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CAPE TOWN, 14TH JUNE, 1972.

[No. 3556.

KAAPSTAD, 14 JUNIE 1972.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1030.

14th June, 1972.

No. 1030.

14 Junie 1972.

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

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

No. 66 of 1972: Defence Amendment Act, 1972.

No. 66 van 1972: Wysigingswet op Verdediging, 1972.

Wet No. 66, 1972

WYSIGINGSWET OP VERDEDIGING, 1972.

WET

Tot wysiging van die bepalings van die Verdedigingswet, 1957, met betrekking tot diens in die Burgermag en kommando's, vrystellingsrade, fondse en inrigtings, verbode persele en diensweiering; om die „Simon's Bay Dockyard Port Regulations Statutes, 1898-1912", van die Kaap die Goeie Hoop, en die Wysigingswet op die Simonsbaai-dokhaweregulasies, 1957, te herroep; en om vir bykomstige aangeleenthede voorsiening te maak.

*Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 8 Junie 1972.)*

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

Wysiging van
artikel 16 van
Wet 44 van 1957.

1. Artikel 16 van die Verdedigingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Behoudens die bepalings van subartikel (3), word die Burgermag vir sover dienstig ingedeel in die 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 so 'n lid vir opleiding of diens in 'n ander deel van die Suid-Afrikaanse Weermag, of die opname, op die voorwaardes wat voorgeskryf mag word, van so 'n lid wat behoort tot 'n kategorie van professioneel-gekwalfiseerde lede vir wie se dienste daar nie 'n behoefte in hul indeling in daardie Mag is nie, in 'n Staatsdepartement, ander Regeringsdiens of 'n ander owerheid wat die Minister vir dié doel goedkeur, of in 'n onderneming wat krygstuig soos omskryf in die Krygstuigwet, 1964 (Wet No. 87 van 1964), vervaardig, herstel of in stand hou of wat 'n werksaamheid van die Krygstuigraad ingestel kragtens daardie Wet of die Krygstuigontwikkelings- en vervaardigingskorporasie van Suid-Afrika Beperk, ingestel kragtens die Wet op Krygstuig-ontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968), uitvoer, of in 'n inrigting vir navorsing in verband met krygstuig, vir opleiding, diens en ondervinding in sy professie, of die opname, op die voorwaardes wat voorgeskryf mag word, van so 'n lid wat nie tot so 'n kategorie behoort nie, in 'n onderneming wat 'n werksaamheid van bedoelde Korporasie uitvoer, vir opleiding, diens en ondervinding, te belet nie.”

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

2. Artikel 22 van die Hoofwet word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Die Minister kan, wanneer hy dit in belang van die Suid-Afrikaanse Weermag of in die openbare belang nodig ag, gelas dat lede van die Burgermag van 'n kategorie of soort deur hom bepaal, spesiale ononderbroke diens vir 'n tydperk van hoogstens vier maande of tydperke van

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ACT

To amend the provisions of the Defence Act, 1957, relating to service in the Citizen Force and the commandos, exemption boards, funds and institutions, prohibited premises and refusal of service; to repeal the Simon's Bay Dockyard Port Regulations Statutes, 1898-1912, of the Cape of Good Hope, and the Simon's Bay Dockyard Port Regulations Amendment Act, 1957; and to provide for incidental matters.

(English text signed by the State President.)

(Assented to 8th June, 1972.)

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

1. Section 16 of the Defence Act, 1957 (hereinafter referred to as the principal Act), is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 16 of Act 44 of 1957.

“(2) Subject to the provisions of subsection (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 attachment of any such member to any other portion of the South African Defence Force for training or service, or the attachment, on such conditions as may be prescribed, of any such member who belongs to any category of professionally qualified members whose services are not required in their mustering in that Force, to a Government Department, other Government service or other authority which the Minister may approve for the purpose, or to an undertaking which manufactures, repairs or maintains armaments as defined in the Armaments Act, 1964 (Act No. 87 of 1964), or which carries out any function of the Armaments Board established under that Act or the Armaments Development and Production Corporation of South Africa, Limited, established under the Armaments Development and Production Act, 1968 (Act No. 57 of 1968), or to an institution for research in connection with armaments, for training, service and experience in his profession, or the attachment, on such conditions as may be prescribed, of any such member who does not belong to any such category, to an undertaking which carries out any functions of the said Corporation, for training, service and experience.”.

