkry het wat hy volgens sy plig deur aankoop of andersins vir die gebruik van die Suid-Afrikaanse Weermag moes verkry het, versuim of nalaat om daardie eiendom by 'n geskikte plek of pakhuis te laat aflewer; of

(*d*) instem om vir eiendom aangekoop vir die gebruik van die Suid-Afrikaanse Weermag 'n buitensporige prys te betaal, of oogluikend toelaat dat so 'n prys betaal word,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens tien jaar.

VEROORSAAK OF TOELAAT DAT 'N VAARTUIG OF VLIEGTUIG IN GEVAAR GESTEL WORD, STRAND OF VERNIETIG WORD.

22. Iemand wat opsetlik of weens nalatigheid 'n vaartuig of vliegtuig in gevaar stel, laat strand of vernietig of toelaat dat dit gedoen word, is aan 'n misdryf skuldig en, waar geen ander straf in hierdie Reglement voorgeskryf is nie, by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens vyf jaar.

PRYSGEE OF ONTTREK VAN STAATSEIENDOM OF VOORRADE.

23. Iemand wat—

(*a*) sonder goeie en voldoende rede Staatseiendom opsetlik prysgee, beskadig of vernietig; of

(*b*) op onbehoorlike wyse voorrade onttrek of weerhou,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

NALATIGE VERLIES VAN MONDERING, UITRUSTING, WAPENS, ENS.

24. (1) Iemand wat—

(*a*) sy uitrusting, wapens of mondering of enige Staatseiendom of enige eiendom op Staatskoste aan hom uitgereik vir persoonlike gebruik by die verrigting van sy pligte, deur nalatigheid verloor; of

(*b*) negligently damages or destroys any public property or any property issued to him at public expense for personal use in the execution of his duties,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

(2) If in any proceedings for a contravention of paragraph (*a*) of subsection (1), it is proved that any article or property mentioned in that paragraph which is alleged in the charge to have been lost, was issued to the accused and that on a date subsequent to such issue the accused was found not to be in possession of such article or property, it shall be presumed unless the contrary is proved, that such article or property was negligently lost by the accused.

NEGLIGENTLY OR WILFULLY CAUSING DAMAGE TO OR DESTRUCTION OF PUBLIC PROPERTY.

25. Any person who—

(*a*) negligently or wilfully commits any act which causes or is likely to cause damage to or destruction of public property; or

(*b*) negligently or wilfully omits to take action to prevent damage to or destruction of public property,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

DEFICIENCIES IN STORES, ETC.

26. Any person who, being responsible for stores, stocks or moneys in any South African Defence Force store, office, mess or institution, so negligently performs his duties as to cause any deficiency in such stores, stocks or moneys shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

USING OR TAKING ARTICLE ISSUED TO OR UNDER CONTROL OF ANOTHER PERSON.

27. Any person who—

(*a*) improperly uses or takes or removes from the possession or control of any other person subject to this Code any article issued to such other person for personal use in the execution of his duties or the personal property of such other person without the permission of the said person; or

(*b*) without proper authority takes or removes any article of public property from its appointed place, or uses such article for any purpose otherwise than in the public interest,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

OFFENCES IN RELATION TO THE DRIVING OF VEHICLES AND THE FLYING OF AIRCRAFT.

28. Any person who—

(*a*) drives any motor vehicle being public property in a negligent or reckless manner or at an excessive speed or while he is under the influence of intoxicating liquor or narcotic drugs; or

(*b*) flies any aircraft being public property in a negligent or reckless manner or at an unauthorized altitude or while he is under the influence of intoxicating liquor or narcotic drugs,

shall be guilty of an offence and liable on conviction, where no other penalty is prescribed in this Code, to imprisonment for a period not exceeding one year.

FRAUDULENT ENLISTMENT.

29. (1) Any person who—

(*a*) being a member of any portion of the South African Defence Force and not having been regularly discharged therefrom, enrolls in any other portion of that Force;

(*b*) having been discharged with disgrace from the South African Defence Force or from a military, naval or air force of any country, enrols in the South African Defence Force without disclosing such discharge with disgrace at the time of enrolment; or

(*c*) wilfully gives a false answer to any question set forth on any enrolment or enlistment paper,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

(2) For the purposes of this section the expression "discharged with disgrace" means cashiered, discharged with ignominy, dismissed because of misconduct or discharged on account of imprisonment.

(3) Any person who, having given a false answer to any question set forth on an enlistment or enrolment paper, is thereupon enrolled as a member of the South African Defence Force, shall be deemed to have been subject to this Code at the date upon which such false answer was given.

FALSE STATEMENTS IN OFFICIAL DOCUMENTS.

30. Any person who—

(*a*) knowingly or negligently makes a false statement or entry in a document made or signed by him that is required for official purposes;

(*b*) orders any other person to make or sign a statement or entry in a document that is required for official purposes, well knowing such statement or entry to be false;

(*b*) Staatseiendom of enige eiendom op Staatskoste aan hom uitgereik vir persoonlike gebruik by die verrigting van sy pligte, deur nalatigheid beskadig of vernietig,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(2) Indien by 'n vervolging weens oortreding van paragraaf (*a*) van sub-artikel (1), bewys word dat 'n artikel of eiendom in daardie paragraaf bedoel, wat volgens bewering in die aanklag verlore geraak het, aan die beskuldigde uitgereik was, en dat op 'n datum na bedoelde uitreiking gevind was dat die beskuldigde daardie artikel of eiendom toe nie in sy besit gehad het nie, word by ontstentenis van bewys van die teendeel veronderstel dat die beskuldigde daardie artikel of eiendom deur nalatigheid verloor het.

BESKADIGING OF VERNIETIGING VAN STAATSEIENDOM DEUR NALATIGHEID OF MET OPSET.

25. Iemand wat—

(*a*) deur nalatigheid of met opset 'n handeling verrig wat skade aan of vernietiging van Staatseiendom veroorsaak of waarskynlik sal veroorsaak; of

(*b*) deur nalatigheid of met opset versuim om stappe te doen om beskadiging of vernietiging van Staatseiendom te verhoed,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

TEKORTE IN VOORRADE, ENS.

26. Iemand wat verantwoordelik is vir die voorrade, goedere of gelde in 'n pakhuis, kantoor, menasie of inrigting van die Suid-Afrikaanse Weermag, en sy pligte op so 'n nalatige wyse verrig dat 'n tekort in die voorrade, goedere of gelde ontstaan, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

NEEM OF GEBRUIK VAN ARTIKEL AAN IEMAND ANDERS UITGEREIK OF ONDER SY BEHEER.

27. Iemand wat—

(*a*) 'n artikel wat aan 'n ander aan hierdie Reglement onderworpe persoon uitgereik is vir persoonlike gebruik by die verrigting van sy pligte of die persoonlike eiendom van so 'n persoon is, op onbehoorlike wyse en sonder daardie persoon se toestemming gebruik of neem of uit sy besit of beheer verwyder; of

(*b*) sonder behoorlike magtiging 'n artikel wat Staatseiendom is uit die daarvoor aangewese plek neem of verwyder of so 'n artikel andersins as in die openbare belang gebruik,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

MISDRYWE MET BETREKKING TOT DIE BESTUUR VAN VOERTUIE EN VLIEGTUIE.

28. Iemand wat—

(*a*) 'n motorvoertuig wat Staatseiendom is, bestuur op nalatige of roekelose wyse of teen 'n buitensporige snelheid of terwyl hy onder die invloed van bedwelmende drank of verdowingsmiddels verkeer; of

(*b*) met 'n vliegtuig wat Staatseiendom is, vlieg op nalatige of roekelose wyse of op 'n ongemagtigde hoogte of terwyl hy onder die invloed van bedwelmende drank of verdowingsmiddels verkeer,

is aan 'n misdryf skuldig en, waar geen ander straf in hierdie Reglement voorgeskryf is nie, by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

BEDRIEGLIKE DIENSNEMING.

29. (1) Iemand wat—

(*a*) terwyl hy lid van 'n deel van die Suid-Afrikaanse Weermag is, en nie behoorlik daaruit ontslaan is nie, hom by 'n ander deel van daardie Mag laat inskryf;

(*b*) nadat hy met skande uit die Suid-Afrikaanse Weermag of uit 'n militêre, vloot- of lugmag van enige land ontslaan is, hom by die Suid-Afrikaanse Weermag laat inskryf sonder om tydens inskrywing sodanige ontslag met skande te openbaar; of

(*c*) opsetlik 'n valse antwoord verstrek op 'n vraag in 'n inskrywings- of indiensnemingsvorm gestel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

(2) By die toepassing van hierdie artikel beteken die uitdrukking „met skande ontslaan", gekasseer of met oneer of weens wangedrag of gevangenisstraf ontslaan.

(3) Iemand wat op 'n vraag in 'n inskrywings- of indiensnemingsvorm vervat, 'n valse antwoord verstrek het, en daarna as 'n lid van die Suid-Afrikaanse Weermag ingeskryf word, word geag aan hierdie Reglement onderworpe te gewees het op die datum waarop daardie valse antwoord verstrek was.

VALSE VERKLARINGS IN AMPTELIKE DOKUMENTE.

30. Iemand wat—

(*a*) wetens of deur nalatigheid 'n valse verklaring of inskrywing maak in 'n deur hom opgestelde of ondertekende dokument wat vir amptelike doeleindes vereis word;

(*b*) iemand anders gelas om 'n verklaring of inskrywing in 'n dokument wat vir amptelike doeleindes vereis word, te maak of te onderteken, terwyl hy goed weet dat die verklaring of inskrywing vals is;

(*c*) when signing a document for official purposes leaves in blank any material part for which his signature is a voucher;
(*d*) with intent to deceive, alters, defaces, suppresses or makes away with any document made, kept or issued for official purposes; or
(*e*) forges any signature upon any document required for official purposes or uses any document for official purposes knowing the signature thereon to be forged,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

FALSE ACCUSATIONS OR STATEMENTS.

31. Any person who makes any false accusation or statement against or concerning any other person subject to this Code, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

SCANDALOUS BEHAVIOUR.

32. Any officer who behaves in a scandalous manner unbecoming the character of an officer and a gentleman, shall be guilty of an offence and shall on conviction be cashiered.

DRUNKENNESS.

33. Any person who—
(*a*) is drunk whether on or off duty; or
(*b*) unfits himself for the proper performance of his duty by excessive use of alcohol or narcotic drugs,

shall be guilty of an offence and liable on conviction, where no other penalty is prescribed in this Code, if he committed the offence while on service and on duty to imprisonment for a period not exceeding one year, and in any other case to imprisonment for a period not exceeding three months.

OFFENCES IN RELATION TO A COURT MARTIAL.

34. (1) Any person who—
(*a*) having been duly summoned or warned to attend as a witness before a court martial, fails to attend or to remain in attendance until authorized to leave;
(*b*) being present at a court martial after having been duly summoned or warned to attend as a witness, refuses to be sworn or to affirm;
(*c*) when giving evidence at a court martial, refuses to answer any questions which in law he could be compelled to answer, or refuses or fails to produce any document or thing in his possession or under his control which in law he could be compelled to produce; or
(*d*) uses threatening or insulting language at a court martial or wilfully causes a disturbance or interruption thereat or wilfully commits any other act calculated or likely to bring such court martial into contempt, ridicule or disrepute,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

(2) The court martial at a sitting whereof an offence mentioned in paragraph (*d*) of sub-section (1) is committed, may summarily order the offender to be imprisoned for a period not exceeding twenty-one days, or to undergo any less severe punishment to which a person convicted of an offence under this Code by a court martial could be sentenced, and any such order shall have the same effect and may be executed in the same manner as if it were a sentence imposed by a court martial in the course of a trial in respect of an offence under this Code before such court, and the provisions of section *ninety-six* shall apply in connection with any such order.

FALSE EVIDENCE BEFORE A COURT MARTIAL.

35. Any person who at a court martial wilfully gives false evidence, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding the maximum period of imprisonment which could in terms of this Code be imposed in respect of any offence which formed the subject of the charge in connection with which such evidence was given.

REFUSING TO ANSWER QUESTIONS OR PRODUCE DOCUMENTS OR GIVING FALSE EVIDENCE AT PRELIMINARY INVESTIGATION, SUMMARY TRIAL OR BOARD OF INQUIRY.

36. (1) Any person who, being present at a preliminary investigation, summary trial or board of inquiry after having been duly warned or summoned to attend as a witness, refuses to be sworn or to affirm or to answer any question which in law he could be compelled to answer or to produce any document or thing in his possession or under his control which in law he could be compelled to produce, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding three months.

(2) Any person who at any board of inquiry, preliminary investigation or summary trial under this Code wilfully gives false evidence, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

OBSTRUCTION IN RELATION TO THE ARREST, CUSTODY OR CONFINEMENT OF A PERSON SUBJECT TO THE CODE.

37. Any person who—
(*a*) resists or wilfully obstructs any member of the South African Defence Force in the performance of any duty relating to the arrest, custody or confinement of a person subject to this Code;

(*c*) wanneer hy 'n dokument vir amptelike doeleindes onderteken 'n belangrike deel waarvoor sy handtekening as bewys dien, blanko laat;
(*d*) met die opset om te bedrieg 'n dokument wat vir amptelike doeleindes gemaak, gehou of uitgereik is, verander, skend, verswyg of van kant maak; of
(*e*) 'n handtekening op enige dokument wat vir amptelike doeleindes benodig word, vervals of 'n dokument vir amptelike doeleindes gebruik met wete dat die handtekening daarop vervals is,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

VALSE BESKULDIGINGS OF VERKLARINGS.

31. Iemand wat 'n valse beskuldiging of verklaring maak teen of betreffende enigiemand anders wat aan hierdie Reglement onderworpe is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

SKANDALIGE GEDRAG.

32. 'n Offisier wat hom gedra op 'n skandelike manier wat vir 'n offisier en 'n man van eer nie betaamlik is nie, is aan 'n misdryf skuldig en word by skuldigbevinding gekasseer.

DRONKENSKAP.

33. Iemand wat—
(*a*) hetsy in diens of diensvry, dronk is; of
(*b*) hom deur onmatige gebruik van alkohol of verdowingsmiddels ongeskik maak om sy pligte behoorlik uit te voer,

is aan 'n misdryf skuldig en, waar geen ander straf in hierdie Reglement voorgeskryf word nie, by skuldigbevinding strafbaar, indien hy die misdryf gepleeg het terwyl hy in krygsdiens en in diens was, met gevangenisstraf vir 'n tydperk van hoogstens een jaar en in enige ander geval met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

MISDRYWE IN VERBAND MET 'N KRYGSRAAD.

34. (1) Iemand wat—
(*a*) nadat hy behoorlik gedagvaar of gewaarsku is om 'n krygsraad as getuie by te woon, in gebreke bly om aanwesig te wees of te bly totdat dit hom veroorloof word om te gaan;
(*b*) terwyl hy by 'n krygsraad aanwesig is nadat hy behoorlik gedagvaar of gewaarsku is om dit as 'n getuie by te woon, weier om beëdig te word of 'n bevestiging af te lê;
(*c*) terwyl hy voor 'n krygsraad getuienis aflê, weier om te antwoord op vrae wat hy regtens verplig sou kon word om te beantwoord, of weier of versuim om 'n dokument of saak in sy besit of onder sy beheer oor te lê wat hy regtens verplig sou kon word om oor te lê; of
(*d*) by 'n krygsraad dreigende of beledigende taal besig of opsetlik 'n steurnis of onderbreking veroorsaak of opsetlik enige ander handeling verrig wat bereken is of waarskynlik die gevolg sal hê om die krygsraad aan minagting bloot te stel of bespotlik te maak of oneer aan te doen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) Die krygsraad by 'n sitting waarvan 'n in paragraaf (*d*) van subartikel (1) bedoelde misdryf gepleeg word, kan summier beveel dat die oortreder vir 'n tydperk van hoogstens een-en-twintig dae gevange geset word, of enige mindere straf ondergaan waartoe iemand wat deur 'n krygsraad weens 'n oortreding ingevolge hierdie Reglement skuldig bevind word, gevonnis sou kon word, en so 'n bevel het dieselfde uitwerking en kan op dieselfde wyse ten uitvoer gelê word asof dit 'n vonnis was deur 'n krygsraad in die loop van 'n verhoor voor so 'n krygsraad weens 'n misdryf ingevolge hierdie Reglement opgelê, en die bepalings van artikel *ses-en-negentig* is in verband met so 'n bevel van toepassing.

VALSE GETUIENIS VOOR 'N KRYGSRAAD.

35. Iemand wat opsetlik by 'n krygsraad valse getuienis aflê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens die maksimum tydperk van gevangenisstraf wat ingevolge hierdie Reglement opgelê sou kon word ten opsigte van enige misdryf wat die onderwerp uitgemaak het van die aanklag in verband waarmee daardie getuienis afgelê was.

WEIERING OM VRAE TE BEANTWOORD OF DOKUMENTE OOR TE LÊ OF AFLEGGING VAN VALSE GETUIENIS BY VOORLOPIGE ONDERSOEK, SUMMIERE VERHOOR OF RAAD VAN ONDERSOEK.

36. (1) Iemand wat by 'n voorlopige ondersoek, summiere verhoor of raad van ondersoek waar hy aanwesig is nadat hy behoorlik gewaarsku of gedagvaar is om as 'n getuie te verskyn, weier om beëdig te word of te bevestig of om 'n vraag te beantwoord wat hy regtens verplig sou kon word om te beantwoord of om 'n dokument of saak in sy besit of onder sy beheer oor te lê wat hy regtens verplig sou kon word om oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

(2) Iemand wat by 'n raad van ondersoek, voorlopige ondersoek of summiere verhoor ingevolge hierdie Reglement opsetlik valse getuienis aflê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

BELEMMERING MET BETREKKING TOT DIE ARRES, AANHOUDING OF OPSLUITING VAN IEMAND AAN DIE REGLEMENT ONDERWORPE.

37. Iemand wat—
(*a*) hom teen 'n lid van die Suid-Afrikaanse Weermag by die verrigting van enige plig met betrekking tot die inhegtenisneming, bewaring of opsluiting van 'n aan hierdie Reglement onderworpe persoon verset of so 'n lid opsetlik belemmer;

(*b*) when called upon by any such member, refuses or neglects to assist that member in the performance of any such duty; or

(*c*) when called upon by an appropriate civil authority to deliver over any person under his control, accused of an offence punishable by civil court, fails or neglects to do so,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

OFFENCES IN RELATION TO ARREST.

38. Any person who—

(*a*) without due and just cause orders any person into arrest or custody;

(*b*) unnecessarily detains a person in arrest or custody;

(*c*) contrary to his duty fails to bring the case of a person in arrest or custody before the proper authority within the prescribed time; or

(*d*) having committed a person to the custody of any authorized person, fails to deliver to such authorized person within twenty-four hours of such committal an account in writing signed by himself of the offence with which the person so committed is charged,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

RESISTING ARREST.

39. Any person who—

(*a*) being ordered into arrest, refuses to obey such order or assaults the person ordering him into arrest;

(*b*) being ordered into arrest, resists the person whose duty it is to apprehend him or have him in charge;

(*c*) assaults any person in whose custody he has been placed;

(*d*) escapes from custody; or

(*e*) hinders or obstructs any person lawfully carrying out a search of his person, personal kit or belongings or his living quarters,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding two years.

OFFENCES IN RELATION TO A PERSON IN CUSTODY.

40. Any person who—

(*a*) without reasonable excuse allows any person committed to his custody or charge to escape;

(*b*) without proper authority releases any person committed to his custody or charge; or

(*c*) uses unnecessary violence to any person in custody or otherwise ill-treats such person,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding two years.

FALSE COMPLAINTS IN WRITING.

41. Any person who in any complaint made and lodged by him or in any document made or signed by him relating to the South African Defence Force or any member thereof or affecting any interest of such Force or any such member, knowingly makes a false statement, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

OFFENCES IN RELATION TO THE REDRESS OF WRONGS.

42. Any person who—

(*a*) when a complaint by another person subject to this Code has been made to him, unduly delays in redressing the wrong complained of or sending the complaint to higher authority in accordance with this Code; or

(*b*) complains to higher authority or to the Minister when it is his duty to direct his complaint to his commanding officer or other authority as directed in this Code,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one month.

FALSE REPRESENTATIONS CONCERNING RANK.

43. Any person who holds himself out to be the holder of a rank other than his own rank in the South African Defence Force, whether such holding out is by the wearing of rank badges, rank stripes or other insignia of rank or in any other manner, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

OFFENCES IN RELATION TO DECORATIONS OR MEDALS.

44. Any person who knowingly wears—

(*a*) any decoration, medal or clasp or any decoration or medal ribbon or wound stripe to which he is not entitled; or

(*b*) any badge, emblem, colours or other insignia of a political organization,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding three months.

RIOTOUS OR UNSEEMLY BEHAVIOUR.

45. Any person who—

(*a*) at any time behaves in a riotous or an unseemly manner; or

(*b*) wanneer hy deur so 'n lid daartoe opgeroep word, weier of nalaat om daardie lid by die verrigting van so 'n plig by te staan; of
(*c*) wanneer hy deur die gepaste burgerlike outoriteit aangesê word om iemand onder sy beheer, wat weens 'n deur 'n burgerlike hof strafbare misdryf aangekla word, uit te lewer, versuim of nalaat om dit te doen,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

MISDRYWE MET BETREKKING TOT ARRES.

38. Iemand wat—
(*a*) sonder goeie en wettige rede iemand arres of bewaring aansê;
(*b*) iemand onnodiglik in arres of bewaring hou;
(*c*) in stryd met sy plig, versuim om iemand in arres of bewaring se saak binne die voorgeskrewe tydperk voor die aangewese outoriteit te bring; of
(*d*) nadat hy iemand vir bewaring na 'n gemagtigde persoon verwys het, versuim om binne vier-en-twintig uur na sodanige verwysing aan daardie gemagtigde persoon 'n skriftelike deur hom ondertekende uiteensetting aangaande die misdryf waarvan die aldus verwese persoon aangekla word, te oorhandig,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

VERSET TEEN ARRES.

39. Iemand wat—
(*a*) wanneer arres hom aangesê word, weier om die aansegging te gehoorsaam, of die persoon wat hom arres aansê, aanrand;
(*b*) wanneer arres hom aangesê word, hom verset teen die persoon wat hom gevange moet neem of in bewaring moet hou;
(*c*) iemand onder wie se bewaring hy gestel is, aanrand;
(*d*) uit bewaring ontsnap; of
(*e*) iemand wat sy persoon, persoonlike uitrusting of besittings of sy woonkwartiere wettiglik visenteer, hinder of belemmer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

MISDRYWE MET BETREKKING TOT IEMAND IN BEWARING.

40. Iemand wat—
(*a*) sonder redelike verskoning 'n persoon wat vir bewaring na hom verwys is of in sy bewaring is, laat ontsnap;
(*b*) sonder behoorlike magtiging 'n persoon wat vir bewaring na hom verwys is of wat in sy bewaring is, vrylaat; of
(*c*) onnodige geweld teenoor iemand in bewaring gebruik of so iemand andersins mishandel,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens twee jaar.

VALSE SKRIFTELIKE KLAGTES.

41. Iemand wat in enige klagte deur hom gemaak en ingedien of in 'n deur hom opgestelde of ondertekende dokument wat op die Suid-Afrikaanse Weermag of enige lid daarvan betrekking het of wat enige belang van daardie Mag of so 'n lid raak, wetens 'n valse verklaring maak, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

MISDRYWE MET BETREKKING TOT DIE HERSTEL VAN GRIEWE.

42. Iemand wat—
(*a*) wanneer 'n klagte deur 'n ander aan hierdie Reglement onderworpe persoon by hom ingedien is, die herstel van die grief waaroor gekla word of die verwysing van die grief na hoër gesag volgens hierdie Reglement onbehoorlik vertraag; of
(*b*) by hoër gesag of by die Minister gaan kla wanneer dit sy plig is om sy klagte by sy bevelvoerder of ander outoriteit volgens voorskrif van hierdie Reglement in te dien,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een maand.

VALSE VOORSTELLINGS BETREFFENDE RANG.

43. Iemand wat homself as die houer van 'n ander rang as sy eie rang in die Suid-Afrikaanse Weermag voordoen, hetsy deur die dra van rangtekens, rangstrepe of ander rangonderskeidingstekens of op enige ander wyse, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

MISDRYWE MET BETREKKING TOT DEKORASIES EN MEDALJES.

44. Iemand wat wetens—
(*a*) 'n dekorasie, medalje of gespe of 'n dekorasie- of medaljelint of wondstreep waarop hy nie geregtig is nie; of
(*b*) enige wapen, embleem, kleure of ander onderskeidingsteken van 'n politieke organisasie,

dra, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

OPROERIGE OF ONBETAAMLIKE GEDRAG.

45. Iemand wat—
(*a*) hom te eniger tyd op 'n oproerige of onbetaamlike wyse gedra;

(*b*) when able to do so, does not suppress any riotous or unseemly behaviour by any person subject to this Code,

shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

CONDUCT TO THE PREJUDICE OF MILITARY DISCIPLINE.

46. Any person who by act or omission causes prejudice to good order and military discipline, shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding one year.

CIVIL OFFENCES COMMITTED OUTSIDE THE UNION.

47. Any person who beyond the borders of the Union commits or omits to do any act in circumstances under which he would, if he had committed or omitted to do that act in the Union, have been guilty of a civil offence, shall be guilty of an offence under this Code and liable on conviction to such penalty applicable in respect of that civil offence as could be imposed under section *ninety-one* of this Code.

AIDING, ABETTING, INCITING, ETC.

48. Any person who aids, abets, induces, incites, instigates, instructs or commands any person to commit an offence under this Code, or who procures the commission of such an offence, shall be guilty of an offence and liable on conviction to the penalties prescribed in this Code for the principal offence.

DEFEATING THE COURSE OF JUSTICE.

49. Any person who, with intent to defeat or obstruct the course of justice, assists or harbours any person who to his knowledge has committed an offence under this Code, shall be guilty of an offence and liable on conviction to the penalties prescribed in this Code for the offence committed by the person he so assisted or harboured.

ATTEMPT.

50. Any person who attempts to commit any offence under this Code, shall be guilty of an offence and liable on conviction to the penalties prescribed in this Code for the offence he so attempted to commit.

ALTERNATIVE PUNISHMENTS.

51. The court convicting any person—

(*a*) of an offence under section *four* may, instead of imposing sentence of death on that person, impose upon him any other punishment within the jurisdiction of that court;

(*b*) of any other offence under this Code may, instead of imposing upon that person any penalty prescribed herein in respect of such offence, impose upon him any other penalty within the court's jurisdiction which is provided for in this Code in respect of any offence, not being a more severe penalty than the maximum penalty so prescribed.

ARREST.

52. (1) Any person who in the presence of his superior officer commits or who is on reasonable grounds suspected by his superior officer of having committed an offence under this Code, may be arrested or ordered into arrest by such superior officer.

(2) Any person who is engaged in any mutiny or riotous or unseemly behaviour or who commits a capital civil offence or any offence under section *four* of this Code or any other prescribed offence, may be arrested by any person subject to this Code in whose presence he is so engaged or commits any such offence: Provided that an officer shall not be liable to arrest by any person other than an officer.

(3) Any person who in terms of this section arrests any other person or orders any other person into arrest, shall forthwith inform the person arrested or ordered into arrest of the cause of the arrest.

SEARCH.

53. (1) Whenever it appears to a convening authority from information contained in at least one sworn statement that there are reasonable grounds for suspecting that there is upon any person under his command who is subject to this Code, or upon or at any premises, place, vehicle or receptacle of whatever nature belonging to or occupied by or under the control of the South African Defence Force within the area in which he exercises command—

(*a*) stolen property or anything with respect to which any offence under this Code has been or is suspected on reasonable grounds to have been committed; or

(*b*) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of any such offence; or

(*c*) anything as to which there are reasonable grounds for believing that it is intended to be used for the purpose of committing any such offence,

he may in writing authorize any superior officer of the person on whom or the person in charge or control of the premises, place, vehicle or receptacle upon or at which such property or thing is suspected to be, to search such person, premises, place, vehicle or receptacle or any person found in or upon such premises, place, vehicle or receptacle, to seize any such property or thing, if found, and to deliver it safely to the commanding officer of the person on whom or the person in charge or control of the

(*b*) wanneer hy daartoe in staat is, oproerige of onbetaamlike optrede deur 'n aan hierdie Reglement onderworpe persoon nie onderdruk nie,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

GEDRAG TOT NADEEL VAN MILITÊRE DISSIPLINE.

46. Iemand wat deur 'n handeling of versuim die goeie orde en militêre dissipline benadeel, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens een jaar.

BURGERLIKE OORTREDINGS BUITE DIE UNIE GEPLEEG.

