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DEPARTMENT OF THE PRIME MINISTER

No. 980.

3 June 1977.

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

No. 68 of 1977: Second Defence Amendment Act, 1977.

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 980.

3 Junie 1977.

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

No. 68 van 1977: Tweede Wysigingswet op Verdediging, 1977.

Act No. 68, 1977

SECOND DEFENCE AMENDMENT ACT, 1977.

ACT

To amend the Defence Act, 1957, so as to make different provision with regard to the periods within which members of the Citizen Force shall complete their continuous service; to provide that certain training or service shall in certain circumstances be regarded as service rendered in the Citizen Force; to make different provision with regard to the periods within which members of the commandos shall complete their continuous and non-continuous service; to provide that certain training or service shall in certain circumstances be regarded as service rendered in the commandos; to further regulate the service and training to be rendered and undergone by members of the Permanent Force Reserve; to make new provision regarding the allotment of persons to the Citizen Force, the commandos or the South African Police; to further regulate the establishment of auxiliary services; and to provide for the extension of the periods of certain service to be rendered by certain members of the South African Defence Force; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 18 May 1977.)

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

Amendment of section 22 of Act 44 of 1957, as substituted by section 12 of Act 85 of 1967 and amended by section 2 of Act 66 of 1972, section 3 of Act 8 of 1974, section 3 of Act 83 of 1974 and section 2 of Act 35 of 1977.

1. Section 22 of the Defence Act, 1957 (hereinafter referred to as the principal Act), is hereby amended—

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

“(3) The continuous service to which a member liable to serve in the Citizen Force in terms of section 21 shall be liable, shall, subject to the provisions of subsection (4) of this section, be completed in—

(a) a first period of service not exceeding twenty-four months; and

(b) subsequent periods of service of which none shall exceed thirty days and which shall not exceed two hundred and forty days in the aggregate.”;

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

“(4) The continuous service to which an officer of the Citizen Force or a member engaged or re-engaged for service in terms of section 19 is liable in respect of any calendar year shall be completed within a single period not exceeding thirty days during that year.”;

(c) by the deletion of subsections (6A) and (7); and

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WET

Tot wysiging van die Verdedigingswet, 1957, ten einde ander voorsiening te maak met betrekking tot die tydperke waarin lede van die Burgermag hul ononderbroke diens moet voltooi; te bepaal dat sekere opleiding of diens onder sekere omstandighede as diens in die Burgermag gedoen, beskou moet word; ander voorsiening te maak met betrekking tot die tydperke waarin lede van die kommando's hul ononderbroke en onderbroke diens moet voltooi; te bepaal dat sekere opleiding of diens onder sekere omstandighede as diens in die kommando's gedoen, beskou moet word; die diens en opleiding wat deur lede van die Staandemagreserwe gedoen en ondergaan moet word, verder te reël; nuwe voorsiening te maak aangaande die toewysing van persone aan die Burgermag, die kommando's of die Suid-Afrikaanse Polisie; die instelling van hulpdienste verder te reël; en voorsiening te maak vir die verlenging van die tydperke van sekere diens wat deur sekere lede van die Suid-Afrikaanse Weermag gedoen moet word; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)

(Goedgekeur op 18 Mei 1977.)

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

1. Artikel 22 van die Verdedigingswet, 1957 (hieronder die Hoofwet genoem), word hierby gewysig—

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

„(3) Die ononderbroke diens waartoe 'n lid verplig is wat ingevolge artikel 21 verplig is om in die Burgermag te dien, word, behoudens die bepalings van subartikel (4) van hierdie artikel, voltooi in—

(a) 'n eerste dienstydpark van hoogstens vier-en-twintig maande; en

(b) latere dienstydpark waarvan geeneen langer as dertig dae duur nie en wat altesaam nie tweehonderd-en-veertig dae oorskry nie.”;

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

„(4) Die ononderbroke diens waartoe 'n offisier van die Burgermag of 'n lid wat ingevolge artikel 19 aangeneem of weer aangeneem word, verplig is ten opsigte van 'n kalenderjaar, word voltooi binne 'n enkele tydperk van hoogstens dertig dae gedurende daardie jaar.”;

(c) deur subartikels (6A) en (7) te skrap; en

Wysiging van artikel 22 van Wet 44 van 1957, soos vervang deur artikel 12 van Wet 85 van 1967 en gewysig deur artikel 2 van Wet 66 van 1972, artikel 3 van Wet 8 van 1974, artikel 3 van Wet 83 van 1974 en artikel 2 van Wet 35 van 1977.