2. Section 22 of the principal Act is hereby amended by the substitution for subsection (7) of the following subsection: Amendment of section 22 of Act 44 of 1957, as substituted by section 12 of Act 85 of 1967.

“(7) The Minister may, whenever he considers it to be necessary in the interest of the South African Defence Force or in the public interest, direct that members of the Citizen Force of a category or kind specified by him shall, in addition to any other service to which such members are liable in terms of this section, render special continuous

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hoogstens vier maande altesaam moet doen benewens ander diens waartoe bedoelde lede ingevolge hierdie artikel verplig is.”.

Wysiging van
artikel 35 van
Wet 44 van 1957,
soos vervang deur
artikel 18 van
Wet 85 van 1967.

3. Artikel 35 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Elke persoon aan die kommando's ingevolge Hoofstuk VIII toegewys en elke persoon wat op die een-en-dertigste dag van Augustus 1967 'n lid van 'n kommando was (behalwe 'n in artikel 36 of 37 bedoelde lid of 'n offisier), is, behoudens die bepalings van hierdie Wet, verplig om in 'n kommando te dien oor 'n tydperk van tien jaar bereken van die eerste dag van Januarie van die jaar waarin hy vir die eerste keer diens of opleiding in 'n kommando begin het of begin: Met dien verstande dat so 'n persoon wat om watter rede ook al nie diens gedoen het waartoe hy ingevolge artikel 44 verplig is nie, verplig bly om in 'n kommando te dien totdat hy bedoelde diens gedoen het, tensy die Minister of 'n persoon wat op sy gesag handel, anders gelas.”.

Wysiging van
artikel 44 van
Wet 44 van 1957,
soos vervang deur
artikel 21 van
Wet 85 van 1967
en gewysig deur
artikel 2 van
Wet 28 van 1970.

4. Artikel 44 van die Hoofwet word hierby gewysig—

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

„(3) 'n Lid wat ingevolge artikel 35 verplig is om in 'n kommando te dien, is verplig om die ononderbroke of onderbroke voorgeskrewe diens te doen vir 'n tydperk van hoogstens twaalf maande of tydperke van hoogstens twaalf maande altesaam gedurende sy eerste diensperiode en vir 'n tydperk van hoogstens negentien dae in sy tweede en 'n daaropvolgende diensjaar, maar so 'n lid is nie verplig om bedoelde diens te doen vir tydperke wat altesaam sestig maande te bowe gaan nie.”; en

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

„(6) Die Minister kan, wanneer hy dit in belang van die Suid-Afrikaanse Weermag of in die openbare belang nodig ag, gelas dat lede van die kommando's van 'n kategorie of soort deur hom bepaal, benewens ander diens waartoe bedoelde lede ingevolge hierdie artikel verplig is, spesiale ononderbroke diens vir 'n tydperk van hoogstens vier maande of tydperke van hoogstens vier maande altesaam moet doen.”.

Wysiging van
artikel 67 van
Wet 44 van 1957,
soos vervang deur
artikel 40 van
Wet 85 van 1967
en gewysig deur
artikel 4 van
Wet 28 van 1970.

5. Artikel 67 van die Hoofwet word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Elke persoon wat ingevolge hierdie artikel toegewys is, word deur 'n voorgeskrewe offisier in kennis gestel van die naam van die eenheid waaraan hy toegewys is en van die datum waarop en plek waar hy diens moet begin.”.

Wysiging van
artikel 69 van
Wet 44 van 1957,
soos vervang deur
artikel 11 van
Wet 81 van 1964
en gewysig deur
artikel 42 van
Wet 85 van 1967.