47. Iemand wat buite die grense van die Unie 'n handeling verrig of nalaat onder omstandighede waaronder hy, indien hy daardie handeling in die Unie verrig of nagelaat het, aan 'n burgerlike oortreding skuldig sou gewees het, is aan 'n misdryf ingevolge hierdie Reglement skuldig en by skuldigbevinding strafbaar met so 'n ten opsigte van daardie burgerlike oortreding toepaslike straf as wat kragtens artikel *een-en-negentig* van hierdie Reglement opgelê sou kon word.

HULPVERLENING, UITLOKKING, ENS.

48. Iemand wat enige persoon bystaan, steun, uitlok, aanhits, opstook, gelas of beveel om 'n misdryf ingevolge hierdie Reglement te pleeg, of die pleeg van so 'n misdryf bewerkstellig, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in hierdie Reglement vir die hoofmisdryf voorgeskryf.

DWARSBOMING VAN DIE GEREG.

49. Iemand wat met die opset om die gereg te dwarsboom, 'n persoon wat na sy wete 'n misdryf ingevolge hierdie Reglement gepleeg het, help of herberg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in hierdie Reglement voorgeskryf vir die misdryf gepleeg deur die persoon wat hy aldus gehelp of geherberg het.

POGING.

50. Iemand wat poog om 'n misdryf ingevolge hierdie Reglement te pleeg, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met die strawwe in hierdie Reglement voorgeskryf vir die misdryf wat hy aldus gepoog het om te pleeg.

ALTERNATIEWE STRAWWE.

51. Die hof wat iemand veroordeel—

(*a*) weens 'n misdryf ingevolge artikel *vier*, kan, in plaas van so iemand die doodstraf op te lê, hom enige ander straf binne die bevoegdheid van die hof oplê;

(*b*) weens enige ander misdryf ingevolge hierdie Reglement, kan, in plaas van so iemand 'n hierin vir daardie misdryf voorgeskrewe straf op te lê, hom enige ander straf binne die hof se bevoegdheid oplê waarvoor ten opsigte van enige misdryf in hierdie Reglement voorsiening gemaak word, maar nie 'n swaarder straf as die maksimum aldus voorgeskrewe straf nie.

ARRES.

52. (1) Iemand wat in teenwoordigheid van sy meerdere 'n misdryf ingevolge hierdie Reglement pleeg, of wat deur sy meerdere op redelike gronde vermoed word so 'n misdryf te gepleeg het, kan deur daardie meerdere gearresteer of arres aangesê word.

(2) Iemand wat aan muitery of oproerige of onbetaamlike optrede deelneem, of wat 'n burgerlike halsmisdryf of 'n misdryf ingevolge artikel *vier* van hierdie Reglement of 'n ander voorgeskrewe misdryf pleeg, kan deur enige aan hierdie Reglement onderworpe persoon in wie se teenwoordigheid hy aldus deelneem of so 'n misdryf pleeg, gearresteer word: Met dien verstande dat 'n offisier nie deur iemand wat nie 'n offisier is, gearresteer kan word nie.

(3) Iemand wat ooreenkomstig hierdie artikel 'n ander persoon arresteer of arres aansê, moet die persoon wat gearresteer of aan wie arres aangesê word onverwyld van die oorsaak van die arres in kennis stel

VISENTERING.

53. (1) Wanneer volgens inligting in ten minste een beëdigde verklaring vervat, daar na die oordeel van 'n beleggende outoriteit redelike gronde bestaan om te vermoed dat daar by iemand onder sy bevel wat aan hierdie Reglement onderworpe is, of op of by 'n perseel, plek, voertuig of houer van watter aard ook al, wat behoort aan of geokkupeer word deur of onder die beheer is van die Suid-Afrikaanse Weermag, binne die gebied waarin hy bevel voer—

(*a*) gesteelde eiendom is of enigiets is met betrekking waartoe 'n misdryf ingevolge hierdie Reglement gepleeg is of op redelike gronde vermoed word gepleeg te gewees het; of

(*b*) enigiets is met betrekking waartoe daar redelike gronde bestaan om te glo dat dit bewys sal lewer dat so 'n misdryf gepleeg is; of

(*c*) enigiets is met betrekking waartoe daar redelike gronde bestaan om te glo dat dit bedoel is om gebruik te word om so 'n misdryf te pleeg,

kan hy enige meerdere van die persoon by wie of die persoon in bevel of beheer van die perseel, plek, voertuig of houer waarop of waar daardie eiendom of ding vermoed word te wees, skriftelik magtig om daardie persoon, perseel, plek, voertuig of houer, of iemand wat in of op daardie perseel, plek, voertuig of houer gevind word, te visenteer, en op daardie eiendom of ding, indien dit gevind word, beslag te lê en dit veilig aan die bevelvoerder van die persoon by wie of die persoon in

premises, place, vehicle or receptacle upon or at which such property or thing was found.

(2) If an officer of field rank believes on reasonable grounds that the delay in obtaining written authority in terms of sub-section (1), would defeat or prejudice the object of a search, he may, if he is the superior officer of the person upon whom or the person in charge or control of the premises, place, vehicle or receptacle upon or at which such property or thing is suspected to be, authorize the search without such authority.

(3) Any search in terms of sub-section (1) or (2) shall be conducted in the presence of the person upon whom or the person in charge or control of the premises, place, vehicle or receptacle upon or at which the property or thing in question is suspected to be: Provided that if the delay in securing the presence of such person is likely to prejudice the object of the search or if his presence cannot with due regard to the exigencies of the service be readily secured, the search may be made in his absence but in the presence of one or more other persons subject to this Code.

JURISDICTION OF CIVIL COURTS.

54. Nothing in this Code shall affect the jurisdiction of any civil court in the Union to try a person for any offence within its jurisdiction.

PERSON CONVICTED OR ACQUITTED NOT TO BE TRIED AGAIN.

55. No person who has been convicted or acquitted by a civil or military court of any offence under this Code, shall be triable by a military court for any offence of which he might have been found guilty by the court which tried him in the first instance.

CIVIL OFFENCE MAY BE TRIED UNDER CODE.

56. A person subject to this Code may be tried by a military court having jurisdiction for any civil offence (other than treason, murder, rape or culpable homicide committed by him within the Union), and may in respect of such offence be sentenced to any penalty within the jurisdiction of the court convicting him.

OFFENCE AGAINST CODE MAY BE TRIED AT ANY PLACE.

57. Any person charged with an offence under this Code may be tried and punished for such offence at any place by a military court having jurisdiction in respect of such person at the time of the commencement of the trial and having jurisdiction in respect of the offence with which such person is charged.

PRESCRIPTION OF OFFENCES.

58. No person shall be triable by a military court for any offence under this Code unless the trial is commenced within three years after the date of the commission of the offence: Provided that a person charged with a capital civil offence or an offence under section *four* or *thirteen* of this Code may be tried by a military court at any time after the commission of the offence.

TRIAL UNDER CODE WHEN ACCUSED NO LONGER SUBJECT TO CODE.

59. (1) Any person who, while he is subject to this Code, commits an offence under this Code, may be tried and punished for that offence at any time within a period of three months after he has ceased to be so subject, and any person who commits an offence under section *four*, *ten*, *thirteen* or *twenty-nine*, may be tried and punished for such offence at any time after he has ceased to be subject to this Code.

(2) For the purpose of effecting the arrest of any such person, bringing him to trial and imposing punishment, such person shall be deemed to be subject to this Code in the rank and status he had at the time of the commission of the offence.

PERSON ARRESTED TO BE BROUGHT BEFORE OFFICER.

60. (1) Any person charged with an offence under this Code shall within the prescribed period be brought before a prescribed officer who shall within the prescribed time direct that the accused be tried summarily or that a preliminary investigation be held.

(2) Any preliminary investigation shall be held by a prescribed officer in the manner prescribed.

JURISDICTION OF CONVENING AUTHORITY.

61. Subject to the provisions of section *sixty-three*, a convening authority may in such manner, under such conditions and for such offences as may be prescribed, try summarily any officer below field rank or any warrant officer under his command, and may on conviction sentence the offender to a fine not exceeding twenty pounds or such lesser punishment as may be prescribed.

JURISDICTION OF COMMANDING OFFICER.

62. (1) Subject to the provisions of section *sixty-three*, any commanding officer may in such manner, under such conditions and for such offences as may be prescribed, try summarily any person (other than an officer or a warrant officer) subject to this Code who is under his command, and may on conviction sentence the offender—

bevel of beheer van die perseel, plek, voertuig of houer waarop of waar die eiendom of ding gevind was, te oorhandig.

(2) Indien 'n offisier met hoofoffisiersrang op redelike gronde glo dat die vertraging verbonde aan die verkryging van skriftelike magtiging ooreenkomstig sub-artikel (1), die doel van 'n visentering sal verydel of benadeel, kan hy, indien hy die meerdere is van die persoon by wie of die persoon in bevel of beheer van die perseel, plek, voertuig of houer waarop of waar daardie eiendom of ding vermoed word te wees, die visentering sonder sodanige magtiging veroorloof.

(3) 'n Visentering ooreenkomstig sub-artikel (1) of (2) moet geskied in teenwoordigheid van die persoon by wie of die persoon in bevel of beheer van die perseel, plek, voertuig of houer waarop of waar die betrokke eiendom of ding vermoed word te wees: Met dien verstande dat as die vertraging in verband met die verkryging van daardie persoon se teenwoordigheid waarskynlik die doel van die visentering sal benadeel of as sy teenwoordigheid met inagneming van diensvereistes nie geredelik verkry kan word nie, die visentering in sy afwesigheid maar in teenwoordigheid van een of meer ander aan hierdie Reglement onderworpe persone kan geskied.

BEVOEGDHEID VAN BURGERLIKE HOWE.

54. Die bepalings van hierdie Reglement raak nie die regsbevoegdheid van 'n burgelike hof in die Unie om enigiemand weens 'n oortreding binne sy bevoegdheid te verhoor nie.

IEMAND WAT SKULDIG BEVIND OF ONTSLAAN IS, MAG NIE WEER VERHOOR WORD NIE.

55. Niemand wat deur 'n burgerlike of militêre hof weens 'n misdryf ingevolge hierdie Reglement skuldig bevind of ontslaan is, kan deur 'n militêre hof verhoor word weens enige misdryf waaraan hy deur die hof wat hom in eerste instansie verhoor het, skuldig bevind kon gewees het nie.

BURGERLIKE OORTREDING KAN KRAGTENS REGLEMENT VERHOOR WORD.

56. 'n Aan hierdie Reglement onderworpe persoon kan deur 'n bevoegde militêre hof weens enige burgerlike misdryf (behalwe verraad, moord, verkragting of strafbare manslag wat binne die Unie deur hom gepleeg is) verhoor word, en kan ten opsigte van so 'n misdryf gestraf word met enige straf binne die bevoegdheid van die hof wat hom skuldig bevind.

MISDRYF TEEN REGLEMENT KAN OP ENIGE PLEK VERHOOR WORD.

57. Iemand wat weens 'n misdryf ingevolge hierdie Reglement aangekla word, kan weens daardie misdryf op enige plek verhoor en gestraf word deur 'n militêre hof wat ten opsigte van so iemand tydens die aanvang van die verhoor, en ten opsigte van die misdryf waarvan so iemand aangekla word, regsbevoeg is.

VERJARING VAN MISDRYWE.

58. Niemand kan deur 'n militêre hof weens 'n misdryf ingevolge hierdie Reglement verhoor word nie, tensy die verhoor binne drie jaar na die datum waarop die misdryf gepleeg is 'n aanvang neem: Met dien verstande dat iemand wat weens 'n burgerlike halsmisdryf of 'n misdryf ingevolge artikel *vier* of *dertien* van hierdie Reglement aangekla word, te eniger tyd na die pleeg van die misdryf deur 'n militêre hof verhoor kan word.

VERHOOR KRAGTENS REGLEMENT AS BESKULDIGDE NIE MEER AAN REGLEMENT ONDERWORPE IS NIE.

59. (1) Iemand wat, terwyl hy aan hierdie Reglement onderworpe is, 'n misdryf ingevolge hierdie Reglement pleeg, kan te eniger tyd binne 'n tydperk van drie maande nadat hy opgehou het om aldus onderworpe te wees, weens daardie misdryf verhoor en gestraf word, en iemand wat 'n misdryf ingevolge artikel *vier*, *tien*, *dertien* of *nege-en-twintig* pleeg, kan te eniger tyd nadat hy opgehou het om aan hierdie Reglement onderworpe te wees, weens daardie misdryf verhoor en gestraf word.

(2) Ten einde so iemand te kan arresteer en hom vir verhoor voor te bring en hom straf op te lê, word hy geag in die rang en status wat hy tydens die pleeg van die misdryf gehad het, aan hierdie Reglement onderworpe te wees.

GEARRESTEERDE PERSOON MOET VOOR OFFISIER GEBRING WORD.

60. (1) Iemand wat weens 'n misdryf ingevolge hierdie Reglement aangekla word, moet binne die voorgeskrewe tydperk voor 'n voorgeskrewe offisier gebring word, wat binne die voorgeskrewe tydperk gelas dat die beskuldigde summier verhoor of dat 'n voorlopige ondersoek gehou word.

(2) 'n Voorlopige ondersoek word op die voorgeskrewe wyse deur 'n voorgeskrewe offisier gehou.

BEVOEGDHEID VAN BELEGGENDE OUTORITEIT.

61. 'n Beleggende outoriteit kan, behoudens die bepalings van artikel *drie-en-sestig*, op die wyse en op die voorwaardes en ten opsigte van die misdrywe wat voorgeskryf mag word, enige offisier benede hoofoffisiersrang of enige adjudant-offisier onder sy bevel summier verhoor en die oortreder by skuldigbevinding vonnis tot 'n boete van hoogstens twintig pond of so 'n mindere straf as wat voorgeskryf mag word.

BEVOEGDHEID VAN BEVELVOERDER.

62. (1) 'n Bevelvoerder kan, behoudens die bepalings van artikel *drie-en-sestig*, op die wyse en op die voorwaardes en ten opsigte van die misdrywe wat voorgeskryf mag word, enigiemand onder sy bevel (behalwe 'n offisier of 'n adjudant-offisier) wat aan hierdie Reglement onderworpe is, summier verhoor en die oortreder by skuldigbevinding vonnis—

(*a*) in the case of a non-commissioned officer—
(i) to a fine not exceeding ten pounds; or
(ii) to reversion from any acting or temporary non-commissioned rank to his substantive rank; or
(iii) to a reprimand; or
(*b*) in the case of a private—
(i) to detention or field punishment for a period not exceeding twenty-eight days; or
(ii) to a fine not exceeding five pounds; or
(iii) to a reprimand,

or in either case to such other punishment as may be prescribed: Provided that field punishment shall be imposed only beyond the borders of the Union.

(2) A commanding officer may delegate in writing to any officer under his command, all or any of the powers conferred upon him under this section.

(3) For the purposes of this section, "commanding officer" means any officer under the command of a convening authority who has been empowered in writing by such convening authority to exercise all or any of the powers conferred upon a commanding officer by that sub-section, and includes any officer to whom powers have been delegated under sub-section (2).

OBJECTIONS TO TRIAL OFFICER.

63. (1) No person charged with an offence under this Code shall have the right to object to being tried by an officer authorized thereto by or under section *sixty-one* or *sixty-two* or this section, except on the ground that the officer in question has such knowledge concerning the facts of the case that his decision is likely to be prejudiced thereby.

(2) Any objection under sub-section (1) shall be heard and determined by the person against whom the objection is raised, who shall record such objection and his finding thereon, and shall—
(*a*) if he overrules the objection, proceed with the trial of the accused; or
(*b*) if he upholds the objection, report accordingly to the convening authority or commanding officer concerned or, if the objection was against such authority or officer himself, proceed as in sub-section (3) provided.

(3) Where an objection has been upheld, the convening authority or commanding officer concerned may delegate power to try the accused to some other officer or (unless the objection was against such convening authority or commanding officer) himself try the accused.

REVIEW OF SENTENCES PASSED BY COMMANDING OFFICER.

64. (1) Whenever an officer has in pursuance of powers vested in him by or under section *sixty-two* or *sixty-three*, convicted an offender, he shall as soon as possible after the expiration of a period of three days from the date of the conviction, cause the record of proceedings to be sent for review to the appropriate convening authority, who may thereupon exercise *mutatis mutandis* in respect of those proceedings the powers conferred upon the council of review by sub-sections (1), (2) and (3) of section *one hundred and fifteen*.

(2) Such convening authority shall thereupon submit the record of proceedings to the appropriate chief of staff who may, if the proceedings do not appear to him to be in accordance with real and substantial justice, refer the case together with his views thereon to the Adjutant-General.

REVIEW OF SENTENCES PASSED BY CONVENING AUTHORITY.

65. Whenever a convening authority has convicted an offender in pursuance of a trial under section *sixty-one*, he shall as soon as possible after the expiration of a period of three days from the date of the conviction cause the record of the proceedings to be sent for review to the appropriate chief of staff who may exercise *mutatis mutandis* in respect of such proceedings the powers conferred upon the council of review by sub-sections (1), (2) and (3) of section *one hundred and fifteen* and shall thereafter submit the record of the proceedings to the Adjutant-General.

POWER TO CONVENE GENERAL COURTS MARTIAL.

66. The Governor-General may—
(*a*) convene general courts martial;
(*b*) issue a warrant to the General Officer Commanding, South African Defence Force, to convene general courts martial; and
(*c*) delegate power by warrant to the General Officer Commanding, South African Defence Force, to issue warrants to officers under his command, of rank and command not below that of a brigadier or its equivalent, to convene general courts martial,

for the trial of persons subject to this Code for any offence under this Code.

POWER TO CONVENE ORDINARY COURTS MARTIAL.

67. Any officer authorized by warrant to convene general courts martial may also, unless such warrant is for the convening of one or more general courts martial for the trial of named persons or a fixed number of persons—
(*a*) convene ordinary courts martial; and
(*b*) issue warrants to officers under his command, of rank and command not below that of a commandant or its equivalent, to convene ordinary courts martial,

for the trial of persons subject to this Code for any offence against this Code triable by ordinary court martial.

LIMITATION OF POWER TO CONFIRM FINDINGS AND SENTENCES OF COURTS MARTIAL.

68. (1) Notwithstanding the provisions of section *ninety-eight*, every person authorized by this Code to issue to an officer a warrant to convene courts martial, may in such warrant limit either generally or specially

(*a*) in die geval van 'n onderoffisier—
(i) tot 'n boete van hoogstens tien pond; of
(ii) tot degradering van enige waarnemende of tydelike onderoffisiersrang tot sy substantiewe rang; of
(iii) tot 'n berisping; of
(*b*) in die geval van 'n weerman—
(i) tot detensie of veldstraf vir 'n tydperk van hoogstens agt-en-twintig dae; of
(ii) tot 'n boete van hoogstens vyf pond; of
(iii) tot 'n berisping,
of in die een of die ander geval tot so 'n ander straf as wat voorgeskryf mag word: Met dien verstande dat veldstraf slegs buite die grense van die Unie opgelê mag word.

(2) 'n Bevelvoerder kan die by hierdie artikel aan hom verleende bevoegdhede, of sommige daarvan, skriftelik aan enige offisier onder sy bevel delegeer.

(3) By die toepassing van hierdie artikel beteken „bevelvoerder" 'n offisier onder die bevel van 'n beleggende outoriteit wat deur bedoelde beleggende outoriteit skriftelik gemagtig is om die by daardie sub-artikel aan 'n bevelvoerder verleende bevoegdhede of sommige daarvan uit te oefen, en ook 'n offisier aan wie bevoegdhede kragtens sub-artikel (2) gedelegeer is.

BESWARE TEEN VERHOOROFFISIER.

63. (1) Niemand wat weens 'n misdryf ingevolge hierdie Reglement aangekla word, het die reg om teen sy verhoor deur 'n offisier wat deur of kragtens artikel *een-en-sestig* of *twee-en-sestig* of hierdie artikel daartoe gemagtig is, beswaar te maak nie, behalwe op grond daarvan dat die betrokke offisier oor sodanige kennis omtrent die feite van die saak beskik dat hy by die beslissing waarskynlik daardeur bevooroordeel sal word.

(2) 'n Beswaar kragtens sub-artikel (1) moet verhoor en beslis word deur die persoon teen wie beswaar gemaak word, wat die beswaar en sy bevinding in verband daarmee moet aanteken, en—
(*a*) indien hy die beswaar verwerp, die verhoor van die beskuldigde moet voortsit; of
(*b*) indien hy die beswaar handhaaf, dienooreenkomstig verslag moet doen aan die betrokke beleggende outoriteit of bevelvoerder of, indien die beswaar teen bedoelde outoriteit of bevelvoerder self was, volgens voorskrif van sub-artikel (3) moet optree.

(3) Waar 'n beswaar gehandhaaf is, kan die betrokke beleggende outoriteit of bevelvoerder die bevoegdheid om die beskuldigde te verhoor aan 'n ander offisier oordra of (tensy die beswaar teen bedoelde beleggende outoriteit of bevelvoerder gerig was) self die beskuldigde verhoor.

HERSIENING VAN VONNISSE DEUR BEVELVOERDER OPGELÊ.

64. (1) Wanneer 'n offisier ingevolge bevoegdheid deur of kragtens artikel *twee-en-sestig* of *drie-en-sestig* aan hom verleen, 'n oortreder skuldig bevind het, laat hy so gou moontlik na verstryking van 'n tydperk van drie dae vanaf die datum van die skuldigbevinding die notule van die verrigtings vir hersiening aan die gepaste beleggende outoriteit stuur, wat daarop ten opsigte van daardie verrigtings *mutatis mutandis* die bevoegdhede uitoefen wat deur sub-artikels (1), (2) en (3) van artikel *honderd-en-vyftien* aan die hersieningsraad verleen word.

(2) So 'n beleggende outoriteit lê daarop die notule van die verrigtings voor aan die gepaste stafhoof wat, indien hy oordeel dat reg nie behoorlik geskied het nie, die saak tesame met sy sienswyse daaroor aan die Adjudant-generaal kan stuur.

HERSIENING VAN VONNISSE DEUR BELEGGENDE OUTORITEIT OPGELÊ.

65. Wanneer 'n beleggende outoriteit 'n oortreder ingevolge 'n verhoor kragtens artikel *een-en-sestig* skuldig bevind het, laat hy so gou moontlik na verstryking van 'n tydperk van drie dae vanaf die datum van die skuldigbevinding, die notule van die verrigtings vir hersiening aan die gepaste stafhoof stuur wat ten opsigte van daardie verrigtings *mutatis mutandis* die bevoegdhede kan uitoefen wat deur sub-artikels (1), (2) en (3) van artikel *honderd-en-vyftien* aan die hersieningsraad verleen word, en die notule van die verrigtings daarna aan die Adjudant-generaal moet stuur.

BEVOEGDHEID OM ALGEMENE KRYGSRADE TE BELÊ.

66. Die Goewerneur-generaal kan—
(*a*) algemene krygsrade belê;
(*b*) 'n bevelskrif aan die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, uitreik om algemene krygsrade te belê; en
(*c*) by bevelskrif aan die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, bevoegdheid verleen om aan offisiere onder sy bevel, van rang en bevel nie laer as brigadier of die ekwivalent daarvan nie, bevelskrifte uit te reik om algemene krygsrade te belê,
vir die verhoor van aan hierdie Reglement onderworpe persone weens enige misdryf ingevolge hierdie Reglement.

BEVOEGDHEID OM GEWONE KRYGSRADE TE BELÊ.

67. 'n Offisier wat by bevelskrif gemagtig is om algemene krygsrade te belê, kan ook, tensy die bevelskrif geld vir die belegging van een of meer algemene krygsrade vir die verhoor van vermelde persone of 'n bepaalde getal persone—
(*a*) gewone krygsrade belê; en
(*b*) aan offisiere onder sy bevel, van rang en bevel nie laer as kommandant of die ekwivalent daarvan nie, bevelskrifte uitreik om gewone krygsrade te belê,
vir die verhoor van aan hierdie Reglement onderworpe persone weens enige misdryf ingevolge hierdie Reglement wat deur 'n gewone krygsraad verhoor kan word.

BEPERKING OP BEVOEGDHEID OM BEVINDINGS EN VONNISSE VAN KRYGSRADE TE BEKRAGTIG.

68. (1) Iemand wat deur hierdie Reglement gemagtig is om aan 'n offisier 'n bevelskrif uit te reik om krygsrade te belê, kan, ondanks die bepalings van artikel *agt-en-negentig*, in daardie bevelskrif algemene of

the powers of such officer to confirm the findings and sentences of courts martial convened by him or may prohibit him from exercising such powers.

(2) Any person who has under sub-section (1) limited the powers of any officer to confirm the findings and sentences of courts martial convened by him, or prohibited such officer from exercising those powers, may confirm the finding or sentence or the unconfirmed finding or sentence of any court martial which but for such limitation or prohibition might have been confirmed by that officer.

CONVENING OF COURT MARTIAL FOR TRIAL OF MORE THAN ONE PERSON.

69. Where two or more persons are charged jointly with the same offence, the officer having power to convene a court martial for the trial of the most senior in rank of such persons may convene a court martial for the joint trial of all such persons.

JURISDICTION OF GENERAL COURT MARTIAL.

70. A general court martial shall have jurisdiction to try any person subject to this Code for any offence other than an offence which in terms of section *fifty-six* is not triable by a military court, and may, subject to the provisions of this Code, impose in respect of any such offence—

(*a*) in the case of an offence under this Code, any penalty prescribed therein in respect of such offence; or

(*b*) in the case of a civil offence, any penalty within the punitive jurisdiction of a general court martial, which could be imposed in respect of that offence by a competent civil court.

JURISDICTION OF ORDINARY COURT MARTIAL.

71. An ordinary court martial shall have jurisdiction to try any person subject to this Code, not being an officer, for any offence, other than a capital civil offence or an offence under section *four* or *five* and may in respect of any such offence impose any penalty which could be imposed in respect thereof by a general court martial, except imprisonment for a period exceeding two years.

COMPOSITION OF GENERAL COURT MARTIAL

72. (1) A general court martial shall, subject to the provisions of sub-section (2), consist of not less than three or (in the case of a trial for a capital offence or culpable homicide) not less than five members, all of whom shall be officers of the South African Defence Force who have held commissioned rank for not less than three years, and shall be constituted and convened as may be prescribed: Provided that—

(*a*) the president of a general court martial shall not be below the rank of colonel or its equivalent, or less than one rank above that of the accused or the most senior in rank of the accused in a joint trial;

(*b*) no member thereof shall be of lower rank than the accused or the most senior in rank of the accused in a joint trial, and not more than one member shall be of the same rank as the accused or the most senior in rank of the accused in a joint trial; and

(*c*) a judge advocate shall be appointed to every general court martial.

(2) A general court martial convened by the Governor-General shall consist of so many members, not being more than five, as the Governor-General may determine, and no person other than an officer of the South African Defence Force or a judge or retired judge of the Supreme Court of South Africa or a practising advocate of the said Supreme Court of at least ten years' standing shall be a member of any such general court martial.

(3) The provisions of paragraph (*b*) of the proviso to sub-section (1) shall apply with reference to any officer appointed as a member of a court martial convened by the Governor-General.

COMPOSITION OF ORDINARY COURT MARTIAL.

73. An ordinary court martial shall consist of not less than three members, all of whom shall be officers of the South African Defence Force who have held commissioned rank for not less than three years, and shall be constituted and convened as may be prescribed: Provided that the president of an ordinary court martial shall not be below the rank of captain or its equivalent.

DISQUALIFICATIONS FOR SERVICE ON COURT MARTIAL.

74. (1) No officer shall be qualified to serve on a court martial as president, member or judge advocate, if he—

(*a*) convened that court martial;

(*b*) investigated the charge or any of the charges to be tried by that court martial;

(*c*) being the commanding officer of the accused, applied for his trial by court martial;

(*d*) is the prosecutor or defending officer or a witness; or

(*e*) has personal knowledge of any material fact or evidence relating to the charge or any of the charges.

(2) The provisions of paragraph (*d*) of sub-section (1), shall not be deemed to prevent any member of a court martial which has convicted an offender of any offence under this Code, from being called by the defence as a witness to give evidence in respect of the offender's character or his service in the South African Defence Force or any other military force or in mitigation of sentence.

(3) Any officer appointed to serve as president, member or judge advocate on any court martial, who is not qualified to serve on such court martial, or who has any doubt as to whether he is so qualified,

spesiale beperkings lê op die bevoegdheid van so 'n offisier om die bevindings en vonnisse te bekragtig van krygsrade wat hy belê het, of hom verbied om bedoelde bevoegdheid uit te oefen.

(2) Iemand wat kragtens sub-artikel (1) beperkings gelê het op 'n offisier se bevoegdheid om die bevindings en vonnisse te bekragtig van krygsrade wat hy belê het, of so 'n offisier verbied het om bedoelde bevoegdheid uit te oefen, kan die bevinding of vonnis of die onbekragtigde bevinding of vonnis van 'n krygsraad bekragtig wat by ontstentenis van so 'n beperking of verbod deur daardie offisier bekragtig sou kon geword het.