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- (d) by the substitution for subsection (9) of the following subsection:

“(9) Any training undergone or service rendered by any person in the Permanent Force, the commandos, the South African Police, the Railways and Harbours Police, the Prisons Service, the merchant fleet at any time or in the Citizen Force before 31 December 1976 or any other training or service which the Minister may deem suitable, shall be regarded as service for the purpose of this section to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or class of persons to which such person belongs.”.

Amendment of section 35 of Act 44 of 1957, as amended by section 3 of Act 12 of 1961, section 6 of Act 42 of 1961, section 4 of Act 81 of 1964, section 18 of Act 85 of 1967, section 3 of Act 66 of 1972, section 4 of Act 8 of 1974 and section 4 of Act 83 of 1974.

2. Section 35 of the principal Act is hereby amended by the substitution in subsection (1) for the words preceding the proviso of the following words:

“(1) Every person allotted to the commandos in terms of Chapter VIII and every person who, on 31 December 1973, was a member of a commando (other than a member referred to in section 36 or 37) shall, subject to the provisions of this Act, be liable to serve in a commando over a period of ten years reckoned from 1 January of the year in which he commenced or commences service or training in a commando for the first time.”.

Amendment of section 44 of Act 44 of 1957, as substituted by section 21 of Act 85 of 1967 and amended by section 2 of Act 28 of 1970, section 4 of Act 66 of 1972, section 5 of Act 8 of 1974, section 5 of Act 83 of 1974 and section 3 of Act 35 of 1977.

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

- (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 twenty-four months or periods not exceeding twenty-four months in the aggregate during his first period of service and for periods not exceeding thirty days in each subsequent period of service and which shall not exceed two hundred and forty days in the aggregate.”;

- (b) by the deletion of subsections (5A) and (6); and

- (c) by the substitution for subsection (7) of the following subsection:

“(7) Any training undergone or service rendered by any person in the Permanent Force, the Citizen Force, a Cadet Officer Training Corps, the South African Police, the Railways and Harbours Police, the Prisons Service, the merchant fleet at any time, or in a commando before 31 December 1976, or any other training or service which the Minister may deem suitable, shall be regarded as service rendered for the purposes of this section, to such extent as the Minister or any person acting under his authority may determine in respect of such person or in respect of any category or class of persons to which such person belongs.”.

Amendment of section 51 of Act 44 of 1957, as amended by section 5 of Act 81 of 1964, section 26 of Act 85 of 1976 and section 3 of Act 3 of 1969.

4. Section 51 of the principal Act is hereby amended—

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

“(1) Members of the Permanent Force Reserve shall be liable to render such service as may be prescribed: Provided that the period of such service shall—

- (a) in the case of members who, on termination of service in the Permanent Force have served therein for less than ten years, and who have not been allotted to the Citizen Force, the commandos or the South African Police in terms of section 67, initially not exceed thirty days in the aggregate in respect of every year less than ten years' service in

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- (d) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) Opleiding ondergaan of diens gedoen deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie, die Gevangenisdiens, die handelsvloot te eniger tyd of in die Burgermag voor 31 Desember 1976 of enige ander opleiding of diens wat die Minister geskik ag, word by die toepassing van hierdie artikel as diens beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of klas persone waartoe bedoelde persoon behoort.”