6. Artikel 69 van die Hoofwet word hierby gewysig deur subparagraaf (ii) van subartikel (1) (a) deur die volgende subparagraaf te vervang:

„(ii) nadat die persoon wat aldus verplig is, diens ingevolge artikel 22 of 44 begin het, om uitstel van bedoelde diens.”.

Wysiging van
artikel 87 van
Wet 44 van 1957,

7. Artikel 87 van die Hoofwet word hierby gewysig deur in subartikel (1) na paragraaf (d) die volgende paragraaf in te voeg:

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service for a period not exceeding four months or periods not exceeding four months in the aggregate.”.

3. Section 35 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of section 35 of Act 44 of 1957, as substituted by section 18 of Act 85 of 1967.

“(1) Every person allotted to the commandos in terms of Chapter VIII and every person who, on the thirty-first day of August, 1967, was a member of a commando (other than a member referred to in section 36 or 37 or an officer), shall, subject to the provisions of this Act, be liable to serve in a commando over a period of ten years reckoned from the first day of January of the year in which he commenced or commences service or training in a commando for the first time: Provided that any such person who for any reason whatever has not rendered any service to which he is liable in terms of section 44, shall remain liable to serve in a commando until he has rendered such service, unless the Minister or any person acting under his authority otherwise directs.”.

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

Amendment of section 44 of Act 44 of 1957, as substituted by section 21 of Act 85 of 1967 and amended by section 2 of Act 28 of 1970.

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

“(3) A member liable to serve in a commando in terms of section 35 shall be liable to render such continuous or non-continuous service as may be prescribed, for a period not exceeding twelve months or periods not exceeding twelve months in the aggregate during his first period of service and for a period not exceeding nineteen days in his second and any subsequent year of service, but no such member shall be liable to render such service for periods exceeding sixteen months in the aggregate.”; and

- (b) by the substitution for subsection (6) of the following subsection:

“(6) The Minister may whenever he considers it to be necessary in the interest of the South African Defence Force or in the public interest, direct that members of the commandos of a category or kind specified by him shall, in addition to any other service to which such members are liable in terms of this section, render special continuous service for a period not exceeding four months or periods not exceeding four months in the aggregate.”.

5. Section 67 of the principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

Amendment of section 67 of Act 44 of 1957, as substituted by section 40 of Act 85 of 1967 and amended by section 4 of Act 28 of 1970.

“(4) Every person allotted under this section shall be notified by a prescribed officer of the name of the unit to which he has been allotted and of the date upon which and place where he is required to commence service.”.

6. Section 69 of the principal Act is hereby amended by the substitution for subparagraph (ii) of subsection (1) (a) of the following subparagraph:

Amendment of section 69 of Act 44 of 1957, as substituted by section 11 of Act 81 of 1964 and amended by section 42 of Act 85 of 1967.

“(ii) after the person so liable has commenced service in terms of section 22 or 44, for deferment of such service.”.

7. Section 87 of the principal Act is hereby amended by the insertion in subsection (1) after paragraph (d) of the following paragraph:

Amendment of section 87 of Act 44 of 1957,

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soos gewysig deur artikel 9 van Wet 12 van 1961, artikel 15 van Wet 81 van 1964, artikel 20 van Wet 39 van 1966, artikel 51 van Wet 85 van 1967 en artikel 9 van Wet 28 van 1970.

(dA) die stigting, bestuur en beheer van fondse en nie-handeldrywende inrigtings van die Suid-Afrikaanse Weermag waarvan die doelstellings of sommige van die doelstellings is die verkryging en besit van eiendom, sowel roerende as onroerende, vir die verskaffing van ontspanningsfasiliteite binne die Republiek uitsluitlik vir die voordeel van lede en oudlede van daardie Mag of enige diens, korps of eenheid daarin en hul afhanklikes en ander voorgeskrewe persone of kategorieë van persone;”.

Wysiging van artikel 89 van Wet 44 van 1957, soos gewysig deur artikel 10 van Wet 12 van 1961, artikel 16 van Wet 81 van 1964 en artikel 20 van Wet 80 van 1971.