BELEGGING VAN KRYGSRAAD VIR VERHOOR VAN MEER AS EEN PERSOON.

69. Waar twee of meer persone gesamentlik weens dieselfde misdryf aangeklaa word, kan die offisier wat bevoeg is om 'n krygsraad vir die verhoor van die mees senior in rang van daardie persone te belê, 'n krygsraad vir die gesamentlike verhoor van al daardie persone belê.

BEVOEGDHEID VAN ALGEMENE KRYGSRAAD.

70. 'n Algemene krygsraad is bevoeg om enige aan hierdie Reglement onderworpe persoon vir enige misdryf te verhoor, uitgesonderd 'n misdryf wat volgens artikel *ses-en-vyftig* nie deur 'n militêre hof verhoor kan word nie, en kan, behoudens die bepalings van hierdie Reglement, ten opsigte van so 'n misdryf—

(*a*) in die geval van 'n misdryf ingevolge hierdie Reglement, enige straf daarin voorgeskryf ten opsigte van so 'n misdryf oplê; of

(*b*) in die geval van 'n burgerlike misdryf enige straf binne die strafbevoegdheid van 'n algemene krygsraad oplê wat ten opsigte van daardie misdryf deur 'n bevoegde burgerlike hof opgelê sou kon word.

BEVOEGDHEID VAN GEWONE KRYGSRAAD.

71. 'n Gewone krygsraad is regsbevoeg om enige aan hierdie Reglement onderworpe persoon, behalwe 'n offisier, weens enige misdryf, uitgesonderd 'n burgerlike halsmisdryf of 'n misdryf ingevolge artikel *vier* of *vyf*, te verhoor, en kan ten opsigte van so 'n misdryf enige straf oplê wat deur 'n algemene krygsraad ten opsigte daarvan opgelê sou kon word, behalwe gevangenisstraf vir 'n tydperk van meer as twee jaar.

SAMESTELLING VAN ALGEMENE KRYGSRAAD.

72. (1) 'n Algemene krygsraad bestaan, behoudens die bepalings van sub-artikel (2), uit minstens drie of (in die geval van 'n verhoor weens 'n halsmisdryf of strafbare manslag) minstens vyf lede, wat almal offisiere van die Suid-Afrikaanse Weermag is en elkeen vir minstens drie jaar offisiersrang beklee het, en word saamgestel en belê soos voorgeskryf mag word: Met dien verstande dat—

(*a*) die president van 'n algemene krygsraad nie van laer rang as kolonel of 'n daarmee gelykstaande rang, of minder as een rang hoër as die beskuldigde of die mees senior in rang van die beskuldigdes by 'n gesamentlike verhoor mag wees nie;

(*b*) geen lid daarvan van laer rang as die beskuldigde of die mees senior in rang van die beskuldigdes by 'n gesamentlike verhoor mag wees nie, en hoogstens een lid van dieselfde rang as die beskuldigde of die mees senior in rang van die beskuldigdes by 'n gesamentlike verhoor mag wees; en

(*c*) 'n regter-advokaat op elke algemene krygsraad aangestel moet word.

(2) 'n Algemene krygsraad deur die Goewerneur-generaal belê, bestaan uit soveel lede (maar hoogstens vyf) as wat die Goewerneur-generaal mag bepaal, en geen ander persoon as 'n offisier van die Suid-Afrikaanse Weermag of 'n regter of afgetrede regter van die Hooggeregshof van Suid-Afrika of 'n praktiserende advokaat van bedoelde Hooggeregshof wat minstens tien jaar ondervinding het, mag lid van so 'n algemene krygsraad wees nie.

(3) Die bepalings van paragraaf (*b*) van die voorbehoudsbepaling by sub-artikel (1), is van toepassing met betrekking tot 'n offisier aangestel as lid van 'n krygsraad deur die Goewerneur-generaal belê.

SAMESTELLING VAN GEWONE KRYGSRAAD.

73. 'n Gewone krygsraad bestaan uit minstens drie lede wat almal offisiere van die Suid-Afrikaanse Weermag is en elkeen vir minstens drie jaar offisiersrang beklee het, en word saamgestel en belê soos voorgeskryf mag word: Met dien verstande dat die president van 'n gewone krygsraad nie van laer rang as kaptein of 'n daarmee gelykstaande rang mag wees nie.

ONBEVOEGDHEID VIR DIENS IN KRYGSRAAD.

74. (1) 'n Offisier is nie bevoeg om as president, lid of regter-advokaat in 'n krygsraad te dien nie, indien hy—

(*a*) daardie krygsraad belê het;

(*b*) die aanklag of enige van die aanklagtes wat daardie krygsraad moet verhoor, ondersoek het;

(*c*) die beskuldigde se bevelvoerder is en om sy verhoor voor 'n krygsraad aansoek gedoen het;

(*d*) die aanklaer of offisier-verdediger of 'n getuie is; of

(*e*) persoonlike kennis dra van enige belangrike feit of getuienis wat op die aanklag of enige van die aanklagte betrekking het.

(2) Die bepalings van paragraaf (*d*) van sub-artikel (1) word nie geag te verhinder dat 'n lid van 'n krygsraad wat 'n oortreder weens 'n misdryf ingevolge hierdie Reglement skuldig bevind het, deur die verdediging as 'n getuie opgeroep word om getuienis met betrekking tot die oortreder se karakter, of sy diens in die Suid-Afrikaanse Weermag of enige ander militêre mag of ter versagting van vonnis af te lê nie.

(3) 'n Offisier wat aangestel is om as president, lid of regter-advokaat in 'n krygsraad te dien, en wat nie bevoeg is om in daardie krygsraad te dien nie of by wie daar twyfel bestaan of hy aldus bevoeg is, moet aan

shall report to the convening authority or the president of the court martial as soon as he becomes aware that he is not qualified or of the fact giving rise to his doubt, and shall not serve or continue to serve on such court martial unless the convening authority or the president is satisfied that he is qualified to serve.

ACCUSED MAY OBJECT TO MEMBERS OF COURT MARTIAL.

75. When a court martial has assembled, the names of the members shall be read out to the accused who shall be asked if he objects to be tried by any of them, and any objection by the accused shall be decided by the court martial in the manner prescribed.

MEMBERS OF COURT MARTIAL TO BE SWORN.

76. (1) A court martial composed of members in respect of whom no objection has been made and sustained, shall be sworn in, and for that purpose the president may administer the prescribed oath to each of the members and to the judge advocate, if one has been appointed, and the judge advocate or, in the absence of a judge advocate, the most senior in rank of the members of the court may administer the prescribed oath to the president.

(2) The president of a court martial or the judge advocate may administer the prescribed oath to any witness at a trial before that court martial and to any interpreter or shorthand writer employed at or during the trial.

VACANCIES IN MEMBERSHIP OF COURT MARTIAL.

77. (1) If after the commencement of a trial by court martial—

(*a*) the number of members thereof is, through death or otherwise, reduced below the minimum number required in terms of this Code, the court martial shall be dissolved;

(*b*) the president dies or is for any other reason unable to attend, and the number of members is not reduced below the said minimum number, the convening authority may appoint the most senior in rank of the members of the court, if of sufficient rank, to be president, and if that member is not of sufficient rank, the court shall be dissolved.

(2) If on account of the illness of the accused before the finding or for any other reason it is impossible to continue the trial, the court martial shall be dissolved.

(3) Where a court martial is dissolved under any provision of this section, the accused may be tried again, and in that event his trial shall commence *de novo* before a new court martial.

TRIAL TO BE IN OPEN COURT IN PRESENCE OF ACCUSED.

78. (1) Save as provided in sub-section (2), (3) or (4), the trial of any person by court martial shall be in open court in the presence of such person.

(2) If an accused person so conducts himself at his trial that the continuance of the proceedings in his presence is impracticable, the court martial may after due warning to the accused, order his removal and continue the trial in his absence.

(3) Whenever it appears to a convening authority or a court martial that, in the interests of good order or public morals or the administration of justice or for reasons of security, a trial ought not to be conducted or continued in open court, the convening authority or the court martial may at any time either before the commencement or during the course of the trial, order that persons other than the accused, his counsel and the necessary court officials, or females, juveniles or other classes of persons, shall not be permitted to be present at the trial.

(4) A court martial may at any time order any witness, whether for the prosecution or the defence, to leave the courtroom.

WHEN TRIAL IS DEEMED TO HAVE COMMENCED.

79. The trial of an accused shall be deemed to have commenced when the reading to him of the charge, or the first charge, in case more than one charge is preferred against him, has been commenced at the court martial.

HOW CHARGE TO BE FRAMED.

80. Every charge and every charge sheet shall be framed as prescribed, but so that every charge shall disclose the nature of the offence, the time and place of the commission of the offence and sufficient particulars to enable the accused to identify the act or omission with which he is charged.

MORE THAN ONE CHARGE MAY BE JOINED IN SAME CHARGE SHEET.

81. (1) Any number of charges, including alternative charges, may be brought against an accused either separately or on the same charge sheet: Provided that no other charge shall be brought on a charge sheet on which an accused is charged with an offence under section *four* of this Code or the civil offence of murder or treason.

(2) Where an accused is charged with more than one offence in the same charge sheet, except in the alternative, the court may, on the application of the accused, dispose of each charge or some of the charges separately if it is satisfied that the accused will be prejudiced in his defence if the trial were to proceed on all the charges simultaneously.

JOINDER OF PERSONS.

82. (1) Any number of persons may be charged jointly in one charge sheet with the same offence.

die beleggende outoriteit of die president van die krygsraad rapporteer sodra hy van sy onbevoegdheid of van die feit wat die twyfel laat ontstaan, bewus word, en mag nie in daardie krygsraad dien of voortgaan om daarin te dien nie, tensy die beleggende outoriteit of die president oortuig is dat hy bevoeg is om te dien.

BESKULDIGDE KAN BESWAAR MAAK TEEN LEDE VAN KRYGSRAAD.

75. Wanneer 'n krygsraad byeengekom het, word die name van die lede voorgelees aan die beskuldigde wat gevra word of hy daarteen beswaar maak om deur enige van hulle verhoor te word, en enige beswaar deur die beskuldigde word op die voorgeskrewe wyse deur die krygsraad beslis.

LEDE VAN KRYGSRAAD MOET INGESWEER WORD.

76. (1) 'n Krygsraad bestaande uit lede ten opsigte van wie geen beswaar gemaak en gehandhaaf is nie, moet ingesweer word, en vir daardie doel kan die president die voorgeskrewe eed aan elk van die lede en aan die regter-advokaat, indien een aangestel is, oplê, en kan die regter-advokaat of, in afwesigheid van 'n regter-advokaat, die mees senior lid van die krygsraad volgens rang die voorgeskrewe eed aan die president oplê.

(2) Die president van 'n krygsraad of die regter-advokaat kan die voorgeskrewe eed oplê aan enige getuie by 'n verhoor voor daardie krygsraad en aan enige tolk of snelskrywer wat by of gedurende die verhoor dien.

VAKATURES IN LIDMAATSKAP VAN KRYGSRAAD.

77. (1) Indien na die aanvang van 'n verhoor voor 'n krygsraad—

(*a*) die getal lede daarvan weens dood of andersins tot benede die ingevolge hierdie Reglement vereiste minimum getal daal, word die krygsraad ontbind;

(*b*) die president te sterwe kom of om 'n ander rede nie aanwesig kan wees nie, en die getal lede nie benede bedoelde minimum getal daal nie, kan die beleggende outoriteit die mees senior lid van die krygsraad volgens rang, tot president aanstel indien sy rang hoog genoeg is, en, as daardie lid se rang nie hoog genoeg is nie, word die raad ontbind.

(2) Indien dit weens ongesteldheid van die beskuldigde voor die bevinding of om 'n ander rede onmoontlik is om die verhoor voort te sit, word die krygsraad ontbind.

(3) Waar 'n krygsraad ingevolge 'n bepaling van hierdie artikel ontbind word, kan die beskuldigde weer verhoor word, en in so 'n geval begin sy verhoor *de novo* voor 'n nuwe krygsraad.

VERHOOR VIND IN OPE SITTING IN AANWESIGHEID VAN BESKULDIGDE PLAAS.

78. (1) Behalwe soos in sub-artikel (2), (3) of (4) bepaal vind die verhoor van enige persoon deur 'n krygsraad in ope sitting in aanwesigheid van daardie persoon plaas.

(2) As 'n beskuldigde hom by sy verhoor so gedra dat dit ondoenlik is om die verrigtings in sy teenwoordigheid voort te sit, kan die krygsraad na behoorlike waarskuwing aan die beskuldigde sy verwydering gelas en die verhoor in sy afwesigheid voortsit.

(3) Wanneer 'n beleggende outoriteit of 'n krygsraad van oordeel is dat 'n verhoor in belang van die goeie orde of openbare sedelikheid of die regspleging of om veiligheidsredes nie in ope sitting gevoer of voortgesit behoort te word nie, kan die beleggende outoriteit of krygsraad te eniger tyd, hetsy voor die aanvang van of gedurende die verhoor, gelas dat ander persone as die beskuldigde, sy regsverteenwoordiger en die nodige raadsbeamptes, of vrouspersone, jeugdiges of ander kategorieë van persone, nie toegelaat word om by die verhoor teenwoordig te wees nie.

(4) 'n Krygsraad kan te eniger tyd gelas dat 'n getuie, hetsy vir die vervolging of die verdediging, die raadsaal verlaat.

WANNEER VERHOOR GEAG WORD AANVANG TE GENEEM HET.

79. Die verhoor van 'n beskuldigde word geag 'n aanvang te geneem het wanneer daar by die krygsraad 'n aanvang gemaak is met die uitlees aan die beskuldigde van die aanklag, of die eerste aanklag waar daar meer as een aanklag teen hom ingebring word.

HOE AANKLAG OPGESTEL MOET WORD.

80. Elke aanklag en elke klagstaat word soos voorgeskryf opgestel, maar so dat elke aanklag die aard van die misdryf openbaar, asook die tyd wanneer en plek waar die misdryf gepleeg is, en voldoende besonderhede om die beskuldigde in staat te stel om die handeling of versuim waarvan hy aangekla word, te identifiseer.

MEER AS EEN AANKLAG KAN IN DIESELFDE KLAGSTAAT GESTEL WORD.

81. (1) Enige aantal aanklagte, met inbegrip van alternatiewe aanklagte, kan òf afsonderlik òf in dieselfde klagstaat teen 'n beskuldigde ingebring word: Met dien verstande dat in 'n klagstaat waarin die beskuldigde 'n oortreding van artikel *vier* van hierdie Reglement of die burgerlike misdryf van moord of hoogverraad ten laste gelê word, geen ander aanklag ingevoeg mag word nie.

(2) Waar 'n beskuldigde in dieselfde klagstaat weens meer as een misdryf aangekla word, behalwe in die alternatief, kan die hof, op aansoek van die beskuldigde, elke aanklag of sommige van die aanklagte afsonderlik afhandel indien hy oortuig is dat die beskuldigde in sy verdediging benadeel sal word indien die verhoor op al die aanklagte gelyktydig sou voortgaan.

SAMEVOEGING VAN PERSONE.

82. (1) Enige aantal persone kan gesamentlik in dieselfde klagstaat weens dieselfde misdryf aangekla word.

(2) Any person who is charged jointly with one or more other persons and whose defence is likely to be prejudiced by a joint trial, may apply to be tried separately.

(3) A court martial may in the case of a joint trial in its discretion direct that the trial of the accused persons or any of them shall be held separately from the trial of the other or others of such persons.

ACCUSED ENTITLED TO MAKE HIS DEFENCE.

83. Every person charged with an offence before a court martial shall be entitled to make his defence at his trial and to be represented thereat by his counsel.

RULES OF EVIDENCE APPLICABLE IN CIVIL COURTS TO APPLY ALSO IN MILITARY COURTS.

84. The rules of evidence as applied by the civil courts of the Union shall be followed in and by military courts, and no person shall be required to answer any question or to produce any document or thing which he could not be compelled to answer or produce in similar proceedings before a civil court.

EVIDENCE MUST BE GIVEN *viva voce* AND IN OPEN COURT.

85. (1) Every witness appearing to give evidence at a trial by court martial shall give his evidence *viva voce*.

(2) If through incapacity a witness is unable to attend court to give evidence, the court martial may hear the evidence of such witness at his home or at any other place where the witness may be, in the presence of the accused, his counsel and the prosecutor.

PROCEEDINGS MUST BE RECORDED.

86. The judge advocate or, in the absence of a judge advocate, the president of a court martial shall be responsible for the proper recording as may be prescribed of the proceedings at any trial.

COURT MARTIAL MAY ADJOURN FROM TIME TO TIME AND PLACE TO PLACE.

87. (1) A court martial may adjourn from time to time and from place to place: Provided that if the adjournment is for a period longer than fourteen days, the accused shall be released from custody for the period of the adjournment.

(2) A court martial may adjourn to view any place or any object which cannot conveniently be brought to the court, but such viewing shall be in the presence of the accused, his counsel and the prosecutor.

ALTERNATIVE VERDICTS.

88. (1) An accused who is charged—

(*a*) with desertion, may be found guilty of having been absent without leave;
(*b*) with having used threatening language to his superior officer, may be found guilty of having used insulting language to or of having by word or conduct displayed insubordination or of having behaved with contempt towards his superior officer;
(*c*) with having by word or conduct displayed insubordination or of having behaved with contempt towards his superior officer, may be found guilty of having used insulting or threatening language to his superior officer;
(*d*) with malingering, may be found guilty of feigning or producing disease or infirmity;
(*e*) with feigning disease or infirmity, may be found guilty of producing disease or infirmity;
(*f*) with producing disease or infirmity, may be found guilty of feigning disease or infirmity;
(*g*) with maiming, may be found guilty of injuring;
(*h*) with theft, may be found guilty of receiving stolen property knowing it to have been stolen;
(*i*) with any other offence under this Code, may, failing proof of the commission of an offence in circumstances involving a higher degree of punishment, be found guilty of the same offence as having been committed in circumstances involving a lesser degree of punishment;
(*j*) with any offence under this Code, may be found guilty of having attempted to commit that offence or of having aided, abetted, induced, incited, instigated, instructed or commanded any person to commit that offence or having procured the commission of that offence.

(2) If an accused is charged before a court martial with an offence under section *forty-seven*, and the charge is one on which he could, if he had been tried by a civil court for such offence committed in the Union, have been found guilty of any other offence, the court martial may find him guilty of that other offence.

(3) Where an accused is charged before a court martial with a civil offence, and the charge is one on which he could, if he had been tried by a civil court in the Union for such an offence, have been found guilty of any other offence, the court martial may find him guilty of that other offence.

HOW FINDING AND SENTENCE OF COURT MARTIAL TO BE ARRIVED AT.

89. (1) The finding of a court martial shall be determined by the vote of a majority of its members, all of whom shall vote, and in the event of an equality of votes the accused shall be acquitted: Provided that a finding of guilty of a capital offence shall require the votes of at least two-thirds of the members of a court martial.

(2) Iemand wat gesamentlik met een of meer ander persone aangekla word en wie se verdediging waarskynlik deur 'n gesamentlike verhoor benadeel sal word, kan aansoek doen om afsonderlik verhoor te word.

(3) 'n Krygsraad kan in die geval van 'n gesamentlike verhoor na goeddunke beveel dat die verhoor van die beskuldigdes of sommige van hulle afsonderlik van die verhoor van die ander van daardie beskuldigdes moet plaasvind.

BESKULDIGDE GEREGTIG OM SY SAAK TE VERDEDIG.

83. Iemand wat voor 'n krygsraad weens 'n misdryf aangekla word, is geregtig om sy verweer by die verhoor voor te lê en aldaar deur sy regsverteenwoordiger verteenwoordig te word.

REËLS VAN BEWYSLEER IN BURGERLIKE HOWE VAN TOEPASSING GELD OOK IN MILITÊRE HOWE.

84. Die bewysreëls soos deur die burgerlike howe van die Unie toegepas, word in en deur militêre howe gevolg, en niemand word verplig om 'n vraag te beantwoord of 'n dokument of saak oor te lê nie wat hy nie by soortgelyke verrigtings voor 'n burgerlike hof verplig sou kon word om te beantwoord of oor te lê nie.

GETUIENIS WORD *viva voce* EN IN OPE SITTING AFGELÊ.

85. (1) Elke getuie wat verskyn om by 'n verhoor voor 'n krygsraad getuienis af te lê, moet sy getuienis *viva voce* aflê.

(2) Indien 'n getuie weens ongeskiktheid nie in staat is om by 'n krygsraad aanwesig te wees ten einde getuienis af te lê nie, kan die krygsraad die getuienis van daardie getuie by sy huis of op 'n ander plek waar die getuie mag wees, in aanwesigheid van die beskuldigde en sy regsverteenwoordiger en die aanklaer aanhoor.

VERRIGTINGS WORD GENOTULEER.

86. Die regter-advokaat of, by afwesigheid van 'n regter-advokaat, die president van 'n krygsraad is verantwoordelik vir die behoorlike notulering op die voorgeskrewe wyse van die verrigtings by 'n verhoor.

KRYGSRAAD KAN VAN TYD TOT TYD EN PLEK NA PLEK VERDAAG.

87. (1) 'n Krygsraad kan van tyd tot tyd en van plek na plek verdaag: Met dien verstande dat as die verdaging vir 'n langer tydperk as veertien dae is, die beskuldigde vir die tydperk van die verdaging uit bewaring ontslaan moet word.

(2) 'n Krygsraad kan verdaag om enige plek of enige voorwerp wat nie geriefliker wys voor die krygsraad gebring kan word nie, te besigtig, maar so 'n besigtiging moet in aanwesigheid van die beskuldigde, sy regsverteenwoordiger en die aanklaer geskied.

ALTERNATIEWE UITSPRAKE.

88. (1) 'n Beskuldigde wat aangekla word—

(*a*) weens desersie, kan daaraan skuldig bevind word dat hy sonder verlof afwesig was;

(*b*) dat hy dreigende taal teenoor sy meerdere gebesig het, kan daaraan skuldig bevind word dat hy teenoor sy meerdere beledigende taal gebesig het of hom deur woord of gedrag verset het of 'n minagtende houding ingeneem het;

(*c*) dat hy hom deur woord of gedrag verset het of 'n minagtende houding ingeneem het teenoor sy meerdere, kan daaraan skuldig bevind word dat hy beledigende of dreigende taal teenoor sy meerdere gebesig het;

(*d*) weens malengering, kan aan die veins of veroorsaking van siekte of swakheid skuldig bevind word;

(*e*) weens die veins van siekte of swakheid, kan aan die veroorsaking van siekte of swakheid skuldig bevind word;

(*f*) weens die veroorsaking van siekte of swakheid, kan aan die veins van siekte of swakheid skuldig bevind word;

(*g*) weens verminking, kan aan besering skuldig bevind word;

(*h*) weens diefstal, kan skuldig bevind word aan die ontvang van gesteelde goed met wete dat dit gesteel was;

(*i*) weens enige ander misdryf ingevolge hierdie Reglement, kan, by ontstentenis van bewys dat 'n misdryf gepleeg is onder omstandighede waarmee 'n swaarder straf gepaard gaan, skuldig bevind word dat hy dieselfde misdryf gepleeg het onder omstandighede ten opsigte waarvan 'n ligter straf geld;

(*j*) weens enige misdryf ingevolge hierdie Reglement, kan daaraan skuldig bevind word dat hy gepoog het om daardie misdryf te pleeg of iemand gehelp, bygestaan, uitgelok, aangehits, opgestook, gelas of beveel het om daardie misdryf te pleeg of die pleeg van daardie misdryf bewerkstellig het.

(2) Indien 'n beskuldigde weens 'n misdryf ingevolge artikel *sewe-en-veertig* voor 'n krygsraad aangekla word, en die aanklag een is waarop hy, indien hy deur 'n burgerlike hof weens die pleeg van daardie misdryf in die Unie verhoor was, aan 'n ander misdryf skuldig bevind sou kon geword het, kan die krygsraad hom aan daardie ander misdryf skuldig bevind.

(3) Waar 'n beskuldigde voor 'n krygsraad weens 'n burgerlike misdryf aangekla word, en die aanklag een is waarop hy, indien hy deur 'n burgerlike hof in die Unie weens daardie misdryf verhoor was, weens 'n ander misdryf skuldig bevind sou kon geword het, kan die krygsraad hom weens daardie ander misdryf skuldig bevind.

HOE BEVINDING EN VONNIS VAN KRYGSRAAD BEPAAL WORD.

89. (1) Die bevinding van 'n krygsraad word bepaal by meerderheidstem van sy lede, wat almal moet stem, en by 'n staking van stemme word die beskuldigde vrygespreek: Met dien verstande dat vir 'n bevinding van skuldig aan 'n halsmisdryf, die stemme van minstens twee-derdes van die lede van 'n krygsraad vereis word.

(2) The sentence of a court martial and all other questions arising for decision at a trial shall be determined by the vote of the majority of the members, all of whom shall vote, and in the event of an equality of votes the president shall have and exercise a casting vote: Provided that sentence of death shall not be imposed unless at least two-thirds of the members of the court martial vote in favour of that sentence.

FINDING AND SENTENCE TO BE ANNOUNCED IN OPEN COURT.

90. The finding and sentence and the decision on any other question arising at a trial shall be announced by the president of the court martial to the accused in open court.

PUNISHMENTS.

91. (1) Whenever a court martial convicts any person of any offence it may subject to the maximum punishment provided in this Code for that offence, the limits of its own penal jurisdiction, and the provisions of sections *thirty-two* and *ninety-three* impose upon the person convicted a penalty of—

(*a*) in the case of an officer—
- (i) death;
- (ii) imprisonment;
- (iii) cashiering;
- (iv) dismissal from the South African Defence Force;
- (v) reduction to any lower commissioned rank;
- (vi) reduction in seniority in rank;
- (vii) a fine not exceeding two hundred pounds; or
- (viii) reprimand; or

(*b*) in the case of a warrant officer or non-commissioned officer—
- (i) death;
- (ii) imprisonment;
- (iii) discharge with ignominy from the South African Defence Force;
- (iv) detention for a period not exceeding two years;
- (v) reduction to any lower rank, to non-commissioned rank or to the ranks;
- (vi) discharge from the South African Defence Force;
- (vii) a fine not exceeding fifty pounds; or
- (viii) reprimand; or

(*c*) in the case of a private—
- (i) death;
- (ii) imprisonment;
- (iii) discharge with ignominy from the South African Defence Force;
- (iv) detention for a period not exceeding two years;
- (v) field punishment for a period not exceeding three months;
- (vi) discharge from the South African Defence Force;
- (vii) a fine not exceeding twenty-five pounds; or
- (viii) reprimand.

(2) Any penalty provided for in any sub-paragraph of paragraph (*a*), (*b*) or (*c*) of sub-section (1), shall for the purposes of this Code be deemed to be less severe and less serious in its consequences than any penalty provided for in any preceding sub-paragraph of the applicable paragraph.

ONE SENTENCE IMPOSED IN RESPECT OF ALL THE CHARGES.

92. Whenever an accused is convicted by court martial of more than one offence alleged in the same charge sheet, such court shall, subject to the provisions of section *ninety-three*, impose only one sentence in respect of all the charges, and if such sentence is a valid sentence in respect of any one of the charges on which the accused has been convicted, it shall be deemed to be a valid sentence in respect of all the charges on which he has been convicted.

CERTAIN PROVISIONS TO APPLY IN CASE OF PARTICULAR PUNISHMENTS.

93. (1) No other punishment may be combined with the punishment of death.

(2) (*a*) Save as provided in sub-section (2) of section *thirty-four*, no sentence of imprisonment shall be for a shorter priod than thirty days, and the court which imposes any sentence of imprisonment shall clearly indicate whether the imprisonment is to be served with or without compulsory labour.

(*b*) The punishment of imprisonment shall not be combined with field punishment or the punishment of detention.

(3) An officer sentenced to imprisonment shall also be sentenced to be cashiered, and the latter sentence shall be executed before the officer concerned is lodged in any prison, gaol or other place to serve the sentence of imprisonment.

(4) (*a*) A warrant officer, non-commissioned officer or private who is sentenced to imprisonment, shall also be sentenced to be discharged with ignominy.

(*b*) A warrant officer or non-commissioned officer who is sentenced to detention, shall also be sentenced to reduction to the ranks, and may also be sentenced to be discharged from the South African Defence Force.

(5) Field punishment shall be imposed only beyond the borders of the Union and shall not be combined with the punishment of detention.

(6) (*a*) Any person whose trial commences or is concluded after he has ceased to be subject to this Code, may on conviction, if a sentence of a fine is imposed, be sentenced to a period of imprisonment not exceeding two months in default of the payment of the fine.

(*b*) A sentence of imprisonment or detention shall continue to run even though the offender ceases to be subject to this Code during the currency of the sentence.

SUSPENSION OF SENTENCES.

94. (1) Whenever a military court sentences any offender to detention, it may order the operation of the whole or any portion of the sentence to be suspended for a period not exceeding three years on such conditions as it may specify in the order.

(2) Die vonnis van 'n krygsraad en alle ander vrae wat vir beslissing by 'n verhoor ontstaan, word bepaal by meerderheidstem van die lede, wat almal moet stem, en by 'n staking van stemme het die president 'n beslissende stem wat hy moet uitoefen: Met dien verstande dat die doodvonnis nie opgelê word nie tensy minstens twee-derdes van die lede van die krygsraad ten gunste van so 'n vonnis stem.

UITSPRAAK EN VONNIS WORD IN OPE SITTING BEKEND GEMAAK.

90. Die bevinding en vonnis en die beslissing op enige ander vraag wat by 'n verhoor ontstaan, word in ope sitting deur die president van die krygsraad aan die beskuldigde bekend gemaak.

STRAWWE.

91. (1) Wanneer 'n krygsraad iemand weens 'n misdryf skuldig bevind, kan hy, met inagneming van die maksimum straf in hierdie Reglement vir daardie misdryf bepaal, die perke van sy eie strafbevoegdheid, en die bepalings van artikels *twee-en-dertig* en *drie-en-negentig*, die veroordeelde straf—

(*a*) in die geval van 'n offisier—
- (i) met die doodstraf;
- (ii) met gevangenisstraf;
- (iii) met kassering;
- (iv) met ontslag uit die Suid-Afrikaanse Weermag;
- (v) met degradering na 'n laer offisiersrang;
- (vi) met degradering in rangsansiënniteit;
- (vii) met 'n boete van hoogstens tweehonderd pond; of
- (viii) met 'n berisping; of

(*b*) in die geval van 'n adjudant-offisier of onderoffisier—
- (i) met die doodstraf;
- (ii) met gevangenisstraf;
- (iii) met ontslag met oneer uit die Suid-Afrikaanse Weermag;
- (iv) met detensie vir 'n tydperk van hoogstens twee jaar;
- (v) met degradering na 'n laer rang, na onderoffisiersrang of na die geledere;
- (vi) met ontslag uit die Suid-Afrikaanse Weermag;
- (vii) met 'n boete van hoogstens vyftig pond; of
- (viii) met 'n berisping; of

(*c*) in die geval van 'n weerman—
- (i) met die doodstraf;
- (ii) met gevangenisstraf;
- (iii) met ontslag met oneer uit die Suid-Afrikaanse Weermag;
- (iv) met detensie vir 'n tydperk van hoogstens twee jaar;
- (v) met veldstraf vir 'n tydperk van hoogstens drie maande;
- (vi) met ontslag uit die Suid-Afrikaanse Weermag;
- (vii) met 'n boete van hoogstens vyf-en-twintig pond; of
- (viii) met 'n berisping.

(2) 'n Straf waarvoor in enige sub-paragraaf van paragraaf (*a*), (*b*) of (*c*) van sub-artikel (1) voorsiening gemaak word, word by die toepassing van hierdie Reglement geag ligter en minder ernstig wat betref die gevolge daarvan te wees as enige straf waarvoor in enige voorafgaande sub-paragraaf van die toepaslike paragraaf voorsiening gemaak word.

ENKELE VONNIS WORD TEN OPSIGTE VAN AL DIE AANKLAGTE OPGELÊ.

92. Wanneer 'n beskuldigde deur 'n krygsraad skuldig bevind word weens meer as een misdryf wat hom in dieselfde klagstaat ten laste gelê word, lê die krygsraad, behoudens die bepalings van artikel *drie-en-negentig*, slegs een vonnis op ten opsigte van al die aanklagte, en indien so 'n vonnis 'n geldige vonnis is met betrekking tot enigeen van die aanklagte waaraan die beskuldigde skuldig bevind is, word dit geag 'n geldige vonnis te wees met betrekking tot al die aanklagte waaraan hy skuldig bevind is.

SEKERE BEPALINGS GELD VIR BESONDERE STRAWWE.

93. (1) Geen ander straf word saam met die doodstraf opgelê nie.

(2) (*a*) Behalwe soos in sub-artikel (2) van artikel *vier-en-dertig* bepaal, word geen vonnis van gevangenisstraf vir 'n korter tydperk as dertig dae opgelê nie, en die hof wat gevangenisstraf oplê, moet duidelik aandui of die gevangenisstraf met of sonder dwangarbeid uitgedien moet word.

(*b*) Gevangenisstraf word nie saam met veldstraf of detensiestraf opgelê nie.

(3) 'n Offisier wat tot gevangenisstraf gevonnis word, moet ook tot kassering gevonnis word, en laasgenoemde vonnis word ten uitvoer gelê voordat die betrokke offisier in 'n gevangenis, tronk of ander plek geplaas word om die vonnis van gevangenisstraf uit te dien.

(4) (*a*) 'n Adjudant-offisier, onderoffisier of weerman wat tot gevangenisstraf gevonnis word, moet ook tot ontslag met oneer gevonnis word.

(*b*) 'n Adjudant-offisier of onderoffisier wat tot detensie gevonnis word, moet ook tot degradering na die geledere gevonnis word, en kan ook tot ontslag uit die Suid-Afrikaanse Weermag gevonnis word.

(5) Veldstraf word slegs buite die grense van die Unie opgelê en word nie saam met die straf van detensie opgelê nie.

(6) (*a*) Iemand wie se verhoor begin of eindig nadat hy opgehou het om aan hierdie Reglement onderworpe te wees, kan by skuldigbevinding, indien 'n boete opgelê word, tot 'n tydperk van gevangenisstraf van hoogstens twee maande by wanbetaling van die boete gevonnis word.

(*b*) Gevangenis- of detensiestraf duur voort al hou die oortreder gedurende die verloop van die vonnis op om aan hierdie Reglement onderworpe te wees.

OPSKORTING VAN VONNISSE.

94. (1) Wanneer 'n militêre hof 'n oortreder tot detensie vonnis, kan hy beveel dat die toepassing van die geheel of enige deel van die vonnis vir 'n tydperk van hoogstens drie jaar opgeskort word op die voorwaardes wat hy in die bevel mag bepaal.

(2) A confirming or reviewing authority may when considering any sentence of detention for confirmation or on review, or at any later stage during the currency of the sentence, order the operation of the sentence or the unexpired portion thereof to be suspended for a period not exceeding three years on such conditions as may be specified in the order.

(3) Any authority having power to confirm the findings and sentences of general courts martial, may at any time during the currency of any sentence of imprisonment, order the operation of the unexpired portion of the sentence to be suspended for such period not exceeding three years and on such conditions, which may include the payment of compensation, as may be specified in the order.

(4) If the operation of any sentence or the unexpired portion of a sentence has been suspended under sub-section (1), (2) or (3), and the offender has, during the period of suspension, observed all the conditions of suspension, the sentence or the unexpired portion of the sentence shall not be enforced.

(5) Any authority empowered by this Code to suspend a sentence, may cause investigation to be made in the prescribed manner during the period of suspension of a sentence, concerning any complaint or allegation that the offender has not fullfilled any condition of the suspension of his sentence, and may, if satisfied that the offender has not fulfilled any such condition which he could reasonably have fulfilled, order that he be committed to serve the unexpired portion of his sentence.

(6) An offender who during the period of suspension of his sentence ceases to be subject to this Code, shall be absolved from the sentence and from compliance with the conditions, if any, of suspension of the sentence.

COURT MAY WHERE APPLICABLE, ORDER DEDUCTIONS OR FORFEITURES OF PAY.

95. Notwithstanding anything to the contrary contained in section *ninety-two*, a court martial may, when imposing upon any person any punishment mentioned in section *ninety-one*, order such deductions from or forfeitures of the pay of such person as may be authorized by this Code.

SENTENCE MAY NOT BE ENFORCED UNLESS IT HAS BEEN CONFIRMED.

96. The sentence of a court martial shall not be enforced or executed unless and until the finding and the sentence have been confirmed in accordance with the applicable provisions of this Code.

ACQUITTAL IS NOT SUBJECT TO CONFIRMATION.

97. A finding of "not guilty" shall not be subject to confirmation and shall become effective when announced in open court.

CONVENING AUTHORITY MAY CONFIRM SENTENCES AND FINDINGS OF COURTS MARTIAL CONVENED BY HIM.

98. Subject to the provisions of section *ninety-nine*, and any limitation or prohibition which may have been imposed under section *sixty-eight* upon the powers of any convening authority, every convening authority may confirm the findings and sentences of courts martial convened by him.

CONVENING AUTHORITY WITH LIMITED OR NO POWERS OF CONFIRMATION MUST RESERVE CONFIRMATION.

99. An officer having full or limited power to confirm the finding and the sentence of a court martial, who has served on or at a court martial as a member, judge advocate, defending officer or prosecutor or has given material evidence thereat, shall not confirm the finding or the finding and the sentence of that court martial, but shall reserve confirmation in terms of section *one hundred and two*.

OFFENDER MAY MAKE REPRESENTATIONS TO CONFIRMING AUTHORITY.

100. Any offender may within forty-eight hours of his sentence by court martial, lodge any written representations he may wish to make concerning the validity or justice of the finding or the sentence with the authority who has power to confirm the finding and the sentence, and such authority shall take cognizance of such representations in considering for confirmation the finding and the sentence.

POWERS OF CONFIRMING AUTHORITY.

101. (1) Any authority with powers of confirmation may, within the limits of his powers, in respect of a court martial—

(*a*) confirm the finding or some of the findings;
(*b*) refuse to confirm the finding or any of the findings;
(*c*) if he confirms the finding or any of the findings, confirm the sentence;
(*d*) vary the sentence, but so that such varied sentence is not either in itself or in its consequences more unfavourable to the accused than the sentence of the court martial; or
(*e*) reserve confirmation of the finding and the sentence in whole or in part in terms of section *one hundred and two*.

(2) Whenever a confirming authority has, under paragraph (*b*) of sub-section (1), refused to confirm any finding of a court martial, the accused shall be deemed to have been acquitted of the charge to which that finding relates.

(3) A confirming authority may, if satisfied that a finding is invalid or is not supported by the evidence on record, but that the evidence on record fully supports any other finding which the court martial could have brought under section *eighty-eight*, either set aside the firstmentioned finding and sentence and refer the case back to the court martial to bring

(2) 'n Bekragtigende of hersieningsoutoriteit kan wanneer hy 'n vonnis van detensie vir bekragtiging of by hersiening oorweeg, of op 'n latere stadium gedurende die verloop van die vonnis, beveel dat die toepassing van die vonnis of die onverstreke deel daarvan vir 'n tydperk van hoogstens drie jaar opgeskort word op die voorwaardes wat in die bevel bepaal word.

(3) Enige outoriteit wat bevoeg is om die bevindings en vonnisse van algemene krygsrade te bekragtig, kan te eniger tyd gedurende die verloop van 'n vonnis van gevangenisstraf beveel dat die toepassing van die onverstreke deel van die vonnis vir 'n tydperk van hoogstens drie jaar en op die voorwaardes, met inbegrip van die betaling van vergoeding, in die bevel bepaal, opgeskort word.

(4) Indien die toepassing van 'n vonnis of die onverstreke deel van 'n vonnis kragtens sub-artikel (1), (2) of (3) opgeskort is, en die oortreder gedurende die tydperk van opskorting al die voorwaardes van opskorting nagekom het, word die vonnis of die onverstreke deel van die vonnis nie uitgevoer nie.

(5) Enige outoriteit wat deur hierdie Reglement gemagtig is om 'n vonnis op te skort, kan gedurende die tydperk waarvoor 'n vonnis opgeskort is, op die voorgeskrewe wyse ondersoek laat doen met betrekking tot enige klagte of bewering dat die oortreder nie 'n voorwaarde van die opskorting van sy vonnis nagekom het nie, en indien hy oortuig is dat die oortreder so 'n voorwaarde wat hy redelikerwys kon nagekom het, nie nagekom het nie, kan hy beveel dat die oortreder verwys word om die onverstreke deel van sy vonnis uit te dien.

(6) 'n Oortreder wat gedurende die tydperk waarvoor sy vonnis opgeskort is, ophou om aan hierdie Reglement onderworpe te wees, word van die vonnis en van voldoening aan die voorwaardes (as daar is) van opskorting van die vonnis onthef.

HOF KAN WAAR TOEPASLIK AFTREKKING OF VERBEURING VAN SOLDY BEVEEL.

95. Ondanks andersluidende bepalings van artikel *twee-en-negentig*, kan 'n krygsraad, wanneer hy iemand tot 'n in artikel *een-en-negentig* vermelde straf vonnis, die aftrekkings van die soldy van daardie persoon of die verbeurings van soldy deur daardie persoon beveel wat deur hierdie Reglement gemagtig word.

VONNIS MAG NIE UITGEVOER WORD TENSY DIT BEKRAGTIG IS NIE.

96. Die vonnis van 'n krygsraad word nie uitgevoer of voltrek tensy en totdat die bevinding en die vonnis ooreenkomstig die toepaslike bepalings van hierdie Reglement bekragtig is nie.

ONTSLAG NIE AAN BEKRAGTIGING ONDERWORPE NIE.

97. 'n Bevinding van „onskuldig" word nie bekragtig nie en word van krag wanneer dit in ope sitting aangekondig word.

BELEGGENDE OUTORITEIT KAN VONNISSE EN BEVINDINGS VAN KRYGSRADE WAT DEUR HOM BELÊ IS, BEKRAGTIG.

98. Behoudens die bepalings van artikel *nege-en-negentig*, en enige beperking of verbod wat kragtens artikel *agt-en-sestig* op die bevoegdhede van 'n beleggende outoriteit gelê mag wees, kan iedere beleggende outoriteit die bevindings en vonnisse van krygsrade wat deur hom belê is, bekragtig.

BELEGGENDE OUTORITEIT MET BEPERKTE OF GEEN BEKRAGTIGINGSBEVOEGDHEID, MOET BEKRAGTIGING VOORBEHOU.

99. 'n Offisier met volle of beperkte bevoegdheid om die bevinding en die vonnis van 'n krygsraad te bekragtig, wat as lid, regter-advokaat, offisier-verdediger of aanklaer in of by 'n krygsraad gedien het of belangrike getuienis aldaar gelewer het, bekragtig nie die bevinding of die bevinding en die vonnis van daardie krygsraad nie, maar moet bekragtiging daarvan ooreenkomstig artikel *honderd-en-twee* voorbehou.

OORTREDER KAN VERTOË TOT BEKRAGTIGENDE OUTORITEIT RIG.

100. 'n Oortreder kan binne agt-en-veertig uur nadat hy deur 'n krygsraad gevonnis is, enige skriftelike vertoë wat hy met betrekking tot die geldigheid of regverdigheid van die bevinding of vonnis wil rig, indien by die outoriteit wat bevoeg is om die bevinding en die vonnis te bekragtig, en bedoelde outoriteit moet by die oorweging van die bevinding en die vonnis vir bekragtiging van daardie vertoë kennis neem.

BEVOEGDHEDE VAN BEKRAGTIGENDE OUTORITEIT.

101. (1) 'n Outoriteit met bekragtigingsbevoegdheid kan, binne die perke van sy bevoegdheid, ten opsigte van 'n krygsraad—

(*a*) die bevinding of enige van die bevindings bekragtig;
(*b*) weier om die bevinding of enige van die bevindings te bekragtig;
(*c*) indien hy die bevinding of enige van die bevindings bekragtig, die vonnis bekragtig;
(*d*) die vonnis wysig, maar op so 'n wyse dat die gewysigde vonnis nòg op sigself nòg vir sover dit die gevolge daarvan betref, vir die beskuldigde ongunstiger as die vonnis van die krygsraad sal wees; of
(*e*) bekragtiging van die bevinding en die vonnis in die geheel of ten dele ooreenkomstig artikel *honderd-en-twee* voorbehou.

(2) Wanneer 'n bekragtigende outoriteit kragtens paragraaf (*b*) van sub-artikel (1) geweier het om die bevinding van 'n krygsraad te bekragtig, word die beskuldigde geag vrygespreek te wees op die aanklag waarop daardie bevinding betrekking het.

(3) 'n Bekragtigende outoriteit kan, indien hy oortuig is dat 'n bevinding ongeldig is of nie deur die genotuleerde getuienis gestaaf word nie maar dat die genotuleerde getuienis 'n ander bevinding ten volle staaf wat die krygsraad ingevolge artikel *agt-en-tagtig* sou kon uitgebring het, òf eersbedoelde bevinding en vonnis ter syde stel en die saak na die

in some other finding and impose sentence afresh if that other finding calls for a sentence or substitute such other finding and sentence, if any, for the finding and sentence of the court martial.

(4) A confirming authority may correct any patent error in any finding or sentence, but so that the result will not be more unfavourable to the accused.

(5) Where a finding or sentence of a court martial has been ambiguously expressed or seemingly incorrectly recorded, the confirming authority may refer the case back to the court martial to record an unambiguous or correctly worded finding or sentence or may himself record an unambiguous or correctly worded finding or sentence, but in doing so the confirming authority shall give the offender the benefit of any reasonable doubt arising out of the finding or sentence as recorded by the court.

(6) Where a court martial has imposed an invalid sentence, the confirming authority may, if he confirms the finding, refer the sentence back to the court martial to impose and record a valid sentence: Provided that where through death or other reason it is not reasonably possible to re-assemble the court, the confirming authority may record a valid sentence.

CONFIRMING AUTHORITY MAY RESERVE CONFIRMATION.

102. Every officer having full or limited power to confirm the finding and the sentence of a court martial, may reserve the finding and the sentence, or the finding or some of the findings and the sentence, or the sentence, for confirmation by the authority under whose warrant he convened such court martial, and such authority may thereupon confirm such finding and sentence or the unconfirmed portions thereof or reserve confirmation for the authority from whom he derives his powers to confirm findings and sentences of courts martial.

CERTAIN SENTENCES TO BE REVIEWED BY BOARD OR COUNCIL OF REVIEW BEFORE EXECUTED.

103. Notwithstanding anything to the contrary in this Code, a sentence of cashiering or of dismissal of an officer or of discharge with ignominy of a warrant officer or a non-commissioned officer holding the substantive rank of sergeant or a higher rank or of imprisonment for a period of three months or more, shall not be executed although confirmed, unless and until the proceedings of the case have been reviewed by a board of review or the council of review and any such sentence shall not be subject to review by any other reviewing authority.

SENTENCE OF DEATH MUST BE ENDORSED BY COUNCIL OF REVIEW AND APPROVED BY GOVERNOR-GENERAL.

104. Notwithstanding anything to the contrary contained in this Code, a sentence of death, although confirmed by a confirming authority, shall not be executed unless and until the finding and the sentence have been endorsed by the council of review as being in accordance with real and substantial justice and have been approved by the Governor-General.

CUSTODY AND EXECUTION OF PERSON SENTENCED TO DEATH.

105. An offender sentenced to death shall be kept in military custody until executed, which shall be by shooting.

WHEN SENTENCE TO BE EXECUTED.

106. Subject to the provisions of sections *one hundred and three* and *one hundred and four*, any sentence shall be executed as soon as possible after it has been confirmed.

REASONS FOR JUDGMENT.

107. (1) A confirming or reviewing authority, a board of review or the council of review may direct a court martial to give written reasons for any ruling or finding of such court, which reasons shall show—

(*a*) the facts the court found to be proved;
(*b*) the grounds upon which the court arrived at the finding;
(*c*) the reasons for any ruling of law or for the admission or rejection of any evidence,

as may be specified in the direction.

(2) Such reasons shall be furnished within such period as the direction may stipulate, not being less than four days from the date of receipt of the direction by the court martial.

(3) The reasons shall be prepared and signed by the full court martial: Provided that if all the members are not reasonably available, such member or members as are available shall prepare and sign the reasons, indicating the reason which precluded the other member or members from signing.

(4) An offender shall, if he so requests, be supplied with a copy of any reasons for judgment furnished in terms of this section.

REVIEW OF SENTENCES PASSED BY COURT MARTIAL CONVENED BY OFFICER COMMANDING COMMAND, GROUP, BRIGADE, ETC.

108. (1) Whenever an offender has been convicted by a court martial convened by order of an officer commanding a command, group, brigade or any equivalent command, the confirming authority shall as soon as possible after the expiration of a period of three days from the date of promulgation of the sentence, send the record of the proceedings for review to the appropriate chief of staff or divisional or equivalent commander, who may exercise *mutatis mutandis* in respect of those proceedings the powers conferred upon the council of review by sub-sections (1), (2) and (3) of section *one hundred and fifteen*.

krygsraad terugverwys om 'n ander bevinding uit te bring en opnuut 'n vonnis op te lê, indien die ander bevinding 'n vonnis vereis, òf daardie ander bevinding en vonnis (as daar is) in die plek van die krygsraad se bevinding en vonnis stel.

(4) 'n Bekragtigende outoriteit kan enige klaarblyklike fout in 'n bevinding of vonnis verbeter, maar so dat die gevolge nie daardeur vir die beskuldigde ongunstiger gemaak word nie.

(5) Waar 'n bevinding of vonnis van 'n krygsraad dubbelsinnig uitgedruk of oënskynlik onjuis genotuleer is, kan die bekragtigende outoriteit die saak na die krygsraad terugverwys om 'n ondubbelsinnige of korrek bewoorde bevinding of vonnis te notuleer of self 'n ondubbelsinnige of korrek bewoorde bevinding of vonnis notuleer, maar waar hy dit doen, moet die bekragtigende outoriteit aan die oortreder die voordeel van enige redelike twyfel gee wat ontstaan uit die bevinding of vonnis soos deur die krygsraad genotuleer.

(6) Waar 'n krygsraad 'n ongeldige vonnis opgelê het, kan die bekragtigende outoriteit, indien hy die bevinding bekragtig, die vonnis na die krygsraad terugverwys om 'n geldige vonnis op te lê en te notuleer: Met dien verstande dat waar dit weens dood of ander redes nie redelikerwys moontlik is om die krygsraad weer byeen te roep nie, die bekragtigende outoriteit 'n geldige vonnis kan notuleer.

BEKRAGTIGENDE OUTORITEIT KAN BEKRAGTIGING VOORBEHOU.

102. Iedere offisier met volle of beperkte bevoegdheid om die bevinding en die vonnis van 'n krygsraad te bekragtig, kan die bevinding en die vonnis of die bevinding of sommige van die bevindings en die vonnis of die vonnis voorbehou vir bekragtiging deur die outoriteit kragtens wie se bevelskrif hy die krygsraad belê het, en daardie outoriteit kan vervolgens die bevinding en die vonnis of die onbekragtigde gedeeltes daarvan bekragtig of bekragtiging daarvan voorbehou vir die outoriteit aan wie hy sy bevoegdheid om krygsraadsbevindings en -vonnisse te bekragtig, ontleen.

SEKERE VONNISSE MOET VOOR TENUITVOERLEGGING DEUR HERSIENINGSKOMMISSIE OF -RAAD HERSIEN WORD.

103. Ondanks andersluidende bepalings in hierdie Reglement, word 'n vonnis van kassering of ontslag van 'n offisier of van ontslag met oneer van 'n adjudant-offisier of 'n onderoffisier wat die substantiewe rang van sersant of 'n hoër rang beklee of van gevangenisstraf vir 'n tydperk van drie maande of meer, nie uitgevoer nie, hoewel dit bekragtig is, tensy en totdat die verrigtings van die saak deur 'n hersieningskommissie of die hersieningsraad hersien is, en so 'n vonnis is nie aan hersiening deur enige ander hersieningsoutoriteit onderworpe nie.

DOODSTRAF MOET DEUR HERSIENINGSRAAD GEËNDOSSEER EN DEUR GOEWERNEUR-GENERAAL GOEDGEKEUR WORD.

104. Ondanks andersluidende bepalings in hierdie Reglement vervat, word 'n doodstraf nie voltrek nie, hoewel dit deur 'n bekragtigende outoriteit bekragtig is, tensy en totdat die bevinding en die vonnis deur die hersieningsraad geëndosseer is ten effekte dat reg behoorlik geskied het, en dit deur die Goewerneur-generaal goedgekeur is.

BEWARING EN TEREGSTELLING VAN TER DOOD VEROORDEELDE.

105. 'n Oortreder wat ter dood veroordeel is, word in militêre bewaring gehou totdat hy tereggestel is deur geskiet te word.

WANNEER VONNIS UITGEVOER WORD.

106. 'n Vonnis word, behoudens die bepalings van artikels *honderd-en-drie* en *honderd-en-vier*, uitgevoer so gou moontlik nadat dit bekragtig is.

REDES VIR UITSPRAAK.

107. (1) 'n Bekragtigende of hersieningsoutoriteit, 'n hersieningskommissie of die hersieningsraad kan 'n krygsraad beveel om skriftelike redes vir enige beslissing of bevinding van die krygsraad te verstrek, en daardie redes moet aandui—

(*a*) watter feite die krygsraad as bewese bevind het;
(*b*) op watter gronde die krygsraad tot die beslissing geraak het;
(*c*) wat die redes was vir enige regsbeslissing of vir die toelating of verwerping van enige getuienis,

soos in die bevel aangegee mag word.

(2) Bedoelde redes moet binne die tydperk in die bevel vermeld, maar minstens vier dae vanaf die datum van ontvangs van die bevel deur die krygsraad, verstrek word.

(3) Die redes word deur die volle krygsraad opgestel en onderteken: Met dien verstande dat as al die lede nie redelikerwys beskikbaar is nie, die lid of lede wat wel beskikbaar is, die redes moet opstel en onderteken en moet aandui waarom die ander lid of lede verhinder is om dit te onderteken.

(4) 'n Oortreder moet, indien hy dit versoek, voorsien word van 'n afskrif van redes vir uitspraak wat ooreenkomstig hierdie artikel verstrek is.

HERSIENING VAN VONNISSE OPGELÊ DEUR KRYGSRAAD BELÊ DEUR BEVELVOERDER VAN KOMMANDEMENT, GROEP, BRIGADE, ENS.

108. (1) Wanneer 'n oortreder deur 'n krygsraad wat deur 'n bevelvoerder in bevel van 'n kommandement, groep, brigade of gelykstaande bevel belê is, skuldig bevind is, stuur die bekragtigende outoriteit so gou moontlik na die verstryking van 'n tydperk van drie dae vanaf die datum van promulgasie van die vonnis, die notule van die verrigtings vir hersiening aan die gepaste stafhoof of divisie- of gelykstaande bevelvoerder, wat ten opsigte van daardie verrigtings *mutatis mutandis* die bevoegdhede kan uitoefen wat deur sub-artikels (1), (2) en (3) van artikel *honderd-en-vyftien* aan die hersieningsraad verleen word.

(2) After exercising such powers the chief of staff or divisional or equivalent commander concerned shall forward the record of proceedings to the Adjutant-General.

REVIEW OF SENTENCES PASSED BY COURT MARTIAL CONVENED BY CHIEF OF STAFF OR DIVISIONAL OR EQUIVALENT COMMANDER.

109. Whenever an offender has been convicted by a court martial convened by order of a chief of staff or a divisional or equivalent commander, the chief of staff or divisional or equivalent commander shall as soon as possible after the expiration of a period of three days from the date of promulgation of the sentence, send the record of proceedings to the Adjutant-General, who shall as soon as possible after receipt of the proceedings, submit them with his views for review to the General Officer Commanding, South African Defence Force, who may thereupon exercise *mutatis mutandis* in respect of those proceedings the powers conferred upon the council of review by sub-sections (1), (2) and (3) of section *one hundred and fifteen.*

REVIEW BY ADJUTANT-GENERAL.

110. If the Adjutant-General considers that the proceedings in any case submitted to him in terms of sub-section (2) of section *sixty-four*, section *sixty-five* or sub-section (2) of section *one hundred and eight* are not in accordance with real and substantial justice, he shall submit the record of the proceedings together with his views on the case, to the General Officer Commanding, South African Defence Force, who may thereupon exercise in respect of those proceedings the powers conferred upon the council of review by sub-sections (1), (2) and (3) of section *one hundred and fifteen.*

OFFENDER MAY MAKE REPRESENTATIONS TO REVIEWING AUTHORITY

111. Whenever the record of the proceedings in any case are required to be sent for review, the person convicted may not later than three days after the date of the conviction or promulgation of the sentence, as the case may be, furnish the person whose duty it is to send the case for review, with such representations in writing concerning the facts or law of the case, as he may wish to make, and such representations shall together with the record of the proceedings be submitted to and shall be duly considered by the reviewing authority.

OFFENDER MAY ASK FOR REVIEW BY COUNCIL OF REVIEW.

112. An offender may within the prescribed time and in the prescribed manner, apply for the review of the proceedings of his case by the council of review.

PROSECUTOR MAY MAKE REPRESENTATIONS TO COUNCIL OF REVIEW.

113. Whenever the record of the proceedings of a case is referred for review to the council of review on the application of an offender, the officer who prosecuted at the trial may submit written representations in the prescribed manner and time to the council of review.