8. Artikel 89 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

„(3) Iemand wat in stryd met ’n verbod of beperking in ’n ingevolge subartikel (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 en by skuldigbevinding strafbaar met ’n boete van hoogstens vyfduisend rand of met gevangenisstraf vir ’n tydperk van hoogstens vyftien jaar of met sowel sodanige boete as sodanige gevangenisstraf.”.

Invoeging van artikel 89A in Wet 44 van 1957.

9. Die volgende artikel word hierby in die Hoofwet na artikel 89 ingevoeg:

„Oorplasing na Burgermag of kommando's. 89A. Die Minister of iemand wat op sy gesag handel kan te eniger tyd, in belang van die Suid-Afrikaanse Weermag, ’n lid van die Burgermag oorplaas na die kommando's of omgekeerd.”.

Invoeging van artikel 126A in Wet 44 van 1957.

10. Die volgende artikel word hierby in die Hoofwet na artikel 126 ingevoeg:

„Weiering van diens in Burgermag of kommando's. 126A. (1) Iemand wat ingevolge artikel 22 of 44 verplig is om diens te doen en wat—
(a) wanneer hy daartoe aangesê is, weier om hom vir sodanige diens aan te meld; of
(b) nadat hy hom aangemeld het, weier om militêre diens te doen of militêre opleiding te ondergaan,

is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met detensie vir ’n tydperk van hoogstens vyftien maande en minstens twaalf maande: Met dien verstande dat iemand wat minstens twaalf maande detensie weens ’n oortreding van hierdie artikel uitdien of uitgedien het, nie weer weens so ’n oortreding aangekla mag word nie.

(2) Ondanks andersluidende wetsbepalings of die bepaling van artikel 104 (5) (b) (vi) van hierdie Wet, is ’n krygsraad bevoeg om die straf op te lê waarvoor in subartikel (1) voorsiening gemaak word.”.

Vervanging van artikel 148 van Wet 44 van 1957, soos gewysig deur artikel 29 van Wet 77 van 1963.

11. Artikel 148 van die Hoofwet word hierby deur die volgende artikel vervang:

„Klubs, menasies, ens. 148. Klubs, menasies, en handelsinrigtings vir die uitsluitlike gebruik of voordeel van lede van die Suid-Afrikaanse Weermag of ander magte, of enige hulpdiens kragtens hierdie Wet ingestel, 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.”.

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“(dA) the establishment, management and control of funds and non-trading institutions of the South African Defence Force the aims or some of the aims of which are the acquisition and possession of property, movable as well as immovable, for the provision of recreational facilities within the Republic exclusively for the benefit of members and ex-members of that Force or any service, corps or unit therein and their dependants and other prescribed persons or classes of persons;”. as amended by section 9 of Act 12 of 1961, section 15 of Act 81 of 1964, section 20 of Act 39 of 1966, section 51 of Act 85 of 1967 and section 9 of Act 28 of 1970.

8. Section 89 of the principal Act is hereby amended by the substitution for subsection (3) of the following subsection: Amendment of section 89 of Act 44 of 1957,

“(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 under subsection (1) or (2), shall be guilty of an offence and liable on conviction to a fine not exceeding five thousand rand or to imprisonment for a period not exceeding fifteen years or to both such fine and such imprisonment.”. as amended by section 10 of Act 12 of 1961, section 16 of Act 81 of 1964 and section 20 of Act 80 of 1971.

9. The following section is hereby inserted in the principal Act after section 89: Insertion of section 89A in Act 44 of 1957.

“Transfer to Citizen Force or commandos. 89A. The Minister or a person acting under his authority may at any time, in the interest of the South African Defence Force, transfer a member of the Citizen Force to the commandos or *vice versa*.”.

10. The following section is hereby inserted in the principal Act after section 126: Insertion of section 126A in Act 44 of 1957.