COUNCIL OF REVIEW TO HEAR ARGUMENT IN CERTAIN CASES.

114. In any case in which sentence of death or a sentence of twelve months imprisonment or more or of cashiering has been imposed, or where application has been made by the offender in terms of section *one hundred and twelve* for the review of the proceedings of his case, the council of review shall, at the request of the offender, allow the offender or his counsel and the officer who prosecuted at the trial or any other person appointed for the purpose by the Adjutant-General in his stead, to appear before it and hear argument on the issues in the case.

POWERS OF COUNCIL OF REVIEW.

115. (1) The council of review may, after due consideration of the record of the proceedings of any case and of any representations submitted to it in terms of this Code—

(*a*) endorse the finding or the finding and the sentence;
(*b*) quash the finding and set aside the sentence;
(*c*) substitute for the finding any finding which the evidence on record supports beyond a reasonable doubt and which could have been brought on the charge by the court martial under section *eighty-eight*; or
(*d*) if it has endorsed the finding or substituted a finding, vary the sentence, but (subject to the provisions of sub-section (4)) so that the varied sentence is not either in itself or in its consequences more unfavourable to the offender than the sentence of the court martial.

(2) The council of review may correct any patent error in the finding or sentence as recorded in respect of any case referred to it, but so that the consequences will not be more unfavourable to the offender.

(3) The council of review may refer back to a court martial any finding or sentence not clearly or correctly recorded or any invalid sentence, to be clearly and correctly recorded or to impose a valid sentence, and where it is not reasonably practicable in the opinion of the council of review so to refer back to the court martial, the council of review may itself record a finding or sentence or impose a valid sentence: Provided that in so doing the council of review shall give the benefit of any reasonable doubt to the offender in regard to both the finding and the sentence.

(4) The council of review may in its discretion increase any sentence of imprisonment, detention, field punishment, fine, reprimand or of reduction in rank, when the review is held on the application of the offender.

FINDING AND SENTENCE AS CONFIRMED, SUBSTITUTED OR VARIED, DEEMED TO BE SENTENCE OF COURT MARTIAL.

116. Any finding or sentence as confirmed, substituted or varied by a confirming or reviewing authority or the council of review, shall be deemed

(2) Na uitoefening van daardie bevoegdhede stuur die betrokke stafhoof of divisie- of gelykstaande bevelvoerder die notule van die verrigtings aan die Adjudant-generaal.

HERSIENING VAN VONNISSE OPGELÊ DEUR KRYGSRAAD BELÊ DEUR STAFHOOF OF DIVISIE- OF GELYKSTAANDE BEVELVOERDER.

109. Wanneer 'n oortreder deur 'n krygsraad wat by bevel van 'n stafhoof of 'n divisie- of gelykstaande bevelvoerder belê is, skuldig bevind is, stuur die stafhoof of divisie- of gelykstaande bevelvoerder so gou moontlik na verstryking van 'n tydperk van drie dae vanaf die datum van promulgasie van die vonnis, die notule van die verrigtings aan die Adjudant-generaal, wat dit so gou moontlik na ontvangs daarvan, tesame met sy sienswyse vir hersiening voorlê aan die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, wat daarop ten opsigte van daardie verrigtings *mutatis mutandis* die bevoegdhede kan uitoefen wat deur sub-artikels (1), (2) en (3) van artikel *honderd-en-vyftien* aan die hersieningsraad verleen word.

HERSIENING DEUR ADJUDANT-GENERAAL.

110. Indien die Adjudant-generaal van oordeel is dat in enige saak ooreenkomstig sub-artikel (2) van artikel *vier-en-sestig*, artikel *vyf-en-sestig* of sub-artikel (2) van artikel *honderd-en-agt* aan hom voorgelê, reg nie behoorlik geskied het nie, lê hy die notule van die verrigtings tesame met sy sienswyse oor die saak voor aan die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, wat daarop ten opsigte van daardie verrigtings *mutatis mutandis* die bevoegdhede kan uitoefen wat deur sub-artikels (1), (2) en (3) van artikel *honderd-en-vyftien* aan die hersieningsraad verleen word.

OORTREDER KAN VERTOË TOT HERSIENINGSOUTORITEIT RIG.

111. Wanneer die notule van die verrigtings in enige saak vir hersiening gestuur moet word, kan die veroordeelde persoon nie later nie as drie dae na die datum van die skuldigbevinding of promulgasie van die vonnis, na gelang van die geval, aan die persoon wie se plig dit is om die saak vir hersiening te stuur, sodanige skriftelike vertoë verstrek as wat hy met betrekking tot die feite of die reg betrokke by die saak wil maak, en daardie vertoë word tesame met die notule van die verrigtings voorgelê aan en behoorlik oorweeg deur die hersieningsoutoriteit.

OORTREDER KAN HERSIENING DEUR HERSIENINGSRAAD AANVRA.

112. 'n Oortreder kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse aansoek doen dat die verrigtings in sy saak deur die hersieningsraad hersien moet word.

AANKLAER KAN VERTOË TOT HERSIENINGSRAAD RIG.

113. Wanneer die notule van verrigtings van 'n saak op aansoek van 'n oortreder na die hersieningsraad vir hersiening verwys word, kan die offisier wat by die verhoor vervolg het skriftelike vertoë op die voorgeskrewe wyse en tyd aan die hersieningsraad voorlê.

HERSIENINGSRAAD MOET IN SEKERE GEVALLE ARGUMENTE AANHOOR.

114. In enige saak waarin doodstraf of 'n vonnis van gevangenisstraf vir 'n tydperk van twaalf maande of meer of van kassering opgelê is of waar aansoek om die hersiening van die verrigtings van sy saak deur 'n oortreder ooreenkomstig artikel *honderd-en-twaalf* gedoen is, moet die hersieningsraad, op versoek van die oortreder, die oortreder of sy regsverteenwoordiger en die offisier wat by die verhoor vervolg het of iemand anders wat vir dié doel in sy plek deur die Adjudant-generaal aangestel is, toelaat om voor hom te verskyn en argumente oor die geskilpunte in die saak aanhoor.

BEVOEGDHEDE VAN HERSIENINGSRAAD.

115. (1) Die hersieningsraad kan na behoorlike oorweging van die notule van verrigtings in enige saak wat na hom verwys is, en van enige vertoë wat aan hom voorgelê is ooreenkomstig hierdie Reglement—

(*a*) die bevinding of die bevinding en die vonnis onderskryf;

(*b*) die bevinding nietig verklaar en die vonnis ter syde stel;

(*c*) enige bevinding wat die genotuleerde getuienis bo redelike twyfel staaf en wat kragtens artikel *agt-en-tagtig* deur die krygsraad op die aanklag uitgebring kon gewees het, in die plek van die bevinding stel; of

(*d*) indien hy die bevinding onderskryf of vervang het, die vonnis wysig, maar (behoudens die bepalings van sub-artikel (4)) so dat die gewysigde vonnis nòg op sigself nòg vir sover dit die gevolge daarvan betref vir die oortreder ongunstiger is as die vonnis van die krygsraad.

(2) Die hersieningsraad kan enige klaarblyklike fout in die genotuleerde bevinding of vonnis ten opsigte van 'n saak wat na hom verwys is, verbeter, maar so dat die gevolge vir die oortreder nie ongunstiger is nie.

(3) Die hersieningsraad kan enige bevinding of vonnis wat nie duidelik of korrek genotuleer is nie of enige ongeldige vonnis na 'n krygsraad terugverwys om duidelik en korrek genotuleer te word of om 'n geldige vonnis op te lê, en waar dit volgens die oordeel van die hersieningsraad nie redelikerwys uitvoerbaar is om aldus na die krygsraad terug te verwys nie, kan die hersieningsraad self 'n bevinding of vonnis notuleer of 'n geldige vonnis oplê: Met dien verstande dat as hy dit doen, die hersieningsraad die voordeel van enige redelike twyfel sowel wat betref die bevinding as wat betref die vonnis aan die oortreder moet gee.

(4) Die hersieningsraad kan na goeddunke enige vonnis van gevangenisstraf, detensie, veldstraf, boete, berisping of degradering in rang swaarder maak waar hersiening op aansoek van die oortreder plaasvind.

BEVINDING EN VONNIS, SOOS BEKRAGTIG, GEWYSIG OF VERVANG, WORD GEAG VONNIS VAN KRYGSRAAD TE WEES.

116. 'n Bevinding of vonnis soos deur 'n bekragtigende of hersieningsoutoriteit of die hersieningsraad bekragtig, vervang of gewysig, word

to be the finding or sentence of the court which passed the original sentence.

GENERAL OFFICER COMMANDING MAY REMIT, MITIGATE OR COMMUTE ANY SENTENCE.

117. The General Officer Commanding, South African Defence Force, may in his discretion mitigate, remit or commute any sentence imposed upon an offender by a military court.

WHEN SENTENCE COMMENCES.

118. (1) Save as otherwise provided or prescribed, every sentence shall commence or be deemed to commence immediately after the sentence has been announced in open court.

(2) Where a sentence is varied to one of imprisonment, detention or field punishment, such imprisonment, detention or field punishment shall be deemed to have commenced on the date of commencement of the sentence which is so varied.

WHERE SENTENCES OF IMPRISONMENT, DETENTION OR FIELD PUNISHMENT TO BE SERVED.

119. The whole or any portion of any sentence of imprisonment or field punishment may, and any sentence of detention shall, be served in a detention barracks.

GOVERNOR-GENERAL MAY ESTABLISH PRISONS AND DETENTION BARRACKS AND MAKE REGULATIONS IN REGARD THERETO.

120. (1) The Governor-General may establish one or more prisons in the Union to which offenders sentenced to imprisonment under this Code may be committed to serve such sentences, or may direct that any offender so sentenced be committed to any convict prison or gaol established under the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911).

(2) The Governor-General may establish one or more detention barracks in the Union to which offenders sentenced to detention under this Code may be committed to serve such sentences, or may direct that certain premises or portions of premises be deemed to be detention barracks to which such offenders may be so committed.

(3) The Governor-General may make regulations, not inconsistent with the Act, relating to all or any of the following matters or things in regard to any prisons or detention barracks established or premises or portions thereof deemed to be detention barracks under this section, namely—

(*a*) supervision and management;
(*b*) discipline of the staff, offenders and inmates;
(*c*) the admission, safe custody and release of offenders and inmates;
(*d*) the remission of sentences for good behaviour;
(*e*) the labour or compulsory labour that may be performed by offenders;
(*f*) the punishments, not including corporal punishment, which may be imposed for offences in such establishments and the persons by whom and the manner in which such punishments may be imposed or executed;
(*g*) the powers of the officers in charge of such establishments;
(*h*) the restraint which may be applied to offenders;
(*i*) visitors;
(*j*) inspections;
(*k*) death of offenders and inmates;
(*l*) the extent to which all or any of the regulations under the Prisons and Reformatories Act, 1911 (Act No. 13 of 1911), may be applied to such prisons;
(*m*) any matters which he considers necessary or expedient for the purposes for which such prisons or barracks are established or such premises or portions thereof are intended.

HOW SENTENCES OF IMPRISONMENT AND DETENTION IMPOSED OUTSIDE THE UNION TO BE SERVED.

121. (1) The General Officer Commanding, South African Defence Force, may authorize any officer in command of troops on service beyond the borders of the Union to establish such detention barracks as may be deemed necessary by such officer, to which offenders sentenced to detention under this Code may be committed to serve such sentences.

(2) Any offender sentenced beyond the borders of the Union to imprisonment under this Code, shall be removed to the Union to serve such sentence: Provided that if owing to distance, lack of means of conveyance or other circumstances such removal is not reasonably practicable, the offender may serve his sentence or any portion thereof in detention barracks established under sub-section (1).

(3) The Minister may direct that offenders sentenced beyond the borders of the Union to imprisonment or detention under this Code, may serve any such sentence or portion thereof in any prison, detention barracks or like place of confinement established or controlled or supervised by any country or by the commander of any force serving in co-operation with the South African Defence Force.

(4) Any person beyond the borders of the Union who is charged or to be charged with an offence under this Code, which offence would normally be tried by a general court martial, may be committed to and detained in any prison, detention barracks or like place of confinement mentioned in sub-section (3), while such offender is awaiting trial or confirmation of sentence: Provided that no officer shall be so committed or detained unless the consent of the convening authority under whose command such officer is serving has been obtained.

(5) The regulations applicable to detention barracks in the Union shall apply to detention barracks established under sub-section (1): Provided that the officer in general command of the South African Defence Force

geag die bevinding of vonnis te wees van die hof wat die oorspronklike vonnis gevel het.

BEVELVOERENDE GENERAAL KAN ENIGE VONNIS KWYTSKELD, VERSAG OF VERANDER.

117. Die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, kan na goeddunke enige vonnis wat 'n oortreder deur 'n militêre hof opgelê is, kwytskeld, versag of verander.

WANNEER VONNIS 'N AANVANG NEEM.

118. (1) Behalwe soos andersins bepaal of voorgeskryf, neem iedere vonnis 'n aanvang of word dit geag 'n aanvang te neem onmiddellik nadat die vonnis in ope sitting bekend gemaak is.

(2) Waar 'n vonnis gewysig word na 'n vonnis van gevangenisstraf, detensie of veldstraf, word die gevangenisstraf, detensie of veldstraf geag op die datum van inwerkingtreding van die vonnis wat aldus gewysig word 'n aanvang te geneem het.

WAAR VONNISSE VAN GEVANGENISSTRAF, DETENSIE OF VELDSTRAF UITGEDIEN MOET WORD.

119. Die geheel of enige deel van 'n vonnis van gevangenisstraf of veldstraf kan, en 'n vonnis van detensie moet, in 'n detensiekaserne uitgedien word.

GOEWERNEUR-GENERAAL KAN GEVANGENISSE EN DETENSIEKASERNES STIG EN REGULASIES IN VERBAND DAARMEE UITVAARDIG.

120. (1) Die Goewerneur-generaal kan een of meer gevangenisse in die Unie stig waarheen oortreders wat ingevolge hierdie Reglement tot gevangenisstraf gevonnis is, verwys kan word om die vonnisse uit te dien, of kan gelas dat 'n oortreder wat aldus gevonnis is na 'n bandietetronk of tronk gestig ingevolge die „Wet op Gevangenissen en Verbetergestichten, 1911" (Wet No. 13 van 1911), gestuur word.

(2) Die Goewerneur-generaal kan een of meer detensiekasernes in die Unie stig waarheen oortreders wat ingevolge hierdie Reglement tot detensie gevonnis is, verwys kan word om dié vonnisse uit te dien, of kan gelas dat sekere persele of gedeeltes van persele geag word detensiekasernes te wees waarheen sulke oortreders aldus verwys kan word.

(3) Die Goewerneur-generaal kan regulasies wat nie met die Wet onbestaanbaar is nie, uitvaardig betreffende enige van of al die volgende aangeleenthede of sake met betrekking tot gevangenisse of detensiekasernes kragtens hierdie artikel gestig of persele of gedeeltes van persele ingevolge daarvan geag detensiekasernes te wees, naamlik—

(*a*) toesig en beheer;
(*b*) dissipline van die personeel, oortreders en aangehoudenes;
(*c*) die toelating, veilige bewaring en ontslag van oortreders en aangehoudenes;
(*d*) die kwytskelding van vonnisse weens goeie gedrag;
(*e*) die arbeid of dwangarbeid wat oortreders mag verrig;
(*f*) die strawwe, uitgesonderd lyfstraf, wat weens misdrywe in sulke inrigtings opgelê kan word, en die persone deur wie en die wyse waarop bedoelde strawwe opgelê of ten uitvoer gelê kan word;
(*g*) die bevoegdhede van die offisiere in bevel van sulke inrigtings;
(*h*) die dwang wat op oortreders toegepas mag word;
(*i*) besoekers;
(*j*) inspeksies;
(*k*) dood van oortreders en aangehoudenes;
(*l*) die mate waarin die regulasies of enige van die regulasies ingevolge die „Wet op Gevangenissen en Verbetergestichten, 1911" (Wet No. 13 van 1911), op sulke gevangenisse toegepas kan word;
(*m*) alle aangeleenthede wat hy nodig of dienstig ag vir die doeleindes waarvoor die gevangenisse en kasernes gestig word of sodanige persele en gedeeltes daarvan bestem is.

HOE VONNISSE VAN GEVANGENISSTRAF EN DETENSIE, BUITE DIE UNIE OPGELÊ, UITGEDIEN MOET WORD.

121. (1) Die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, kan enige offisier in bevel van 'n troepemag wat krygsdiens buite die grense van die Unie doen, magtig om detensiekasernes op te rig wat so 'n offisier nodig ag, waarheen oortreders kragtens hierdie Reglement tot detensie gevonnis, verwys kan word om sulke vonnisse uit te dien.

(2) 'n Oortreder wat buite die grense van die Unie kragtens hierdie Reglement tot gevangenisstraf gevonnis is, word na die Unie verwyder om die vonnis uit te dien: Met dien verstande dat indien sodanige verwydering weens afstand, gebrek aan vervoermiddele of ander omstandighede nie redelikerwys doenlik is nie, die oortreder sy vonnis of 'n deel daarvan in 'n kragtens sub-artikel (1) gestigte detensiekaserne kan uitdien.

(3) Die Minister kan gelas dat oortreders wat buite die grense van die Unie kragtens hierdie Reglement tot gevangenisstraf of detensie gevonnis is, die vonnis of 'n deel daarvan kan uitdien in enige tronk, detensiekaserne of soortgelyke plek van opsluiting, opgerig of beheer deur of onder toesig van enige land of deur die bevelvoerder van enige mag wat in samewerking met die Suid-Afrikaanse Weermag optree.

(4) Iemand buite die grense van die Unie wat weens 'n misdryf ingevolge hierdie Reglement aangekla word of staan te word, watter misdryf in die reël deur 'n algemene krygsraad verhoor sou word, kan terwyl hy verhoor of bekragtiging van vonnis afwag, na enige gevangenis, detensiekaserne of soortgelyke opsluitplek in sub-paragraaf (3) vermeld, verwys en aldaar aangehou word: Met dien verstande dat geen offisier aldus verwys of aangehou word nie tensy die toestemming van die beleggende outoriteit onder wie se bevel die offisier dien daartoe verkry is.

(5) Die regulasies van toepassing op detensiekasernes in die Unie geld ook vir detensiekasernes kragtens sub-artikel (1) opgerig: Met dien verstande dat die offisier wat algemene bevel voer oor die Suid-

in the area in which such detention barracks are situated may in writing authorize such amendments or additions to the regulations for such detention barracks as local or service conditions render necessary or advisable: Provided further that such amendments or additions shall not make the conditions more severe for offenders or inmates.

PERSON IN CHARGE OF PRISON, ETC., MUST RECEIVE AND DETAIN PERSON CHARGED UNDER CODE.

122. Every superintendent or other person in charge of any prison, gaol, police cell or lock-up in the Union shall receive, admit, keep in custody or release from custody any person charged with an offence under this Code, or committed or sentenced thereunder, in accordance with the regulations in force in respect of such prison, gaol, cell or lock-up and in compliance with the warrant of committal or release given to him by the commanding officer of the person charged or sentenced or by any other prescribed officer.

UNSOUNDNESS OF MIND AT TIME OF COMMISSION OF OFFENCE.

123. Whenever a military court trying an accused for an offence under this Code is satisfied from evidence (including medical evidence) given before it that at the time of the commission of the offence the accused was mentally disordered or defective so as not to be responsible according to law for the act or omission constituting the offence, it shall find the accused not guilty.

UNSOUNDNESS OF MIND WHILE UNDER ARREST OR IN CUSTODY.

124. (1) If any person while under arrest or in custody in the Union on a charge under this Code, is committed by a magistrate to an institution under the provisions of the Mental Disorders Act, 1916 (Act No. 38 of 1916), the charge may in the discretion of the Adjutant-General be withdrawn or be proceeded with when such person is fit to stand his trial.

(2) (*a*) If any person under arrest or in custody beyond the borders of the Union on a charge under this Code is, in the opinion of two registered medical practitioners appointed by the senior military medical authority in the area concerned, mentally disordered or defective as defined in the Mental Disorders Act, 1916 (Act No. 38 of 1916), he shall be committed by his commanding officer to such hospital, prison, detention barracks or other place as the circumstances may permit and shall be detained therein in safe custody until his removal to the Union can reasonably be effected or until he is fit to stand his trial, whichever is the earlier.

(*b*) With the concurrence of the Adjutant-General or his authorized representative, the charge against such person may be withdrawn by the commanding officer on such committal or it may be proceeded with when such person is fit to stand his trial.

UNSOUNDNESS OF MIND UPON ARRAIGNMENT OR DURING TRIAL IN UNION

125. (1) If upon arraignment before a military court in the Union on a charge for an offence under this Code, or at any time during the trial and before the finding, an accused appears to be incapable of understanding the proceedings at the trial, the court shall report the condition of the accused to the magistrate of the district and order that the accused be detained in proper custody until the decision of the magistrate is made known.

(2) If such accused is not committed by the magistrate to an institution under the provisions of the Mental Disorders Act, 1916 (Act No. 38 of 1916), he may be charged before the same or some other court.

(3) If the accused is committed by the magistrate to an institution under the provisions of that Act, the charge against him may, in the discretion of the Adjutant-General be withdrawn or may, when the accused is fit to stand his trial, be proceeded with before the same court or be commenced *de novo* before another court.

UNSOUNDNESS OF MIND UPON ARRAIGNMENT OR DURING TRIAL OUTSIDE THE UNION.

126. (1) If when an accused is arraigned before a military court beyond the borders of the Union on a charge for an offence under this Code, or at any time during the trial and before the finding, it appears to the court that the accused is not capable of understanding the proceedings at the trial, the court shall hear evidence, including medical evidence, to determine whether the accused is capable of understanding the proceedings at the trial so as to make a proper defence.

(2) If the court finds that the accused is so capable the trial shall proceed.

(3) If the court finds that the accused is not so capable, it shall order—

(*a*) that the accused be removed to the Union and there detained in detention barracks or some other prescribed place pending the signification of the Governor-General's decision; and

(*b*) that pending his removal to the Union, he be detained in a hospital, prison, detention barracks or other place as circumstances may permit.

Afrikaanse Weermag in die gebied waar so 'n detensiekaserne geleë is, skriftelik sulke wysigings van of byvoegings tot die regulasies vir so 'n detensiekaserne kan magtig as wat die plaaslike of diensomstandighede nodig of raadsaam maak: Met dien verstande voorts dat sulke wysigings of byvoegings nie die toestande vir oortreders of aangehoudenes meer beswarend maak nie.

PERSOON IN BEVEL VAN GEVANGENIS, ENS., MOET IEMAND ONDER REGLEMENT AANGEKLA, ONTVANG EN AANHOU.

122. Iedere superintendent of ander persoon in bevel van 'n bandietetronk, tronk, polisiesel of opsluitplek in die Unie, moet iemand wat weens 'n misdryf ingevolge hierdie Reglement aangekla word, of wat daarkragtens vir bewaring verwys of gevonnis is, ontvang, toelaat, in bewaring hou of uit bewaring ontslaan ooreenkomstig die regulasies van krag ten opsigte van daardie bandietetronk, tronk, sel of opsluitplek en in ooreenstemming met die lasbrief tot gevangesetting of vrylating aan hom verstrek deur die bevelvoerder van die persoon wat aangekla of gevonnis is of deur 'n ander voorgeskrewe offisier.

KRANKSINNIGHEID TEN TYDE VAN PLEEG VAN MISDRYF.

123. Wanneer 'n militêre hof wat 'n beskuldigde weens 'n misdryf ingevolge hierdie Reglement verhoor, oortuig is op grond van die getuienis (met inbegrip van mediese getuienis) wat voor hom afgelê is dat die beskuldigde toe hy die misdryf gepleeg het, geestelik gekrenk of gebrekkig was sodat hy regtens nie aanspreeklik is vir die daad of versuim wat die misdryf uitmaak nie, moet die hof die beskuldigde onskuldig bevind.

KRANKSINNIGHEID TERWYL IN ARRES OF BEWARING.

124. (1) Indien iemand terwyl hy weens 'n aanklag ingevolge hierdie Reglement in die Unie in arres of bewaring is, kragtens die bepalings van die „Wet op Geestesgebreken, 1916" (Wet No. 38 van 1916), deur 'n magistraat na 'n inrigting verwys word, kan die aanklag na die goeddunke van die Adjudant-generaal teruggetrek word of kan daarmee voortgegaan word wanneer so iemand in staat is om verhoor te word.

(2) (*a*) Indien iemand wat buite die grense van die Unie weens 'n aanklag ingevolge hierdie Reglement in arres of bewaring verkeer, volgens die oordeel van twee geregistreerde geneeshere deur die senior militêre mediese outoriteit in die betrokke gebied aangestel, geestelik gekrenk of gebrekkig is soos in die „Wet op Geestesgebreken, 1916" (Wet No. 38 van 1916), omskryf, word hy deur sy bevelvoerder na 'n hospitaal, tronk, detensiekaserne of ander plek, al na die omstandighede toelaat, verwys en aldaar in veilige bewaring aangehou totdat hy redelikerwys na die Unie gebring kan word of totdat hy in staat is om verhoor te word, wat ook al die eerste voorval.

(*b*) Met instemming van die Adjudant-generaal of sy gemagtigde verteenwoordiger, kan die aanklag teen so 'n persoon by sodanige verwysing deur sy bevelvoerder teruggetrek word of kan daarmee voortgegaan word sodra hy in staat is om verhoor te word.

KRANKSINNIGHEID TYDENS VOORBRENGING OF GEDURENDE VERHOOR IN DIE UNIE.

125. (1) Indien tydens voorbrenging voor 'n militêre hof in die Unie op 'n aanklag weens 'n misdryf ingevolge hierdie Reglement, of te eniger tyd gedurende die verhoor en voor die bevinding, blyk dat die beskuldigde nie in staat is om die verrigtings by die verhoor te begryp nie, rapporteer die hof die beskuldigde se toestand aan die magistraat van die distrik en beveel hy dat die beskuldigde in behoorlike bewaring gehou word totdat die magistraat se beslissing bekend gemaak word.

(2) Indien die beskuldigde nie kragtens die bepalings van die „Wet op Geestesgebreken, 1916" (Wet No. 38 van 1916), deur die magistraat na 'n inrigting verwys word nie, kan hy voor dieselfde of 'n ander hof aangekla word.

(3) Indien die beskuldigde kragtens die bepalings van daardie Wet deur die magistraat na 'n inrigting verwys word, kan die aanklag teen hom na die goeddunke van die Adjudant-generaal teruggetrek word, of kan wanneer die beskuldigde in staat is om verhoor te word voor dieselfde hof daarmee voortgegaan word of *de novo* voor 'n ander hof daarmee begin word.

KRANKSINNIGHEID TYDENS VOORBRENGING OF GEDURENDE VERHOOR BUITE DIE UNIE.

126. (1) Indien wanneer 'n beskuldigde buite die grense van die Unie op 'n aanklag weens 'n misdryf ingevolge hierdie Reglement voor 'n militêre hof gebring word, of te eniger tyd gedurende die verhoor en voor die bevinding, die hof van oordeel is dat die beskuldigde nie in staat is om die verrigtings by die verhoor te begryp nie, moet die hof getuienis, met inbegrip van mediese getuienis, aanhoor om vas te stel of die beskuldigde in staat is om die verrigtings by die verhoor te begryp en 'n behoorlike verweer aan te voer.

(2) Indien die hof bevind dat die beskuldigde aldus in staat is, word die verhoor voortgesit.

(3) Indien die hof bevind dat die beskuldigde nie aldus in staat is nie, beveel hy—

(*a*) dat die beskuldigde na die Unie verwyder en daar in 'n detensiekaserne of ander voorgeskrewe plek aangehou word in afwagting van die bekendmaking van die Goewerneur-generaal se beslissing; en

(*b*) dat hy in afwagting van sy verwydering na die Unie in 'n hospitaal, gevangenis, detensiekaserne of ander plek aangehou word, al na die omstandighede toelaat.

(4) Indien 'n beskuldigde van wie aldus bevind is dat hy nie in staat is om die verrigtings te begryp nie, in staat word om verhoor te word,

(4) If an accused so found incapable of understanding the proceedings becomes fit to stand his trial, whether before removal to the Union or thereafter, he may be charged and tried for the offence.

ONLY AUTHORIZED DEDUCTIONS MAY BE MADE FROM PAY.

127. (1) The pay of any member of the South African Defence Force shall be paid without any deductions other than—

(*a*) such deductions as are authorized by the Act or this Code or as may be required to be made by virtue of any provision of the Exchequer and Audit Act, 1956 (Act No. 23 of 1956);

(*b*) deductions in settlement of a debt due to the Government; or

(*c*) deductions in pursuance of a garnishee order issued in terms of any law in force in the Union.

(2) Any deductions from the pay of a member of the South African Defence Force made in terms of sub-section (1), at the date of death, termination of appointment, retirement or discharge of the member concerned, shall be made in the order in which the paragraphs under which those deductions are made, appear in that sub-section.

FORFEITURES OF PAY.

128. (1) Every person subject to this Code shall forfeit his full pay for every period during which—

(*a*) he has been absent from duty, whether on desertion or without leave, in respect of which he has been convicted by a competent court;

(*b*) he has been detained in arrest for an offence in respect of which—

(i) he has been sentenced to imprisonment; or

(ii) a sentence referred to in paragraph (*d*) has been imposed upon him;

(*c*) he has been imprisoned in pursuance of a sentence of a competent court;

(*d*) he has been under detention or field punishment in pursuance of a sentence of a competent court with which there has been combined a sentence of cashiering or discharge, whether with ignominy or otherwise;

(*e*) he is in hospital in consequence of an offence under paragraph (*b*) of section *eighteen* of which he has been convicted by a competent court;

(*f*) he has been detained in the custody of the South African Police for an offence in respect of which he has been convicted by a competent court;

(*g*) he is absent from duty as a prisoner of war due to his own wilful act or omission;

(*h*) he voluntarily serves the enemy;

(*i*) he has been on bail or released on his own recognizance by a civil court but failed to return to duty; or

(*j*) he is not on duty owing to his having been ordered by the Adjutant-General not to return to duty during any period subsequent to his release from arrest pending trial, whether on bail or on his own recognizance or otherwise, in respect of an offence of which he has thereafter been convicted.

(2) Any person subject to this Code shall in respect of any period of detention in arrest for an offence in respect of which a sentence other than imprisonment or a sentence referred to in paragraph (*d*) of sub-section (1), has been imposed upon him, or any period of detention or field punishment served by him in pursuance of a sentence of a competent court other than a sentence referred to in paragraph (*d*) of sub-section (1), forfeit—

(*a*) if he is married, one-half of his pay, which in the application of this paragraph shall not include any cost of living allowance to which he may be entitled; or

(*b*) if he is unmarried, any cost of living allowance to which he may be entitled, and four-fifths of that portion of his pay remaining after deduction of such allowance.

(3) For the purpose of this section the full pay of any person subject to the Code or such portion thereof as the General Officer Commanding, S.A. Defence Force, or an officer authorised by him may determine shall be withheld as from the date upon which such person has been absent without leave, taken into custody or prisoner of war or admitted to hospital or released from arrest whether on bail, his own recognizance or otherwise, for the period during which he is so absent, in custody, a prisoner, in hospital or released from arrest, until such time as it has been established whether he shall forfeit his pay in terms of sub-section (1) or (2).

(4) The full amount withheld under sub-section (3) shall be paid to the person from whom it was withheld if he is exonerated by any court of competent jurisdiction or if he is not charged before any such court within a reasonable time.

DEDUCTIONS FROM PAY.

129. (1) Whenever a military court convicts any person subject to this Code of an offence, and any act or omission constituting such offence has caused any loss of or damage to public property, the court shall order that the accused be placed under deductions of pay to the amount of the loss, damage or injury: Provided that where the court is satisfied that the offence was not committed wilfully it may order that the accused be placed under deductions of pay to such lesser amount as it may in its discretion determine.

(2) Where more than one person has been so convicted, the court shall for the purpose of making an order under sub-section (1), order that all the offenders be placed under deductions of pay in such a manner as to ensure that the amount in question will be recovered from them jointly and severally.

(3) Whenever a military court convicts a person subject to this Code of having negligently lost his kit, equipment or arms or any property on issue to him at public expense, or of having in contravention of section *twenty-four* negligently damaged or destroyed property on issue to him at public expense, it shall, notwithstanding anything to the contrary contained in sub-section (1), order the offender to satisfy his commanding officer, within a period specified in the order, that he has replaced the

hetsy voor of na sy verwydering na die Unie, kan hy weens die misdryf aangekla en verhoor word.

SLEGS GEOORLOOFDE AFTREKKINGS VAN SOLDY TOEGELAAT.

127. (1) Die soldy van 'n lid van die Suid-Afrikaanse Weermag word uitbetaal sonder enige aftrekkings, behalwe—

(*a*) aftrekkings wat deur die Wet of hierdie Reglement gemagtig word of wat uit hoofde van 'n bepaling van die „Skatkis- en Ouditwet, 1956" (Wet No. 23 van 1956) gemaak moet word;
(*b*) aftrekkings ter aansuiwering van skuld aan die Regering; of
(*c*) aftrekkings ingevolge 'n skuldbeslagorder onder 'n in die Unie geldende wet uitgereik.

(2) Aftrekkings wat kragtens sub-artikel (1) op die datum van die dood, beëindiging van aanstelling, aftreding of afdanking van 'n lid van die Suid-Afrikaanse Weermag van daardie lid se soldy gemaak word, geskied in die volgorde waarin die paragrawe ingevolge waarvan daardie aftrekkings gemaak word, in daardie sub-artikel verskyn.

VERBEURING VAN SOLDY.

128. (1) Elke aan hierdie Reglement onderworpe persoon verbeur sy volle soldy vir elke tydperk wat hy—

(*a*) van diens afwesig was, hetsy weens desersie of sonder verlof, ten opsigte waarvan hy deur 'n bevoegde hof skuldig bevind is;
(*b*) in arres aangehou is weens 'n misdryf ten opsigte waarvan—
  (i) hy tot gevangenisstraf gevonnis is; of
  (ii) 'n in paragraaf (*d*) bedoelde vonnis hom opgelê is;
(*c*) ingevolge 'n vonnis van 'n bevoegde hof gevangenisstraf uitgedien het;
(*d*) ingevolge 'n vonnis van 'n bevoegde hof detensie of veldstraf uitgedien het, waarmee 'n vonnis van kassering of ontslag, hetsy met oneer of andersins, gepaard gegaan het;
(*e*) in 'n hospitaal deurbring ten gevolge van 'n misdryf ingevolge paragraaf (*b*) van artikel *agtien*, waaraan hy deur 'n bevoegde hof skuldig bevind is;
(*f*) in die bewaring van die Suid-Afrikaanse Polisie aangehou is weens 'n misdryf ten opsigte waarvan hy deur 'n bevoegde hof skuldig bevind is;
(*g*) as krygsgevangene van diens afwesig is uit hoofde van sy eie opsetlike daad of versuim;
(*h*) vrywilliglik die vyand dien;
(*i*) deur 'n burgerlike hof onder borgtog of eie borgakte vrygelaat is maar versuim het om tot diens terug te keer; of
(*j*) nie in diens is nie omdat hy deur die Adjudant-generaal beveel is om nie na sy diens terug te keer nie gedurende enige tydperk na sy vrylating uit hegtenis hangende verhoor, hetsy onder borgtog of eie borgakte of andersins, ten opsigte van 'n misdryf waaraan hy daarna skuldig bevind is.

(2) 'n Aan hierdie Reglement onderworpe persoon verbeur ten opsigte van enige tydperk van aanhouding in arres weens 'n misdryf ten opsigte waarvan 'n ander vonnis as gevangenisstraf of 'n in paragraaf (*d*) van sub-artikel (1) bedoelde vonnis hom opgelê is, of enige tydperk van detensie of veldstraf deur hom uitgedien ingevolge 'n vonnis, behalwe 'n in paragraaf (*d*) van sub-artikel (1) bedoelde vonnis, wat hom deur 'n bevoegde hof opgelê is—

(*a*) indien hy getroud is, die helfte van sy soldy, wat by die toepassing van hierdie paragraaf nie enige lewenskostetoelae waarop hy geregtig mag wees, insluit nie; of
(*b*) indien hy ongetroud is, enige lewenskostetoelae waarop hy geregtig mag wees, en vier-vyfdes van die gedeelte van sy soldy wat na aftrekking van bedoelde toelae oorbly.

(3) By die toepassing van hierdie artikel word die volle soldy van iemand aan die Reglement onderworpe of so 'n deel daarvan as wat die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, of 'n deur hom gemagtigde offisier mag bepaal, weerhou vanaf die datum waarop daardie persoon sonder verlof afwesig was, in arres of as krygsgevangene aangehou of in 'n hospitaal opgeneem of uit arres vrygelaat is, hetsy onder borgtog of eie borgakte of andersins, vir die tydperk waarin hy aldus afwesig, in arres of 'n krygsgevangene was of in 'n hospitaal verkeer het, of uit arres vrygelaat is, totdat vasgestel is of hy ooreenkomstig sub-artikel (1) of (2) sy soldy moet verbeur.

(4) Die hele bedrag wat kragtens sub-artikel (3) weerhou is, word uitbetaal aan die persoon van wie dit weerhou is, indien hy deur 'n bevoegde hof vrygespreek word of indien hy nie binne 'n redelike tydperk voor so 'n hof aangekla word nie.

SOLDYAFTREKKINGS.

129. (1) Wanneer 'n militêre hof 'n aan hierdie Reglement onderworpe persoon aan 'n misdryf skuldig bevind, en enige handeling of versuim wat die misdryf uitmaak verlies van of skade aan Staatseiendom teweeggebring het, moet die hof beveel dat die beskuldigde onder aftrekking van soldy geplaas word vir die bedrag van die verlies of skade: Met dien verstande dat waar die hof oortuig is dat die misdryf nie opsetlik gepleeg was nie, hy kan beveel dat die beskuldigde onder aftrekking van soldy geplaas word vir so 'n mindere bedrag as wat hy na goeddunke bepaal.

(2) Waar meer as een persoon aldus skuldig bevind is, beveel die hof vir die doel van 'n bevel kragtens sub-artikel (1) dat al die oortreders onder aftrekking van soldy geplaas word op 'n wyse wat sal verseker dat die betrokke bedrag op hulle gesamentlik en afsonderlik verhaal sal word.

(3) Wanneer 'n militêre hof 'n aan hierdie Reglement onderworpe persoon daaraan skuldig bevind dat hy sy mondering, uitrusting of wapens of enige eiendom op Staatskoste aan hom uitgereik weens nalatigheid verloor het, of dat hy in stryd met artikel *vier-en-twintig* eiendom op Staatskoste aan hom uitgereik weens nalatigheid beskadig of vernietig het, beveel die hof ondanks andersluidende bepalings van sub-artikel (1) dat die oortreder sy bevelvoerder binne 'n in die bevel

articles of kit, equipment, arms or property in respect of which he was convicted.

(4) Any person who fails to comply with an order made against him under sub-section (3), shall be guilty of an offence and liable on conviction to imprisonment for a period not exceeding six months.

Fine may be Deducted from Pay.

130. Whenever a military court sentences any person subject to this Code to pay a fine, it may order that such person be placed under deductions of pay in the amount of the fine, and such amount may thereupon be deducted from such person's pay in such monthly instalments as may be determined by the Chief Paymaster of the South African Defence Force.

Maintenance Orders.

131. (1) If the General Officer Commanding, South African Defence Force, is satisfied—

(*a*) that a magistrate's court or a superior court has made an order against a member of the Permanent Force or against any member of the South African Defence Force performing service in defence of the Union, for the regular payment of a specified amount towards the maintenance of such member's wife or child, he may order that the member concerned be placed under deductions of pay for the amount of the order of court;

(*b*) that any member of the Permanent Force or any other member of the South African Defence Force performing service in defence of the Union, is not maintaining or adequately maintaining his wife or child, he may order that the member concerned be placed under deductions of pay for such amount as, in all the circumstances of the case, he considers to be reasonable.

(2) Any amount deducted from a member's pay in pursuance of an order made under sub-section (1), shall be paid to the wife of the member concerned or to the legal guardian of the child concerned or to the magistrate of the district in which such wife or guardian resides for distribution to or on behalf of such wife or child as such magistrate may determine.

Garnishee Orders.

132. (1) Notwithstanding anything to the contrary in any other law contained no garnishee order shall be issued in terms of any law in force in the Union in respect of the pay of any member of the South African Defence Force while he is on service beyond the borders of the Union or before the expiration of a period of three months after his return to the Union.

(2) The provisions of paragraph (*c*) of sub-section (1) of section *one hundred and twenty-seven* shall not apply to the pay of any such member while he is on such service or during the said period in respect of any garnishee order issued while such member was not on such service.

General Officer Commanding may remit Deductions or Forfeitures.

133. Whenever the General Officer Commanding, South African Defence Force, is satisfied that any forfeiture of the pay of a member of the South African Defence Force, made under section *one hundred and twenty-eight*, will, having regard to the member's pay and the nature of the offence, if any, create or result in undue hardship, he may remit the whole or any portion of such forfeiture.

Redress of Wrongs.

134. (1) Any person subject to this Code (hereinafter in this section referred to as "the complainant") who is aggrieved by any act or ommission of any other person subject to this Code, may complain in writing to his commanding officer, and if such complaint is against the commanding officer or such commanding officer is unable to redress the wrong or otherwise to satisfy the complainant within a reasonable time, such commanding officer shall refer the complaint to the officer under whose command he is serving who holds a warrant to convene courts martial.

(2) Such latter officer shall, if he is unable to redress the wrong or otherwise to satisfy the complainant, without unreasonable delay transmit the complaint to the appropriate chief of staff for decision, and such chief of staff shall, if he is unable to redress the wrong or to satisfy the complainant, without delay transmit the complaint to the General Officer Commanding, South African Defence Force.

(3) If the General Officer Commanding, South African Defence Force, is unable to redress the wrong or otherwise to satisfy the complainant, he shall, if requested by the complainant to do so, transmit the complaint to the Governor-General, whose decision shall be final.

(4) If an officer who has received a complaint transmits such complaint to higher authority in terms of this section, he shall notify the complainant of such transmission at the time thereof.

(5) Any person who has lodged a complaint with his commanding officer and whose wrong is not redressed or who is not otherwise satisfied within a reasonable time, or who has not been advised within a reasonable

bepaalde tydperk tevrede moet stel dat hy die mondering, uitrusting, wapens of eiendom ten opsigte waarvan hy skuldig bevind is, vervang het.

(4) Iemand wat versuim om te voldoen aan 'n bevel wat kragtens sub-artikel (3) teen hom uitgereik is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir 'n tydperk van hoogstens ses maande.

BOETE KAN VAN SOLDY AFGETREK WORD.

130. Wanneer 'n militêre hof 'n aan hierdie Reglement onderworpe persoon tot 'n boete vonnis, kan die hof beveel dat die persoon onder aftrekking van soldy geplaas word vir die bedrag van die boete, en bedoelde bedrag kan daarop in sulke maandelikse paaiemente van daardie persoon se soldy afgetrek word as wat die Hoofbetaalmeester van die Suid-Afrikaanse Weermag mag bepaal.

ONDERHOUDSORDERS.

131. (1) Indien die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, oortuig is—

(*a*) dat 'n magistraats- of hoërhof 'n order teen 'n lid van die Staande Mag of teen enige lid van die Suid-Afrikaanse Weermag wat diens ter verdediging van die Unie doen, uitgereik het vir die gereelde betaling van 'n vermelde bedrag as onderhoud vir die lid se vrou of kind, kan hy gelas dat die betrokke lid onder aftrekking van soldy geplaas word vir die bedrag in die order van die hof bepaal;

(*b*) dat 'n lid van die Staande Mag of enige ander lid van die Suid-Afrikaanse Weermag wat diens ter verdediging van die Unie doen, nie sy vrou of kind onderhou of voldoende onderhou nie, kan hy beveel dat die betrokke lid onder aftrekking van soldy geplaas word vir so 'n bedrag as wat hy onder al die omstandighede van die geval redelik ag.

(2) Enige bedrag wat uit hoofde van 'n ingevolge sub-artikel (1) uitgevaardigde order van 'n lid se soldy afgetrek word, word betaal aan die vrou van die betrokke lid of die wettige voog van die betrokke kind of aan die magistraat van die distrik waarin die vrou of voog woon, vir oorbetaling aan of ten behoewe van die vrou of kind na gelang die magistraat mag bepaal.

SKULDBESLAGORDERS

132. (1) Ondanks andersluidende ander wetsbepalings word geen skuldbeslagorder ingevolge 'n in die Unie geldende wet uitgereik nie ten opsigte van die soldy van 'n lid van die Suid-Afrikaanse Weermag terwyl hy buite die grense van die Unie in krygsdiens is, of voor die verstryking van 'n tydperk van drie maande na sy terugkeer na die Unie.

(2) Die bepalings van paragraaf (*c*) van sub-artikel (1) van artikel *honderd sewe-en-twintig* is nie op die soldy van so 'n lid terwyl hy in sodanige krygsdiens is of gedurende vermelde tydperk van toepassing nie ten opsigte van 'n skuldbeslagorder wat uitgereik is terwyl bedoelde lid nie in sodanige krygsdiens was nie.

BEVELVOERENDE GENERAAL KAN SOLDYAFTREKKINGS OF VERBEURINGS VAN SOLDY KWYTSKELD.

133. Wanneer die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, oortuig is dat 'n verbeuring van die soldy van 'n lid van die Suid-Afrikaanse Weermag ingevolge artikel *honderd agt-en-twintig*, met inagneming van die lid se soldy en die aard van die misdryf, as daar is, buitensporige ontbering sal veroorsaak of meebring, kan hy die geheel of enige gedeelte van daardie verbeuring kwytskeld.

HERSTEL VAN GRIEWE

134. (1) 'n Aan hierdie Reglement onderworpe persoon (hieronder in hierdie artikel „die klaer" genoem) wat hom deur 'n handeling of versuim van 'n ander aan hierdie Reglement onderworpe persoon veronreg ag, kan skriftelik by sy bevelvoerder kla, en indien die klagte teen die bevelvoerder is, of indien die bevelvoerder nie in staat is om die onreg te herstel of die klaer andersins binne redelike tyd tevrede te stel nie, verwys die bevelvoerder die klagte na die offisier onder wie se bevel hy dien wat by bevelskrif gemagtig is om krygsrade te belê.

(2) Indien laasbedoelde offisier nie in staat is om die grief te herstel of die klaer andersins tevrede te stel nie, stuur hy die klagte sonder onredelike versuim na die gepaste stafhoof vir beslissing, en bedoelde stafhoof moet, indien hy nie in staat is om die onreg te herstel of die klaer tevrede te stel nie, die klagte sonder versuim aan die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, stuur.

(3) Indien die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, nie in staat is om die onreg te herstel of die klaer andersins tevrede te stel nie, stuur hy, indien die klaer hom daartoe versoek, die klagte aan die Goewerneur-generaal wie se beslissing afdoende is.

(4) Indien 'n offisier wat 'n klagte ontvang het, die klagte ooreenkomstig hierdie artikel na 'n hoër gesag stuur, moet hy die klaer tydens die deursending daarvan in kennis stel.

(5) Iemand wat 'n klagte by sy bevelvoerder ingedien het en wie se veronregting nie herstel of wat nie binne 'n redelike tyd andersins tevrede gestel is nie, of wat nie binne redelike tyd in kennis gestel is dat

time that his complaint has been sent to higher authority, may complain directly to such higher authority and ultimately to the General Officer Commanding, South African Defence Force: Provided that such complainant shall send a copy of such further complaint to his commanding officer at the same time as he complains to higher authority or the General Officer Commanding, South African Defence Force.

BOARD OF INQUIRY IN RELATION TO ABSENCE WITHOUT LEAVE.

135. (1) When any person has been absent without leave for more than thirty days, a board of inquiry may be convened to inquire into such absence and into any deficiencies there may be in his kit, arms and equipment or any articles of public property whatsoever on issue to him.

(2) Such board of inquiry shall be convened and shall conduct its inquiry in the prescribed manner and take evidence on oath, for which purpose the president may administer the prescribed oath to witnesses.

(3) If the board of inquiry finds that such person has been so absent for more than thirty days and is still so absent, it shall record such finding, including the date of the commencement of the absence without leave, as also its finding on any deficiencies of his kit, arms and equipment and any articles of public property on issue to him and the estimated value thereof.

(4) If such person is not thereafter arrested, or until he is arrested, the finding of the board of inquiry shall have the force and effect of a finding of guilty by a court martial on a charge of desertion, and if there is any finding by the board of inquiry of any deficiencies, such finding shall have the force and effect of a finding of guilty on a charge of an offence under paragraph (*a*) of section *twenty-four*.

(5) A copy of any finding of a board of inquiry under this section, if duly certified to be a true copy of the original by the commanding officer of the person or the appropriate chief of staff or the officer in charge of the records of the said chief of staff, shall be admissible in evidence against such person on a charge of desertion or absence without leave or on a charge under paragraph (*a*) of section *twenty-four*, as proof of his absence without leave and of any deficiencies and the value thereof: Provided that such proof shall be rebuttable by such person.

BOARDS OF INQUIRY.

136. (1) The General Officer Commanding, South African Defence Force, or any prescribed officer may at any time or place convene a board of inquiry to inquire into any matter concerning the South African Defence Force, any member thereof or any public property or the property or affairs of any mess, wardroom or institute or any regimental or sports funds of the said Force, and to report thereon or to make a recommendation as may be directed.

(2) The president of any such board of inquiry is hereby empowered to administer the prescribed oath to witnesses at such inquiry.

ATTENDANCE OF WITNESSES AT AND COMPOSITION OF BOARD OF INQUIRY.

137. (1) The president of any board of inquiry convened under section *one hundred and thirty-five* or *one hundred and thirty-six*, may summon any person in the Union, whether or not otherwise subject to this Code, to attend such board of inquiry and to give evidence thereat: Provided that no person shall be required to answer any question at such inquiry which he could not in a civil court be compelled to answer.

(2) The composition of boards of inquiry, the method of convening such boards and the procedure to be followed by such boards shall be as prescribed.

ATTENDANCE OF WITNESSES AT MILITARY COURTS, PRELIMINARY INVESTIGATIONS OR BOARDS OF INQUIRY.

138. (1) Any person not subject to this Code who is required to give evidence or to produce any document or thing at any military court, a preliminary investigation or board of inquiry in the Union, may be summoned in the prescribed manner to attend such court, preliminary investigation or board and to give such evidence or produce such document or thing.

(2) Any person not subject to this Code who has been summoned in the prescribed manner to attend any military court, preliminary investigation or board of inquiry to give evidence or to produce any document or thing, and who fails to attend or refuses to be sworn or to answer any question which in similar proceedings in a civil court he could be compelled to answer, or fails or refuses to produce any document or thing which in similar proceedings in a civil court he could be compelled to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding one month.

COMPETENT BUT NOT COMPELLABLE WITNESS GIVING EVIDENCE OUTSIDE THE UNION.

139. If at any trial by a military court beyond the borders of the Union a competent but not compellable witness gives evidence but refuses to answer any question put to him by the court, or by the defence if he has been called by the prosecution, or by the prosecutor if he has been called by the defence, to which question he would be bound in law to reply

sy klagte aan 'n hoër gesag gestuur is nie, kan regstreeks by daardie hoër gesag en uiteindelik by die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, kla: Met dien verstande dat die klaer wanneer hy by 'n hoër gesag of die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, kla, gelyktydig daarmee 'n afskrif van die verdere klagte aan sy bevelvoerder moet stuur.

RAAD VAN ONDERSOEK MET BETREKKING TOT AFWESIGHEID SONDER VERLOF.

135. (1) Wanneer iemand vir meer as dertig dae sonder verlof afwesig was, kan 'n raad van ondersoek belê word om na die afwesigheid en na enige tekorte wat daar mag wees in sy mondering, wapens en uitrusting, of enige artikels hoegenaamd wat Staatseiendom is en wat aan hom uitgereik is, ondersoek in te stel.

(2) So 'n raad van ondersoek word belê en stel ondersoek in op die voorgeskrewe wyse, en neem getuienis onder eed af, en vir dié doel kan die president die voorgeskrewe eed aan getuies oplê.

(3) Indien die raad van ondersoek bevind dat bedoelde persoon vir meer as dertig dae aldus afwesig was en nog aldus afwesig is, notuleer hy die bevinding, met inbegrip van die aanvangsdatum van die afwesigheid sonder verlof, asook sy bevinding ten opsigte van enige tekorte in sy mondering, wapens en uitrusting en enige artikels aan hom uitgereik wat Staatseiendom is en die geraamde waarde daarvan.

(4) Indien so 'n persoon nie daarna gearresteer word nie, of totdat hy gearresteer is, het die bevinding van die raad van ondersoek die regskrag en uitwerking van 'n skuldigbevinding deur 'n krygsraad op 'n aanklag van desersie, en as die raad van ondersoek bevind dat daar enige tekorte is, het so 'n bevinding die regskrag en uitwerking van 'n skuldigbevinding op 'n aanklag weens 'n misdryf ingevolge paragraaf (*a*) van artikel *vier-en-twintig*.

(5) 'n Afskrif van enige bevinding van 'n raad van ondersoek ingevolge hierdie artikel, wat behoorlik as 'n ware afskrif van die oorspronklike bevinding gesertifiseer is deur die bevelvoerder van die persoon of die gepaste stafhoof of die offisier in beheer van die registers van bedoelde stafhoof, is toelaatbaar in getuienis teen bedoelde persoon op 'n aanklag van desersie of afwesigheid sonder verlof of op 'n aanklag kragtens paragraaf (*a*) van artikel *vier-en-twintig*, as bewys van sy afwesigheid sonder verlof en van enige tekorte en die waarde daarvan: Met dien verstande dat daardie bewys deur sodanige persoon weerlê kan word.

RADE VAN ONDERSOEK.

136. (1) Die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, of enige voorgeskrewe offisier kan te eniger tyd en op enige plek 'n raad van ondersoek belê om enige aangeleentheid betreffende die Suid-Afrikaanse Weermag, enige lid daarvan of enige Staatseiendom, of die eiendom of sake van 'n menasie, offisiersbak of inrigting, of enige regiments- of sportfonds van bedoelde Mag volgens opdrag te ondersoek en daaroor verslag te doen of 'n aanbeveling te maak.

(2) Die president van so 'n raad van ondersoek word hiermee gemagtig om by so 'n ondersoek die voorgeskrewe eed aan getuies op te lê.

VERSKYNING VAN GETUIES BY EN SAMESTELLING VAN RADE VAN ONDERSOEK.

137. (1) Die president van 'n raad van ondersoek wat ingevolge artikel *honderd vyf-en-dertig* of *honderd ses-en-dertig* belê is, kan enigiemand in die Unie, hetsy andersins aan hierdie Reglement onderworpe al dan nie, dagvaar om voor die raad van ondersoek te verskyn en aldaar getuienis af te lê: Met dien verstande dat niemand verplig kan word om by so 'n ondersoek enige vraag te beantwoord wat hy nie in 'n burgerlike hof verplig sou kon word om te beantwoord nie.

(2) Die samestelling van rade van ondersoek, die manier waarop sulke rade belê word, en die prosedure wat deur sulke rade toegepas moet word, is soos voorgeskryf.

VERSKYNING VAN GETUIES BY MILITÊRE HOWE, VOORLOPIGE ONDERSOEKE OF RADE VAN ONDERSOEK.

138. (1) Iemand wat nie aan hierdie Reglement onderworpe is nie en van wie verlang word om voor 'n militêre hof, by 'n voorlopige ondersoek of 'n raad van ondersoek in die Unie getuienis af te lê of 'n dokument of saak oor te lê, kan op die voorgeskrewe wyse gedagvaar word om voor daardie hof of by daardie voorlopige ondersoek of raad te verskyn en sodanige getuienis af te lê of sodanige dokument of saak oor te lê.

(2) Iemand wat nie aan hierdie Reglement onderworpe is nie en wat op die voorgeskrewe wyse gedagvaar is om voor 'n militêre hof, by 'n voorlopige ondersoek of 'n raad van ondersoek te verskyn en getuienis af te lê of 'n dokument of saak oor te lê, en wat versuim om te verskyn of weier om 'n eed af te lê of op 'n vraag te antwoord wat hy in 'n soortgelyke burgerlike geding verplig sou kon word om te beantwoord of versuim of weier om enige dokument of saak oor te lê wat hy in 'n soortgelyke geding voor 'n burgerlike hof verplig sou kon word om oor te lê, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyf-en-twintig pond of met gevangenisstraf vir 'n tydperk van hoogstens een maand.

BEVOEGDE MAAR NIE VERPLIGTE GETUIE WAT BUITE UNIE GETUIENIS AFLÊ.

139. Indien by die verhoor voor 'n militêre hof buite die grense van die Unie, 'n bevoegde maar nie verpligte getuie getuienis aflê, dog weier om enige vraag te beantwoord wat aan hom gestel word deur die hof of, indien hy deur die aanklaer opgeroep is, deur die verdediging, of, indien hy deur die verdediging opgeroep is, deur die aanklaer, waar hy

if he were a witness at such a trial in the Union, the court shall, if satisfied that the answer to the question is material, order the witness to stand down and strike the whole of his evidence from the record of the proceedings.

EVIDENCE.

140. (1) Whenever a person subject to this Code is required to produce at the trial before a civil or a military court of any person for an offence under this Code, any document made or intended for official use, such person may in lieu of the original document produce a copy certified by him to be a true copy of the original and such copy shall be as admissible in evidence as proof of its existence and of its contents as if it were the original: Provided that, if the accused so requests or if the charge is in respect of any alteration, defacement or forgery of a document, the original of such document shall be produced.