“Refusal of service in Citizen Force or commandos. 126A. (1) Any person liable to render service in terms of section 22 or 44 and who—
(a) when called up, refuses to report for such service; or
(b) having reported for service, refuses to render military service or to undergo military training,
shall be guilty of an offence and liable on conviction to be sentenced to detention for a period of not more than fifteen months and not less than twelve months: Provided that a person who is serving or has served not less than twelve months’ detention for a contravention of this section may not again be charged with such a contravention.

(2) Notwithstanding anything to the contrary contained in any other law or the provisions of section 104 (5) (b) (vi) of this Act, courts martial shall have jurisdiction to impose the sentence provided for in subsection (1).”.

11. The following section is hereby substituted for section 148 of the principal Act: Substitution of section 148 of Act 44 of 1957, as amended by section 29 of Act 77 of 1963.

“Clubs, messes, etc. 148. Clubs, messes and trading institutions for the exclusive use or benefit of members of the South African Defence Force, or other forces, or any auxiliary service established under this Act, 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.”.

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Vervanging van
artikel 149 van
Wet 44 van 1957.

12. Artikel 149 van die Hoofwet word hierby deur die volgende artikel vervang:

„Vrystelling
van
lisensies,
ens.

149. (1) Geen lisensiegelde, belasting, reg of geld (behalwe doeane-, aksyns- of verkoopregte waar dit kragtens wet hefbaar is) is deur enigiemand ingevolge enige wetsbepaling betaalbaar nie ten opsigte van 'n kragtens artikel 148 gestigte klub, menasie of inrigting in of in verband met 'n basis, kamp, stasie of skip vir enige deel van die Suid-Afrikaanse Weermag in die Republiek of ten opsigte van enige artikel wat by so 'n klub, menasie of inrigting te koop is of ten opsigte van 'n kragtens artikel 87 (dA) gestigte fonds of inrigting, en wat as sodanig gesertifiseer is.

(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 klub, menasie, inrigting of fonds gesertifiseer het, is voldoende getuienis dat dit 'n klub, menasie, inrigting of fonds is wat onder hierdie artikel val.

(3) Klubs, menasies, inrigtings en fondse gesertifiseer kragtens subartikel (2), word geag met regspersoonlikheid bekleed te wees.”.

Herroeping van
Wet 25 van 1898
(Kaap) en
Wet 29 van 1957.

13. Die „Simon's Bay Dockyard Port Regulations Statutes, 1898-1912”, van die Kaap die Goeie Hoop, en die Wysigingswet op die Simonsbaai-dokhaweregulasies, 1957, word hierby herroep.

Kort titel en
inwerkingtreding.

14. (1) Hierdie Wet heet die Wysigingswet op Verdediging, 1972.

(2) Artikels 7, 11 en 12 van hierdie Wet word geag op die eerste dag van November, 1958, in werking te getree het.

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12. The following section is hereby substituted for section 149 of the principal Act:

Substitution of section 149 of Act 44 of 1957.

"Exemption from licences, etc.

149. (1) No licence moneys, tax, duty or fee (other than customs, excise or sales duty where leviable by law) shall be payable by any person under any law in respect of any club, mess or institution established under section 148 in or in connection with any base, camp, station or ship for any portion of the South African Defence Force in the Republic, or in respect of any article on sale at such a club, mess or institution or in connection with a fund or institution established under section 87 (dA), and which has been certified as such.

(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 club, mess, institution or fund, shall be sufficient evidence that it is a club, mess, institution or fund falling within this section.

(3) Clubs, messes, institutions and funds certified under subsection (2) shall be deemed to be bodies corporate."

13. The Simon's Bay Dockyard Port Regulations Statutes, 1898-1912, of the Cape of Good Hope, and the Simon's Bay Dockyard Port Regulations Amendment Act, 1957, are hereby repealed.

Repeal of Act 25 of 1898 (Cape) and Act 29 of 1957.

14. (1) This Act shall be called the Defence Amendment Act, 1972.

Short title and commencement.

(2) Sections 7, 11 and 12 of this Act shall be deemed to have come into operation on the first day of November, 1958.

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