(2) A photographic reproduction of a document, if certified by the officer having the custody of the original to be a photographic reproduction of the original, shall be admissible in evidence before a military or civil court trying an offence under this Code, as if it were the original: Provided that, if the accused so requests or if the charge is in respect of any alteration, defacement or forgery of a document, the original of the document shall be produced.

(3) Any entry in the records of the South African Defence Force concerning the pay or any allowances of any person subject to this Code may, unless objection is made by any interested party, be proved in a civil or military court trying an offence under this Code by the production of a copy or a photographic reproduction of such entry if such a copy or reproduction purports to be certified by the officer having charge of the original record to be a true copy or reproduction, as the case may be, of such entry.

(4) Any attestation or enrolment paper purporting to have been signed by any person, shall be evidence of such person having given the answers to questions which he is therein represented as having given, and the contents of such attestation paper may, unless objection is made by any interested party be proved in evidence before a civil court or military court by the production of a copy or a photographic reproduction thereof, if certified to be a true copy or reproduction of the original by the officer having charge of the original.

(5) A certificate purporting to be signed by an officer having charge of the records of any person charged with an offence against this Code, stating—

(*a*) the rank or appointment held by such person at any time during his service;

(*b*) the date of his enrolment or discharge;

(*c*) the decorations, medals, clasps, good conduct or long service badges or wound stripes or other emblems of merit to which such person is or is not entitled; or

(*d*) the rate of pay or any allowances to which such person is or was at any time entitled,

shall upon its production be admissible as evidence of the contents thereof at the trial of such person for an offence against this Code by a civil or military court: Provided that the accused shall have the right to require such officer to be called to give oral evidence.

HOW PERSONS ARRESTED FOR DESERTION OR ABSENCE WITHOUT LEAVE TO BE DEALT WITH.

141. (1) (*a*) Whenever a person surrenders himself to or is arrested by the chief disciplinary officer, an assistant disciplinary officer, a military policeman, a superior officer or a member of the South African Police on a charge under this Code of desertion or absence without leave, the person to whom he surrenders himself or who arrests him shall prepare and sign a certificate stating the fact of such surrender or arrest and the time, date and place thereof.

(*b*) A certificate prepared and signed in terms of paragraph (*a*) of this sub-section shall at the trial of such person on such charge by a civil or military court on its mere production be admissible in evidence as proof of the surrender or arrest, as the case may be, and of the time, date and place thereof as stated in the certificate.

(2) (*a*) Where a person is arrested by, or surrenders himself to, a member of the South African Police on a charge of desertion or absence without leave, and such person cannot be delivered over within forty-eight hours to his commanding officer or the chief disciplinary officer or an assistant disciplinary officer, he shall without delay be brought before a magistrate of the district in which he then is and such magistrate, if satisfied after due enquiry that such person is a deserter or an illegal absentee or that there are reasonable grounds for suspecting that such person is a deserter or an illegal absentee, may order that he be delivered over to his commanding officer or to the chief disciplinary officer or an assistant disciplinary officer and that he be committed to custody in a prison, police cell or lock-up or other place of confinement until such delivery over can be effected: Provided that if such person is not so delivered over within fourteen days of his committal to custody by the magistrate, he shall again be brought before a magistrate who may order his committal for a further period not exceeding fourteen days.

(*b*) If there is not sufficient evidence available to the magistrate when such person is brought before him to enable the magistrate

regtens verplig sou gewees het om die vraag te beantwoord indien hy 'n getuie by so 'n verhoor binne die Unie was, moet die hof, as hy oortuig is dat die antwoord op die vraag van wesenlike belang is, gelas dat die getuie hom onttrek en al sy getuienis uit die notule van die verrigtings skrap.

GETUIENIS.

140. (1) Wanneer van 'n persoon wat aan hierdie Reglement onderworpe is, verlang word om by die verhoor van iemand deur 'n burgerlike of 'n militêre hof weens 'n misdryf ingevolge hierdie Reglement, 'n dokument wat vir amptelike gebruik opgestel of bedoel is, oor te lê, kan so 'n persoon in plaas van die oorspronklike dokument 'n afskrif oorlê wat deur hom as 'n ware afskrif van die oorspronklike gesertifiseer is en bedoelde afskrif is in getuienis toelaatbaar as bewys van die bestaan van die dokument en van die inhoud daarvan asof dit die oorspronklike dokument was: Met dien verstande dat, indien die beskuldigde dit versoek of indien die aanklag met die verandering, skending of vervalsing van 'n dokument in verband staan, die oorspronklike dokument oorgelê moet word.

(2) 'n Fotografiese reproduksie van 'n dokument is, indien deur die offisier wat die oorspronklike in sy bewaring het as 'n fotografiese reproduksie van die oorspronklike gesertifiseer, toelaatbaar as getuienis voor 'n militêre of burgerlike hof wat 'n misdryf ingevolge hierdie Reglement verhoor, asof dit die oorspronklike was: Met dien verstande dat indien die beskuldigde dit versoek of indien die aanklag met die verandering, skending of vervalsing van 'n dokument in verband staan, die oorspronklike dokument oorgelê moet word.

(3) Enige inskrywing in die registers van die Suid-Afrikaanse Weermag betreffende die soldy of enige toelaes van iemand wat aan hierdie Reglement onderworpe is, kan, tensy 'n belanghebbende beswaar maak, voor 'n burgerlike of militêre hof wat 'n misdryf ingevolge hierdie Reglement verhoor, bewys word deur die oorlegging van 'n afskrif of 'n fotografiese reproduksie van sodanige inskrywing, mits die afskrif of reproduksie deur die offisier in beheer van die oorspronklike register gesertifiseer heet te wees as 'n ware afskrif of reproduksie, na gelang van die geval, van sodanige inskrywing.

(4) 'n Dokument van attestasie of inskrywing wat deur enige persoon onderteken heet te wees, is bewys dat daardie persoon die antwoorde op vrae gegee het wat hy daarin beweer word te gegee het, en die inhoud van so 'n attestasie-dokument kan, tensy 'n belanghebbende beswaar maak, in getuienis voor 'n burgerlike of militêre hof bewys word deur die oorlegging van 'n afskrif of 'n fotografiese reproduksie daarvan mits dit deur die offisier in beheer van die oorspronklike as 'n ware afskrif of reproduksie van die oorspronklike gesertifiseer is.

(5) 'n Sertifikaat wat onderteken heet te wees deur 'n offisier in beheer van die aantekenings met betrekking tot iemand wat weens 'n misdryf ingevolge hierdie Reglement aangekla word, en wat aangee—

(*a*) die rang of aanstelling te eniger tyd deur so iemand gedurende sy dienstermyn beklee;

(*b*) die datum van sy aansluiting of ontslag;

(*c*) die dekorasies, medaljes, gespes, kentekens van goeie gedrag of langdurige diens, wondstrepe of ander onderskeidingstekens waarop so iemand geregtig is of nie geregtig is nie; of

(*d*) die skaal van soldy of toelaes waarop so iemand geregtig is of te eniger tyd geregtig was,

is by oorlegging toelaatbaar as getuienis van die inhoud daarvan by die verhoor van so iemand deur 'n burgerlike of militêre hof weens 'n misdryf ingevolge hierdie Reglement: Met dien verstande dat die beskuldigde die reg het om te eis dat so 'n offisier opgeroep word om mondelingse getuienis af te lê.

HOE MET PERSONE WAT WEENS DESERSIE OF AFWESIGHEID SONDER VERLOF GEARRESTEER IS, GEHANDEL MOET WORD.

141. (1) (*a*) Wanneer iemand hom oorgee aan of gearresteer word deur die hoofdissiplineoffisier, 'n adjunk-dissiplineoffisier, 'n militêre polisieman, 'n meerdere of 'n lid van die Suid-Afrikaanse Polisie, op 'n aanklag ingevolge hierdie Reglement weens desersie of afwesigheid sonder verlof, moet die persoon aan wie hy hom oorgee of deur wie hy gearresteer word, 'n sertifikaat opstel en onderteken waarin die feit van die oorgawe of arres en die tyd, datum en plek daarvan vermeld word.

(*b*) 'n Ooreenkomstig paragraaf (*a*) van hierdie sub-artikel opgestelde en ondertekende sertifikaat is by die verhoor van so iemand op bedoelde aanklag in 'n burgerlike of militêre hof by blote oorlegging in getuienis toelaatbaar as bewys van die oorgawe of arres, na gelang van die geval, en van die tyd, datum en plek daarvan soos in die sertifikaat verklaar word.

(2) (*a*) Waar iemand deur 'n lid van die Suid-Afrikaanse Polisie gearresteer word of hom aan so 'n lid oorgee op 'n aanklag weens desersie of afwesigheid sonder verlof, en so iemand nie binne agt-en-veertig uur aan sy bevelvoerder of die hoofdissiplineoffisier of 'n adjunk-dissiplineoffisier oorhandig kan word nie, word hy sonder versuim voor 'n magistraat van die distrik waarin hy dan is, gebring, en bedoelde magistraat kan, as hy na behoorlike ondersoek oortuig is dat bedoelde persoon 'n deserteur of 'n onwettige afwesige is of dat daar redelike gronde bestaan om te vermoed dat bedoelde persoon 'n deserteur of onwettige afwesige is, beveel dat hy aan sy bevelvoerder of aan die hoofdissiplineoffisier of 'n adjunk-dissiplineoffisier oorhandig word en dat hy ter bewaring na 'n gevangenis, polisiesel of -opsluitplek of 'n ander plek van opsluiting verwys word totdat sodanige oorhandiging kan geskied: Met dien verstande dat as so 'n persoon nie binne veertien dae nadat hy deur die magistraat ter bewaring verwys is, aldus oorhandig word nie, hy weer voor 'n magistraat gebring moet word wat kan beveel dat hy vir 'n verdere tydperk van hoogstens veertien dae ter bewaring verwys word.

(*b*) Indien daar nie voldoende getuienis aan die magistraat beskikbaar is wanneer so 'n persoon voor hom gebring word om die

to determine whether such person is a deserter or an illegal absentee or whether there are reasonable grounds for so suspecting him, the magistrate may remand him in custody from time to time not exceeding seven days at a time.

(c) Where such person on being brought before a magistrate voluntarily confesses to being a deserter or an illegal absentee, the magistrate shall record such confession and obtain the signature of such person thereto, if he is willing to sign it, and shall thereafter himself sign such record and cause a true copy thereof to be made and certified by himself or the clerk of the court, and such certified copy shall be admissible in evidence on its mere production at the trial of such person by a civil or military court on a charge of desertion or absence without leave as proof of such confession.

ORDERS BY GENERAL OFFICER COMMANDING MAY BE SIGNIFIED BY ORDER, INSTRUCTION OR LETTER.

142. (1) Where any order is authorized by this Code to be made by the General Officer Commanding, South African Defence Force, or any other commanding officer, such order may be signified by an order, instruction or letter under the hand of any officer authorized to issue such orders on behalf of the General Officer Commanding, South African Defence Force, or other commanding officer, and an order, instruction or letter purporting to be signed by any officer appearing therein to be so authorized shall be evidence of his being so authorized.

(2) An order deviating from any form that may be prescribed for it shall not be rendered invalid merely because of such deviation.

REGISTRAR OR CLERK OF A CIVIL COURT MUST FURNISH PARTICULARS OF TRIAL BY CIVIL COURT OF PERSONS SUBJECT TO CODE.

143. Whenever any person subject to this Code has been tried by a civil court, the registrar or clerk of such court shall, if required by the commanding officer of such person or by any other officer, transmit to him a certificate setting forth the offence for which such person was tried, the judgment and the sentence and any order of the court or, if he was acquitted, a statement to that effect, and such certificate shall for all purposes be proof of the conviction and the sentence, or of the order of the court or of the acquittal of such person.

MEMBERS OF SOUTH AFRICAN DEFENCE FORCE DEEMED TO HAVE BEEN PROPERLY ATTESTED OR ENROLLED IN CERTAIN CIRCUMSTANCES.

144. (1) Every person who has served as a member of the South African Defence Force for a period of not less than one month, or who has accepted pay as a member of the said Force, shall be deemed to have been properly attested or enrolled and shall have no right to claim his discharge or release on the ground of any error, illegality or misunderstanding in his attestation or enrolment.

(2) If a person claims his discharge or release within one month of engagement for service on the ground of any error, illegality or misunderstanding in his attestation or enrolment, and obtains his discharge as a result of such claim, he shall nevertheless be deemed to have been properly attested or enrolled to the date of his claim.

COUNCIL OF REVIEW.

145. (1) The Minister shall establish a council of review consisting of a chairman who shall be a judge or a retired judge of the Supreme Court of South Africa, or a magistrate or retired magistrate who has held office as a magistrate for a continuous period of not less than ten years, one officer of the Permanent Force, and one person who has had experience in the South African Defence Force in the field on service.

(2) The members of the council of review may be employed on a part-time basis and may in the case of members who are not in the full-time employment of the Government be remunerated at such rates as may be determined by the Minister in consultation with the Treasury.

BOARDS OF REVIEW.

146. (1) The General Officer Commanding, South African Defence Force, may in time of war establish so many boards of review in the field as hy may deem necessary.

(2) A board of review shall consist of not less than three members, one of whom shall be appointed as chairman.

(3) The duties, powers, qualifications and status of members of a board of review shall be as prescribed.

APPOINTMENT AND POWERS OF CHIEF DISCIPLINARY OFFICER AND ASSISTANTS.

147. (1) The General Officer Commanding, South African Defence Force, may appoint an officer as chief disciplinary officer of the South African Defence Force and so many assistant disciplinary officers as he may deem necessary.

(2) The chief disciplinary officer or any assistant disciplinary officer may at any time or place arrest any person for an offence under this Code and detain such person as prescribed.

(3) The chief disciplinary officer or any assistant disciplinary officer may under warrant take such steps as may be prescribed for the execution of any sentence of death, imprisonment, detention or field punishment imposed by a military court.

(4) The powers, duties and functions of the corps known as the South African Corps of Military Police shall be as prescribed.

magistraat in staat te stel om te bepaal of die persoon 'n deserteur of 'n onwettige afwesige is of te bepaal of redelike gronde bestaan om hom aldus te verdink nie, kan die magistraat die saak van tyd tot tyd uitstel en hom in bewaring laat aanhou vir tydperke van hoogstens sewe dae op 'n keer.

(*c*) Waar so iemand wanneer hy voor 'n magistraat gebring word, vrywilliglik beken dat hy 'n deserteur of onwettige afwesige is, notuleer die magistraat die bekentenis en laat hy daardie persoon dit onderteken, indien hy daartoe bereid is, en onderteken die magistraat daarna self die notule en laat hy 'n ware afskrif daarvan maak, wat deur hom of die klerk van die hof gesertifiseer word, en so 'n gesertifiseerde afskrif is by die verhoor van daardie persoon deur 'n burgerlike of militêre hof op 'n aanklag weens desersie of afwesigheid sonder verlof, toelaatbaar in getuienis by blote oorlegging as bewys van sodanige bekentenis.

ORDERS DEUR 'N BEVELVOERENDE GENERAAL KAN DEUR 'N ORDER, INSTRUKSIE OF BRIEF AANGEDUI WORD.

142. (1) Waar die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, of enige ander bevelvoerder deur hierdie Reglement gemagtig word om 'n order uit te reik, kan so 'n order deur 'n order, instruksie of brief onder die handtekening van 'n offisier wat gemagtig is om sulke orders namens die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, of 'n ander bevelvoerder uit te reik, aangedui word, en 'n order, instruksie of brief wat onderteken heet te wees deur 'n offisier wat daaruit blyk aldus gemagtig te wees, is bewys dat hy aldus gemagtig is.

(2) 'n Order wat afwyk van enige vorm wat daarvoor voorgeskryf mag wees, is nie bloot vanweë sodanige afwyking ongeldig nie.

GRIFFIER OF KLERK VAN BURGERLIKE HOF MOET BESONDERHEDE VAN VERHOOR DEUR BURGERLIKE HOF VAN PERSONE AAN REGLEMENT ONDERWORPE, VERSTREK.

143. Wanneer iemand wat aan hierdie Reglement onderworpe is, deur 'n burgerlike hof verhoor is, stuur die griffier of klerk van daardie hof, indien dit deur die bevelvoerder van so iemand of 'n ander offisier verlang word, aan hom 'n sertifikaat waarin vermeld word die misdryf waarvoor so iemand verhoor was, die uitspraak en die vonnis en enige hofbevel of, indien hy vrygespreek was, 'n verklaring te dien effekte, en so 'n sertifikaat is vir alle doeleindes bewys van die skuldigbevinding en die vonnis of van die hofbevel of van die vryspreking van so iemand.

LEDE VAN SUID-AFRIKAANSE WEERMAG WORD ONDER SEKERE OMSTANDIGHEDE GEAG BEHOORLIK GEATTESTEER OF INGESKRYF TE WEES.

144. (1) Iedereen wat vir 'n tydperk van minstens 'n maand as lid van die Suid-Afrikaanse Weermag gedien het, of wat as 'n lid van bedoelde Mag soldy aanvaar het, word geag behoorlik geattesteer of ingeskryf te wees en het geen reg om op grond van 'n fout, onwettigheid of misverstand by sy attestasie of inskrywing sy ontslag of vrylating te eis nie.

(2) Indien iemand binne 'n maand na sy inskrywing vir diens op grond van 'n fout, onwettigheid of misverstand by sy attestasie of inskrywing sy ontslag of vrylating eis, en sy ontslag as gevolg van so 'n eis verkry, word hy nogtans geag tot die datum van sy eis behoorlik geattesteer of ingeskryf te gewees het.

HERSIENINGSRAAD.

145. (1) Die Minister stel 'n hersieningsraad in wat bestaan uit 'n voorsitter wat 'n regter of afgetrede regter van die Hooggeregshof van Suid-Afrika is, of 'n magistraat of afgetrede magistraat wat die amp van magistraat vir 'n ononderbroke tydperk van minstens tien jaar beklee het, een offisier van die Staande Mag en een persoon wat ondervinding in die Suid-Afrikaanse Weermag in krygsdiens te velde het.

(2) Die lede van die hersieningsraad kan op deeltydse basis in diens geneem word en kan in die geval van lede wat nie in voltydse regeringsdiens is nie besoldig word teen die tariewe wat die Minister in oorleggpleging met die Tesourie bepaal.

HERSIENINGSKOMMISSIES.

146. (1) Die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, kan in oorlogstyd soveel hersieningskommissies te velde stig as wat hy nodig ag.

(2) 'n Hersieningskommissie bestaan uit minstens drie lede van wie een as voorsitter benoem word.

(3) Die pligte, bevoegdhede, kwalifikasies en status van lede van 'n hersieningskommissie is soos voorgeskryf.

AANSTELLING EN BEVOEGDHEDE VAN HOOFDISSIPLINEOFFISIER EN ASSISTENTE.

147. (1) Die Bevelvoerende Generaal, Suid-Afrikaanse Weermag, kan 'n offisier as hoofdissiplineoffisier van die Suid-Afrikaanse Weermag aanstel, en soveel adjunk-dissiplineoffisiere as wat hy nodig ag.

(2) Die hoofdissiplineoffisier of 'n adjunk-dissiplineoffisier kan op enige tyd of plek enigiemand weens 'n misdryf ingevolge hierdie Reglement arresteer en so iemand soos voorgeskryf aanhou.

(3) Die hoofdissiplineoffisier of 'n adjunk-dissiplineoffisier kan ingevolge 'n lasbrief die voorgeskrewe stappe doen vir die tenuitvoerlegging van enige doodstraf, gevangenisstraf, detensie of veldstraf deur 'n militêre hof opgelê.

(4) Die bevoegdhede, pligte en funksies van die korps wat as die Suid-Afrikaanse Korps van Militêre Polisie bekend staan, is soos voorgeskryf.

Restitution or Confiscation of Property.

148. (1) When any person is convicted by a military court of theft or any other offence whereby he has unlawfully obtained any property, and such property or any portion thereof is found in the possession or under the control of such person, the court may order that such property or such portion thereof be restored to the lawful owner.

(2) A military court convicting any person of an offence which was committed by means of any weapon, instrument or other article produced to the court may, if it thinks fit, declare such weapon, instrument or other article to be forfeited to the state.

Field Punishment.

149. (1) An offender undergoing field punishment may be required to perform any or all of his normal military duties.

(2) Field punishment may be carried out regimentally when the unit to which the offender belongs is on the move or about to move or when the chief disciplinary officer or an assistant disciplinary officer is not reasonably available, and to prevent the escape of the offender he may be handcufied or otherwise secured.

(3) When a unit is not on the move or about to move, and the chief disciplinary officer or an assistant disciplinary officer is available to the unit, an offender sentenced to field punishment shall be handed over to such disciplinary officer to undergo the sentence.

Exercise of Powers vested in Holders of Military Office.

150. Any power or jurisdiction given to and any act or thing to be done by, to, or before any person holding any office in the South African Defence Force, may be exercised or done by or before any other person for the time being authorized in that behalf according to the customs of the service or as may be prescribed.

Contempt of Military Court by Person not Subject to the Code.

151. (1) Any person not subject to this Code who in the Union wilfully causes any disturbance or interruption at any military court or wilfully commits any act calculated or likely to bring such court into contempt, ridicule or disrepute, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or in default of payment to imprisonment for a period not exceeding two months.

(2) Any person who, within the precincts of a military court, commits any act or causes any disturbance or interruption mentioned in sub-section (1), may be ordered by the court to be removed from the precincts of the court and to be taken into custody and handed over to the South African Police.

Corporal Punishment may not be Imposed.

152. Notwithstanding anything to the contrary contained in any other law, no civil or military court may in respect of any offence under this Code sentence an offender to any form of corporal punishment.

Defending Officer as a Witness.

153. No defending officer appointed in terms of this Code to defend an accused person shall be competent to give evidence against such person at his trial without the consent of such person, concerning any fact, matter or thing which came to his knowledge after and by reason of his appointment and duties as the defending officer of such person.

Trials commenced prior to commencement of Code.

154. (1) The trial of any person subject to this Code which was commenced prior to the date of the coming into operation of this Code shall be proceeded with and concluded in all respects as if this Code had not been in operation.

(2) In respect of any trial referred to in sub-section (1), the finding and the sentence shall be confirmed, the sentence or any order shall be executed and the proceedings shall be reviewed as if this Code had not been in operation.

(3) Any proceedings which may be instituted in any civil court arising out of or based on any proceedings under sub-section (1) or (2) shall likewise in all respects be dealt with as if this Code had not been in operation.

(4) For the purposes of this section, a trial shall be deemed to have commenced if the accused has pleaded or has been required to plead to the charge or charges against him or if any evidence has been recorded at a summary of evidence in respect of any charge or charges against him.

TERUGGAWE OF VERBEURDVERKLARING VAN EIENDOM.

148. (1) Wanneer iemand deur 'n militêre hof weens diefstal, of 'n ander misdryf waardeur hy wederregtelik eiendom verkry het, skuldig bevind word, en daardie eiendom of 'n deel daarvan in die besit of onder die beheer van so iemand gevind word, kan die hof beveel dat bedoelde eiendom of deel daarvan aan die wettige eienaar terugbesorg word.

(2) 'n Militêre hof wat iemand skuldig bevind aan 'n misdryf wat gepleeg is deur middel van 'n wapen, werktuig of ander voorwerp wat in die hof vertoon word, kan, indien die hof dit goedvind, so 'n wapen, werktuig of ander voorwerp aan die Staat verbeurd verklaar.

VELDSTRAF.

149. (1) 'n Oortreder wat veldstraf ondergaan, kan verplig word om enige van of al sy normale militêre pligte te verrig.

(2) Veldstraf kan by die regiment uitgevoer word wanneer die eenheid waarby die oortreder behoort in beweging is of op die punt staan om in beweging te kom of wanneer die hoofdissiplineoffisier of 'n adjunk-dissiplineoffisier nie redelikerwys beskikbaar is nie, en die oortreder kan geboei of op 'n ander wyse vasgemaak word ten einde sy ontsnapping te verhoed.

(3) Wanneer 'n eenheid nie in beweging is of op die punt staan om in beweging te kom nie, en die hoofdissiplineoffisier of 'n adjunk-dissiplineoffisier vir die eenheid beskikbaar is, word 'n oortreder wat tot veldstraf gevonnis is aan bedoelde dissiplineoffisier oorhandig om die vonnis te ondergaan.

UITOEFENING VAN BEVOEGDHEDE DEUR BEKLEËR VAN MILITÊRE AMP.

150. Enige bevoegdheid of regsmag verleen aan iemand wat 'n amp in die Suid-Afrikaanse Weermag beklee, en elke handeling of enigiets wat deur, aan of voor so iemand gedoen moet word, kan deur of voor iemand anders wat dan in daardie verband ooreenkomstig diensgebruik of soos voorgeskryf gemagtig is, uitgeoefen of gedoen word.

MINAGTING VAN MILITÊRE HOF DEUR IEMAND WAT NIE AAN REGLEMENT ONDERWORPE IS NIE.

151. (1) Iemand wat nie aan hierdie Reglement onderworpe is nie, en wat in die Unie by 'n militêre hof opsetlik 'n steurnis of onderbreking veroorsaak of opsetlik 'n handeling verrig wat bereken is om die hof aan minagting of bespotting bloot te stel of in oneer te laat kom, of waarskynlik daartoe sal lei, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens vyftig pond of by wanbetaling met gevangenisstraf vir 'n tydperk van hoogstens twee maande.

(2) Iemand wat in die onmiddellike omgewing van 'n militêre hof 'n in sub-artikel (1) bedoelde handeling verrig of steurnis of onderbreking veroorsaak, kan op las van die hof uit die omgewing van die krygsraad verwyder en in bewaring geneem en aan die Suid-Afrikaanse Polisie oorhandig word.

LYFSTRAF WORD NIE OPGELÊ NIE.

152. Ondanks andersluidende bepalings in enige ander wet, kan geen burgerlike of militêre hof 'n oortreder ten opsigte van 'n misdryf ingevolge hierdie Reglement tot enige vorm van lyfstraf vonnis nie.

OFFISIER-VERDEDIGER AS GETUIE.

153. Geen offisier-verdediger wat kragtens hierdie Reglement aangestel is om 'n beskuldigde te verdedig, is bevoeg om sonder daardie persoon se toestemming by sy verhoor teen hom getuienis af te lê nie met betrekking tot enige feit, aangeleentheid of saak wat hy na en as gevolg van sy aanstelling en pligte as die offisier-verdediger van daardie persoon te wete gekom het.

VERHORE WAT VOOR DIE INWERKINGTREDING VAN REGLEMENT 'N AANVANG GENEEM HET.

154. (1) Die verhoor van 'n aan hierdie Reglement onderworpe persoon wat voor die datum van inwerkingtreding van hierdie Reglement 'n aanvang geneem het, word in alle opsigte voortgesit en afgehandel asof hierdie Reglement nie in werking was nie.

(2) Ten opsigte van 'n in sub-artikel (1) bedoelde verhoor word die bevinding en die vonnis bekragtig, die vonnis of enige bevel uitgevoer en die verrigtings hersien asof hierdie Reglement nie in werking was nie.

(3) Enige geding wat in 'n burgerlike hof aanhangig gemaak mag word en wat voortspruit uit of gebaseer is op in sub-artikel (1) of (2) vermelde verrigtings, word insgelyks in alle opsigte behandel asof hierdie Reglement nie in werking was nie.

(4) By die toepassing van hierdie artikel word 'n verhoor geag 'n aanvang te geneem het indien die beskuldigde op die aanklag of aanklagte teen hom gepleit het of aangesê was om daarop te pleit, of indien getuienis by 'n opsomming van getuienis in verband met 'n aanklag of aanklagte teen hom genotuleer is.

Second Schedule.

No. and Year of Act.	Title.	Extent of Repeal.
13 of 1912	South Africa Defence Act, 1912 ..	The whole.
22 of 1922	South Africa Defence Act Amendment Act, 1922.	The whole.
32 of 1932	Defence Act (Amendment) and Dominion Forces Act, 1932.	The whole.
33 of 1943	Pension Laws Amendment Act, 1943 ..	Section *one*.
58 of 1946	War Pension Laws Amendment Act, 1946.	Section *forty six*.
39 of 1947	Defence Amendment Act, 1947 ..	The whole.
48 of 1947	Finance Act, 1947	Section *sixteen*.
43 of 1949	Defence Amendment Act, 1949 ..	The whole.
44 of 1951	Defence Amendment Act, 1951 ..	The whole.
62 of 1952	Defence Amendment Act, 1952 ..	The whole.
43 of 1954	Defence Amendment Act, 1954 ..	Section *three*.

Tweede Bylae.

No. en Jaar van Wet.	Titel van Wet.	In Hoeverre Herroep.
13 van 1912	„Zuid-Afrika Verdedigings Wet, 1912"	Die geheel.
22 van 1922	„Zuid-Afrika Verdedigings Wet Wijzigings Wet, 1922".	Die geheel.
32 van 1932	Wet tot Wysiging van die Verdedigingswet, en op Vrygewestelike Magte, 1932.	Die geheel.
33 van 1943	Wysigingswet op die Pensioenwette, 1943	Artikel *een*.
58 van 1946	Wysigingswet op die Oorlogspensioenwette, 1946.	Artikel *ses-en-veertig*.
39 van 1947	Wysigingswet op Verdediging, 1947 ..	Die geheel.
48 van 1947	Finansiewet, 1947	Artikel *sestien*.
43 van 1949	Wysigingswet op Verdediging, 1949 ..	Die geheel.
44 van 1951	Wysigingswet op Verdediging, 1951 ..	Die geheel.
62 van 1952	Wysigingswet op Verdediging, 1952 ..	Die geheel.
43 van 1954	Wysigingswet op Verdediging, 1954 ..	Artikel *drie*.

No. 49, 1957.]

ACT

To provide for the construction and equipment of certain lines of railway and for matters incidental thereto.

(*English text signed by the Officer Administering the Government.*)
(*Assented to* 12*th June*, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Construction and equipment.

1. (1) The Governor-General may, as soon after the commencement of this Act as to him may seem expedient, cause to be constructed and equipped, upon a gauge of three feet six inches, the lines of railway mentioned in column 1 of the Schedules to this Act, of the approximate length set out, as to each line, in column 2 of those Schedules opposite the description of the line in question, and at a gross cost not exceeding, in the case of each line, the amount set out in column 3 of those Schedules opposite the description of the line in question.

(2) The powers by this section conferred shall include powers to construct and equip all sidings, stations, buildings and other appurtenances necessary for or incidental to the proper working of every such line of railway.

(3) The expression "construct and equip", in relation to a line of railway, shall include "maintain" while the line is in course of construction and equipment.

Cost of construction and equipment.

2. The cost of the construction and equipment authorized by section *one* shall be defrayed out of any loan raised by the Governor-General under the authority of law and appropriated for that purpose by Parliament, or out of any other moneys so appropriated.

Powers incidental to construction and equipment.

3. In respect of the construction and equipment of the lines of railway authorized by section *one*, the Governor-General shall have the powers conferred by the Railway Expropriation Act, 1955 (Act No. 37 of 1955), but subject to the obligations imposed by that Act: Provided that the width of the land taken shall not exceed one hundred Cape feet for the construction of each line, together with such additional land as may be required for the slopes, cuttings, drainage, stations, approach roads and other works and matters which may be necessary for the purposes of the line.

Railway and Harbour Fund to be compensated for losses.

4. (1) The Railway and Harbour Fund shall, subject to such terms and conditions as may be agreed upon between the Railway Administration and the Minister of Finance, be compensated from the Consolidated Revenue Fund, out of moneys appropriated by Parliament for the purpose, for all losses (as determined in a manner to be likewise so agreed upon) that may be sustained in the working of the lines of railway mentioned in the First Schedule to this Act.

(2) Any agreement entered into pursuant to sub-section (1) shall provide *inter alia* that—

(*a*) the financial results of the working of the said lines of railway shall be calculated in respect of each financial year as from the date when the first of the said lines of railway is opened for public traffic; and

(*b*) settlement of accounts between the parties shall be effected at the expiration of each consecutive period of five financial years, on the basis of the said working results over the whole of each such period; and

(*c*) any profit earned in the working of the said lines during any financial year included in any such period of five years shall be set off against any loss sustained during any other financial year included in the same period.

Short title.

5. This Act shall be called the Railway Construction Act, 1957.

No. 49, 1957.]

WET

Om voorsiening te maak vir die aanleg en toerusting van sekere spoorlyne en vir aangeleenthede wat daarmee in verband staan.

(*Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 12 *Junie* 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

Aanleg en toerusting.

1. (1) Die Goewerneur-generaal kan, so spoedig na die inwerkingtreding van hierdie Wet as wat hy doenlik ag, die in kolom 1 van die Bylaes by hierdie Wet vermelde spoorlyne, van 'n spoorwydte van drie voet ses duim, en van die benaderde lengte wat ten opsigte van elke lyn in kolom 2 van daardie Bylaes teenoor die beskrywing van die betrokke lyn vermeld word, en teen 'n bruto koste, in die geval van elke lyn, van hoogstens die bedrag wat in kolom 3 van daardie Bylaes teenoor die beskrywing van die betrokke lyn vermeld word, laat aanlê en toerus.

(2) Die bevoegdhede by hierdie artikel verleen, sluit in bevoegdhede om alle sylyne, stasies, geboue en ander toebehore wat vir die behoorlike eksploitasie van elke sodanige spoorlyn nodig is of daarmee in verband staan, aan te lê en toe te rus.

(3) Die uitdrukking „aanlê en toerus", met betrekking tot 'n spoorlyn, omvat „in stand hou" onderwyl die lyn aangelê en toegerus word.

Koste van aanleg en toerusting.

2. Die by artikel *een* gemagtigde koste van die aanleg en toerusting word bestry uit 'n lening deur die Goewerneur-generaal kragtens wetlike magtiging aangegaan en vir daardie doel deur die Parlement bewillig, of uit ander aldus bewilligde gelde.

Bevoegdhede in verband met aanleg en toerusting.

3. Ten opsigte van die aanleg en toerusting van die spoorlyne wat by artikel *een* gemagtig word, het die Goewerneur-generaal die bevoegdhede verleen by die Spoorwegonteieningswet, 1955 (Wet No. 37 van 1955), maar onderhewig aan die verpligtings deur bedoelde Wet opgelê: Met dien verstande dat die breedte van die grond wat geneem word, nie meer mag wees nie as honderd Kaapse voet vir die aanbou van elke lyn, met soveel bykomende grond as wat nodig mag wees vir die hellings, deurgrawings, dreinering, stasies, toegangspaaie en ander werke en aangeleenthede wat vir die doeleindes van die lyn nodig mag wees.

Spoorweg- en Hawefonds word vir verliese vergoed.

4. (1) Onderworpe aan die bedinge en voorwaardes waaroor tussen die Spoorwegadministrasie en die Minister van Finansies ooreengekom word, word die Spoorweg- en Hawefonds uit die Gekonsolideerde Inkomstefonds vergoed, uit geld deur die Parlement vir die doel bewillig, vir alle verliese (bereken op 'n wyse waaroor insgelyks aldus ooreengekom moet word) wat met die eksploitasie van die spoorlyne in die Eerste Bylae by hierdie Wet vermeld, gely mag word.

(2) 'n Ooreenkoms wat ingevolge sub-artikel (1) aangegaan word, moet onder meer bepaal dat—

(*a*) die finansiële resultate van die eksploitasie van bedoelde spoorlyne bereken moet word ten opsigte van elke boekjaar met ingang van die datum waarop die eerste van bedoelde spoorlyne vir openbare verkeer oopgestel word; en

(*b*) afrekening tussen die partye moet geskied na die verstryking van elke agtereenvolgende tydperk van vyf boekjare, op grondslag van bedoelde bedryfsresultate oor elke sodanige tydperk in sy geheel; en

(*c*) 'n wins wat afgewerp word in die eksploitasie van bedoelde lyne gedurende enige boekjaar wat binne so 'n tydperk van vyf jaar val, in rekening gebring moet word teen 'n verlies wat gedurende enige ander boekjaar wat binne dieselfde tydperk val, gely mag word.

Kort titel.

5. Hierdie Wet heet die Spoorwegaanlegwet, 1957.

First Schedule.

LINES OF RAILWAY AUTHORIZED BY SECTION *One*.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Description of Line.	Approximate Length.	Estimated Cost.
	Miles.	£
From a junction at Southfield on the line between Maitland and Diep River to a junction at Plumstead on the line between Salt River and Simonstown. (Province of the Cape of Good Hope)	1·26	200,541
From a junction at approximately 9 miles 61 chains near Duff's Road on the Natal North Coast line to a terminus in the proposed Duff's Road Bantu Township. (Province of Natal)	2·82	468,158
From a junction at Kaalfontein on the line between Pretoria and Germiston to a terminus in the proposed Kaalfontein Bantu Township. (Province of the Transvaal)	6·00	1,253,262

Second Schedule.

ADDITIONAL LINE OF RAILWAY AUTHORIZED BY SECTION *One*.

COLUMN 1.	COLUMN 2.	COLUMN 3.
Description of Line.	Approximate Length.	Estimated Cost.
	Miles.	£
Connecting line from a junction at Waterworks on the line between Midway and Bank to a junction at Natalspruit on the line between Union and Redan, including a connection approximately 60 chains in length to afford a link at Midway, with the line from New Canada. (Province of the Transvaal) ..	23·4	2,566,737

Eerste Bylae.

SPOORLYNE GEMAGTIG BY ARTIKEL *Een*.

KOLOM 1.	KOLOM 2.	KOLOM 3.
Beskrywing van lyn.	Benaderde lengte.	Geraamde koste.
	Myl.	£
Van 'n aansluiting by Southfield met die spoorlyn tussen Maitland en Dieprivier na 'n aansluiting by Plumstead op die lyn tussen Soutrivier en Simonstad. (Provinsie Kaap die Goeie Hoop)	1·26	200,541
Van 'n aansluiting by omstreeks 9 myl 61 ketting naby Duff's Road op die Natalse noordkuslyn na 'n terminus in die voorgestelde Duff's Road-bantoedorpsgebied. (Provinsie Natal)	2·82	468,158
Van 'n aansluiting by Kaalfontein met die spoorlyn tussen Pretoria en Germiston na 'n terminus in die voorgestelde Kaalfontein-bantoedorpsgebied. (Provinsie Transvaal)	6·00	1,253,262

Tweede Bylae.

ADDISIONELE SPOORLYN GEMAGTIG BY ARTIKEL *Een*.

KOLOM 1.	KOLOM 2.	KOLOM 3.
Beskrywing van lyn.	Benaderde lengte.	Geraamde koste.
	Myl.	£
Verbindingslyn van 'n aansluiting by Waterworks met die spoorlyn tussen Midway en Bank na 'n aansluiting by Natalspruit op die lyn tussen Union en Redan, met inbegrip van 'n verbindingslyn nagenoeg 60 ketting lank om by Midway 'n aansluiting met die lyn van New Canada daar te stel. (Provinsie Transvaal)	23·4	2,566,737

No. 50, 1957.]

ACT

To amend the Perishable Products Export Control Act, 1926.

(*Afrikaans text signed by the Officer Administering the Government.*)
(*Assented to 12th June*, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 3 of Act 53 of 1926, as amended by section 2 of Act 30 of 1954.

1. (1) Section *three* of the Perishable Products Export Control Act, 1926 (hereinafter referred to as the principal Act), is hereby amended by the substitution in paragraph (*f*) for the word "five" of the word "twelve".

(2) Sub-section (1) shall be deemed to have come into operation on the first day of January, 1956.

Amendment of section 4 of Act 53 of 1926, as amended by section 4 of Act 30 of 1954.

2. Section *four* of the principal Act is hereby amended by the substitution for sub-section (2) of the following sub-section:

"(2) The Board may, with the approval of the Minister, take such steps as it may deem expedient to equalize, to an extent which it may deem equitable, as between exporters the rates of freights payable by exporters in respect of any particular class or kind of perishable product or different classes or kinds of perishable products or all perishable products exported from any port during a particular period and by means of the same form of transport, and to make all necessary arrangements for the payment by exporters of such rates and, when applicable, such further sums as may be required to equalize the rates as aforesaid.".

Amendment of section 8 of Act 53 of 1926, as amended by section 7 of Act 30 of 1954.

3. Section *eight* of the principal Act is hereby amended by the substitution in sub-section (1) for the words "in refrigerating chambers or ventilated holds" of the words "by ship".

Amendment of section 12 of Act 53 of 1926, as substituted by section 11 of Act 30 of 1954.

4. (1) Section *twelve* of the principal Act is hereby amended—

(*a*) by the substitution in sub-section (1) for all the words after the word "exported" of the words "in any calendar year under contract or other arrangement made by, through or with the consent of the Board."; and

(*b*) by the insertion in sub-section (3) after the word "differ" of the words "according to the form of transport used in such export and may differ further".

(2) Government Notice No. 2359 of 1956 shall be deemed to have been promulgated in terms of section *twelve* of the principal Act as amended by sub-section (1) of this section.

Amendment of section 14 of Act 53 of 1926, as amended by section 14 of Act 30 of 1954.

5. (1) Section *fourteen* of the principal Act is hereby amended by the substitution in sub-section (1) for the word "Governor-General" of the word "Minister".

(2) Regulations made in terms of section *fourteen* of the principal Act and in force on the date of commencement of this Act shall be deemed to have been made by the Minister in terms of that section as amended by sub-section (1) of this section.

Amendment of section 16 of Act 53 of 1926, as amended by section 2 of Act 31 of 1935 and section 16 of Act 30 of 1954.

6. Section *sixteen* of the principal Act is hereby amended by the substitution in paragraph (*c*) of the definition of "zone on the Continent of Europe" for the word "Governor-General" of the word "Minister".

Short title.

7. This Act shall be called the Perishable Products Export Control Amendment Act, 1957.

No. 50, 1957.]

WET

Tot wysiging van die Wet op Reëling van Uitvoer van Bederfbare Produkte, 1926.

(*Afrikaanse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 12 *Junie* 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. (1) Artikel *drie* van die Wet op Reëling van Uitvoer van Bederfbare Produkte, 1926 (hieronder die Hoofwet genoem), word hiermee gewysig deur in paragraaf (*f*) die woord „vyfduisend" deur die woord „twaalfduisend" te vervang.

(2) Sub-artikel (1) word geag op die eerste dag van Januarie 1956 in werking te getree het.

Wysiging van artikel 3 van Wet 53 van 1926, soos gewysig deur artikel 2 van Wet 30 van 1954.

2. Artikel *vier* van die Hoofwet word hiermee gewysig deur sub-artikel (2) deur die volgende sub-artikel te vervang:

„(2) Die Raad kan met goedkeuring van die Minister sodanige stappe doen as wat hy dienstig ag om in 'n mate wat hy billik ag, eenvormigheid tussen uitvoerders te weeg te bring in die vraggeld wat uitvoerders moet betaal ten opsigte van 'n bepaalde klas of soort bederfbare produk of verskillende klasse of soorte bederfbare produkte of alle bederfbare produkte wat uit enige hawe gedurende 'n bepaalde tydperk en deur middel van dieselfde vorm van vervoer uitgevoer word en om alle nodige reëlings te tref vir die betaling deur uitvoerders van daardie vraggeld en, wanneer toepaslik, sodanige verdere bedrae as wat nodig mag wees om die vraggeld eenvormig te maak soos voormeld.".

Wysiging van artikel 4 van Wet 53 van 1926, soos gewysig deur artikel 4 van Wet 30 van 1954.

3. Artikel *agt* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woorde „in koelkamers of geventileerde skeepsruimte" deur die woorde „per skip" te vervang.

Wysiging van artikel 8 van Wet 53 van 1926, soos gewysig deur artikel 7 van Wet 30 van 1954.

4. (1) Artikel *twaalf* van die Hoofwet word hiermee gewysig—

(*a*) deur in sub-artikel (1) al die woorde na „kalenderjaar" deur die woorde „uitgevoer word onder kontrak of ander reëling aangegaan deur, deur tussenkoms van of met toestemming van die Raad." te vervang; en

(*b*) deur in sub-artikel (3) na die woorde "heffing kan" die woorde „na gelang van die vorm van vervoer wat vir die uitvoer gebruik word, verskil en kan voorts" in te voeg.

(2) Goewermentskennisgewing No. 2359 van 1956 word geag uitgevaardig te gewees het ingevolge artikel *twaalf* van die Hoofwet soos gewysig deur sub-artikel (1) van hierdie artikel.

Wysiging van artikel 12 van Wet 53 van 1926, soos vervang deur artikel 11 van Wet 30 van 1954.

5. (1) Artikel *veertien* van die Hoofwet word hiermee gewysig deur in sub-artikel (1) die woord „Goewerneur-generaal" deur die woord „Minister" te vervang.

(2) Regulasies wat ingevolge artikel *veertien* van die Hoofwet ingevoer en op die datum van die inwerkingtreding van hierdie Wet van krag is, word geag deur die Minister ingevoer te gewees het ingevolge daardie artikel soos gewysig deur sub-artikel (1) van hierdie artikel.

Wysiging van artikel 14 van Wet 53 van 1926, soos gewysig deur artikel 14 van Wet 30 van 1954.

6. Artikel *sestien* van die Hoofwet word hiermee gewysig deur in paragraaf (*c*) van die omskrywing van „kring op die vasteland van Europa" die woord „Goewerneur-generaal" deur die woord „Minister" te vervang.

Wysiging van artikel 16 van Wet 53 van 1926, soos gewysig deur artikel 2 van Wet 31 van 1935 en artikel 16 van Wet 30 van 1954.

7. Hierdie Wet heet die Wysigingswet op die Reëling van Uitvoer van Bederfbare Produkte, 1957.

Kort titel.

No. 51, 1957.]

ACT

To amend the National Roads Act, 1935, and the Transport (Co-ordination) Act, 1948.

(*English text signed by the Officer Administering the Government.*)
(*Assented to* 12*th June*, 1957.)

BE IT ENACTED by the Queen's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

Amendment of section 1 of Act 42 of 1935, as amended by section 2 of Act 22 of 1944.

1. Section *one* of the National Roads Act, 1935 (hereinafter referred to as the principal Act), is hereby amended—

(*a*) by the substitution for the definition of "board" of the following definition:

" 'board' means the National Transport Commission appointed under section *three* of the Transport (Co-ordination) Act, 1948 (Act No. 44 of 1948);";

(*b*) by the insertion after the definition of "fund" of the following definition:

" 'local authority' means any city council, municipal council, village council, town board, village management board, local board, local administration and health board or health committee;";

and

(*c*) by the substitution for the definition of "Minister" of the following definition:

" 'Minister' means the Minister of Transport;".

Amendment of section 4 of Act 42 of 1935, as amended by section 17 of Act 21 of 1940 and section 4 of Act 22 of 1944.

2. (1) Section *four* of the principal Act is hereby amended by the deletion in paragraph (*a*) of sub-section (1) of the words "immediate or early".

(2) Sub-section (1) shall be deemed to have come into operation on the tenth day of May, 1935.

Amendment of section 5 of Act 42 of 1935, as amended by section 6 of Act 35 of 1936, section 13 of Act 50 of 1937, section 5 of Act 22 of 1944 and section 27 of Act 36 of 1950.

3. (1) Section *five* of the principal Act is hereby amended by the addition thereto of the following sub-sections:

„(3) Where the whole of the cost incurred by an Administrator or by a divisional council in the Province of the Cape of Good Hope, in the acquisition of any land, plant, equipment or stores has been defrayed from the fund, such land, plant, equipment or stores shall not, except with the consent of the board, be dealt with or disposed of in any manner, or be used for any purpose other than the purpose for which they were acquired.

(4) Any such plant, equipment or stores shall, on the directions of the board given after consultation with the Administrator concerned, be made available for use by any person or authority for such purposes or otherwise dealt with or disposed of in such manner as the board may determine.

(5) Any money realized in connection with such use, dealing with or disposal, or in connection with the use, dealing with or disposal of any land aforesaid, shall be paid into the fund.".

(2) Sub-section (1) shall be deemed to have come into operation on the tenth day of May, 1935.

Amendment of section 10 of Act 42 of 1935.

4. Section *ten* of the principal Act is hereby amended—

(*a*) by the insertion in paragraph (*a*) of sub-section (1) after the word "*four*" of the words "if it was incurred in respect of a road outside the area of jurisdiction of a local authority, or such cost or any part of such cost if it was incurred in respect of a road within the area of jurisdiction of a local authority"; and

(*b*) by the substitution for sub-section (3) of the following sub-sections:

"(3) The board may from time to time make advances to an Administrator against the amount

No. 51, 1957.]

WET

Tot wysiging van die Wet op Nasionale Paaie, 1935, en die Wet op die Koördinering van Vervoer, 1948.

(*Engelse teks deur die Amptenaar Belas met die Uitoefening van die Uitvoerende Gesag geteken.*)
(*Goedgekeur op* 12 *Junie* 1957.)

DIT WORD BEPAAL deur Haar Majesteit die Koningin, die Senaat en die Volksraad van die Unie van Suid-Afrika, soos volg:—

1. Artikel *een* van die Wet op Nasionale Paaie, 1935 (hieronder die Hoofwet genoem), word hierby gewysig— Wysiging van artikel 1 van Wet 42 van 1935, soos gewysig deur artikel 2 van Wet 22 van 1944.

(*a*) deur die omskrywing van „raad" deur die volgende omskrywing te vervang:

„ ‚raad' die Nasionale Vervoerkommissie benoem kragtens artikel *drie* van die Wet op die Koördinering van Vervoer, 1948 (Wet No. 44 van 1948);";

(*b*) deur na die omskrywing van „fonds" die volgende omskrywing in te voeg:

„ ‚plaaslike bestuur' 'n stadsraad, munisipale raad, dorpsraad, dorpsbestuur, plaaslike bestuur, plaaslike administrasie- en gesondheidsraad of gesondheidskomitee;"; en

(*c*) deur die omskrywing van „Minister" deur die volgende omskrywing te vervang:

„ ‚Minister' die Minister van Vervoer;".

2. (1) Artikel *vier* van die Hoofwet word hierby gewysig deur in paragraaf (*a*) van sub-artikel (1) die woorde „onmiddellik of binne kort" te skrap. Wysiging van artikel 4 van Wet 42 van 1935, soos gewysig deur artikel 17 van Wet 21 van 1940 en artikel 4 van Wet 22 van 1944.

(2) Sub-artikel (1) word geag op die tiende dag van Mei 1935 in werking te getree het.

3. (1) Artikel *vyf* van die Hoofwet word hierby gewysig deur die volgende sub-artikels daarby te voeg: Wysiging van artikel 5 van Wet 42 van 1935, soos gewysig deur artikel 6 van Wet 35 van 1936, artikel 13 van Wet 50 van 1937, artikel 5 van Wet 22 van 1944 en artikel 27 van Wet 36 van 1950.

„(3) Waar die volle bedrag van die koste deur 'n Administrateur of deur 'n afdelingsraad in die Provinsie Kaap die Goeie Hoop in verband met die verkryging van enige grond, installasies, toerusting of voorrade aangegaan, uit die fonds bestry is, mag sodanige grond, installasies, toerusting of voorrade nie, behalwe met toestemming deur die raad verleen, op enige wyse mee gehandel of van die hand gesit word nie, of vir enige ander doel as die doel waarvoor dit verkry is, gebruik word nie.

(4) Enige sodanige installasies, toerusting of voorrade word op las van die raad, na oorlegpleging met die betrokke Administrateur, beskikbaar gestel vir gebruik deur enige persoon of gesag vir die doeleindes wat die raad bepaal, of andersins mee gehandel of van die hand gesit op die wyse wat die raad bepaal.

(5) Enige geld wat verkry word in verband met sodanige gebruik, handeling met of van die hand sit, of in verband met die gebruik, handeling met of van die hand sit van voormelde grond, word in die fonds gestort.".

(2) Sub-artikel (1) word geag op die tiende dag van Mei 1935 in werking te getree het.

4. Artikel *tien* van die Hoofwet word hierby gewysig— Wysiging van artikel 10 van Wet 42 van 1935.

(*a*) deur in paragraaf (*a*) van sub-artikel (1) na die woorde „verklaar is" die woorde „indien dit gemaak is ten opsigte van 'n pad buite die regsgebied van 'n plaaslike bestuur, of sodanige koste of 'n deel van sodanige koste indien dit gemaak is ten opsigte van 'n pad binne die regsgebied van 'n plaaslike bestuur," in te voeg; en

(*b*) deur sub-artikel (3) deur die volgende sub-artikels te vervang:

„(3) Die raad kan van tyd tot tyd aan 'n Administrateur voorskotte maak, in die paaiemente wat die

provided for in the estimates of expenditure, approved in terms of the proviso to sub-section (2) of section *five*, for the province concerned, in such instalments as the board may determine, but the aggregate of the advances so made in respect of any province shall not at any time exceed an amount equal to one-sixth of the amount allocated to that province in the aforesaid estimates of expenditure.

(4) Final adjustment of accounts between the board and an Administrator shall take place after the board has received and accepted the statements of account submitted in terms of sub-section (5) by that Administrator.

(5) An Administrator shall submit annually to the board (for inclusion in its own accounts) statements of account, in such form as may be approved by the Treasury in consultation with the Controller and Auditor-General, which shall be audited by the Provincial Auditor of the province concerned and supported by his report and such other documentary evidence in the form of certificates by technical or other officials of that province as may be required by the board to show that any conditions imposed by it in terms of sub-section (1) have been complied with.".

Amendment of section 12 of Act 42 of 1935.

5. Section *twelve* of the principal Act is hereby amended—

(*a*) by the deletion of all the words after the word "Auditor-General", where it occurs for the first time; and

(*b*) by the addition at the end thereof of the following sub-section, the existing section becoming sub-section (1):

"(2) For the purpose of the audit referred to in sub-section (1) the Controller and Auditor-General shall in respect of any province, accept the certificate of the Provincial Auditor of that province and the relevant statements of account and other documentary evidence submitted, in terms of sub-section (5) of section *ten*, by the Administrator of that province, but the Controller and Auditor-General may, if he thinks fit, comment in his report on any aspect of a Provincial Auditor's certificate or the relative statements of account or other documentary evidence.".

Amendment of long title of Act 42 of 1935.

6. The long title of the principal Act is hereby amended by the substitution for the words "the Interior" of the word "Transport".

Amendment of section 6 of Act 44 of 1948.

7. Section *six* of the Transport (Co-ordination) Act, 1948, is hereby amended by the deletion of sub-section (3).

Short title.

8. This Act shall be called the National Roads and Transport (Co-ordination) Amendment Act, 1957.

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raad bepaal, uit die bedrag waarvoor in die begroting van uitgawes, wat ingevolge die voorbehoudsbepaling by sub-artikel (2) van artikel *vyf* goedgekeur is, ten opsigte van die betrokke provinsie voorsiening gemaak word, maar die voorskotte aldus ten opsigte van enige provinsie gemaak mag nie te eniger tyd in die geheel 'n bedrag gelyk aan een-sesde van die bedrag in voormelde begroting van uitgawes aan daardie provinsie toegeken, oorskry nie.

(4) Finale vereffening van rekenings tussen die raad en 'n Administrateur geskied nadat die raad die rekeningstate wat ingevolge sub-artikel (5) deur daardie Administrateur verstrek is, ontvang en aanvaar het.

(5) 'n Administrateur moet jaarliks rekeningstate aan die raad voorlê (vir opname in sy eie rekenings), in so 'n vorm as wat die Tesourie in oorleg met die Kontroleur en Ouditeur-generaal goedkeur, wat geouditeer moet word deur die Provinsiale Ouditeur van die betrokke provinsie en gestaaf moet word deur sy verslag en sodanige ander dokumentêre getuienis in die vorm van sertifikate deur tegniese en ander amptenare van daardie provinsie as wat deur die raad vereis mag word om te bewys dat enige voorwaardes wat deur die raad ingevolge sub-artikel (1) gestel is, nagekom is."

Wysiging van artikel 12 van van Wet 42 van 1935.

5. Artikel *twaalf* van die Hoofwet word hierby gewysig—

(*a*) deur al die woorde na die woord „geouditeer" te skrap; en

(*b*) deur aan die end daarvan die volgende sub-artikel by te voeg, terwyl die bestaande artikel sub-artikel (1) word:

„(2) Vir die doeleindes van die in sub-artikel (1) bedoelde oudit aanvaar die Kontroleur en Ouditeur-generaal ten opsigte van enige provinsie die sertifikaat van die Provinsiale Ouditeur van daardie provinsie en die ter sake dienende rekeningstate en ander dokumentêre getuienis ingevolge sub-artikel (5) van artikel *tien* deur die Administrateur van daardie provinsie voorgelê, maar die Kontroleur en Ouditeur-generaal kan na goeddunke in sy verslag oor enige aspek van 'n Provinsiale Ouditeur se sertifikaat of die ter sake dienende rekeningstate of ander dokumentêre getuienis kommentaar lewer.".

Wysiging van lang titel van Wet 42 van 1935.

6. Die lang titel van die Hoofwet word hierby gewysig deur die woorde „Binnelandse Sake" deur die woord „Vervoer" te vervang.

Wysiging van artikel 6 van Wet 44 van 1948.

7. Artikel *ses* van die Wet op die Koördinering van Vervoer, 1948, word hierby gewysig deur sub-artikel (3) te skrap.

Kort titel.

8. Hierdie Wet heet die Wysigingswet op Nasionale Paaie en die Koördinering van Vervoer, 1957.

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