2. Artikel 35 van die Hoofwet word hierby gewysig deur in subartikel (1) die woorde wat die voorbehoudsbepaling voorafgaan deur die volgende woorde te vervang:

„(1) Elke persoon aan die kommando's toegewys in gevolge Hoofstuk VIII en elke persoon wat op 31 Desember 1973 'n lid van 'n kommando was (behalwe 'n in artikel 36 of 37 bedoelde lid), is, behoudens die bepalinge van hierdie Wet, verplig om in 'n kommando te dien oor 'n tydperk van tien jaar bereken vanaf 1 Januarie van die jaar waarin hy vir die eerste keer diens of opleiding in 'n kommando begin het of begin.”

Wysiging van artikel 35 van Wet 44 van 1957, soos gewysig deur artikel 3 van Wet 12 van 1961, artikel 6 van Wet 42 van 1961, artikel 4 van Wet 81 van 1964, artikel 18 van Wet 85 van 1967, artikel 3 van Wet 66 van 1972, artikel 4 van Wet 8 van 1974 en artikel 4 van Wet 83 van 1974.

3. 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 vier-en-twintig maande of tydperke van hoogstens vier-en-twintig maande altesaam gedurende sy eerste diensperiode en vir tydperke van hoogstens dertig dae in elke latere diensperiode en wat altesaam nie tweehonderd-en-veertig dae oorskry nie.”;

- (b) deur subartikels (5A) en (6) te skrap; en

- (c) deur subartikel (7) deur die volgende subartikel te vervang:

„(7) Opleiding ondergaan of diens gedoen deur 'n persoon in die Staande Mag, die Burgermag, 'n opleidingskorps vir Kadetoffisiere, die Suid-Afrikaanse Polisie, die Spoorweg- en Hawepolisie, die Gevangenisdiens, die handelsvloot te eniger tyd, of in 'n kommando voor 31 Desember 1976, of enige ander opleiding of diens wat die Minister geskik ag, word by die toepassing van hierdie artikel as diens beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van bedoelde persoon of ten opsigte van 'n kategorie of klas persone waartoe bedoelde persoon behoort.”

Wysiging van artikel 44 van Wet 44 van 1957, soos vervang deur artikel 21 van Wet 85 van 1967 en gewysig deur artikel 2 van Wet 28 van 1970, artikel 4 van Wet 66 van 1972, artikel 5 van Wet 8 van 1974, artikel 5 van Wet 83 van 1974 en artikel 3 van Wet 35 van 1977.

4. Artikel 51 van die Hoofwet word hierby gewysig—

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

„(1) Lede van die Staandemagreserwe kan verplig word om die diens wat voorgeskryf mag word, te doen: Met dien verstande dat die tydperk van sodanige diens—

- (a) in die geval van lede wat by beëindiging van diens in die Staande Mag minder as tien jaar daarin gedien het en nie ingevolge artikel 67 aan die Burgermag, die kommando's of die Suid-Afrikaanse Polisie toegewys is nie, aanvanklik altesaam nie dertig dae oorskry nie ten opsigte van elke jaar minder as tien jaar diens in die Staande

Wysiging van artikel 51 van Wet 44 van 1957, soos gewysig deur artikel 5 van Wet 81 van 1964, artikel 26 van Wet 85 van 1967 en artikel 3 van Wet 3 van 1969.

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the Permanent Force, and thereafter the period mentioned in paragraph (b); and

(b) in the case of members who, on termination of service in the Permanent Force have served therein for more than ten years, not exceed one hundred and fifty days in the aggregate during any period of five years.”; and

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

“(2) Any member of the Permanent Force Reserve who has received training of a special nature may, on the directions of the Minister or any person acting under his authority, be required to undergo such refresher course as may be prescribed, but any such refresher course shall not exceed thirty days in any one year which extends from the first day of January to the last day of December.”.

Amendment of section 67 of Act 44 of 1957, as substituted by section 24 of Act 57 of 1975 and amended by section 4 of Act 35 of 1977.

5. Section 67 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (2) of the following paragraph:

“(c) who are under the age of twenty-five years, and have on termination of service in the Permanent Force served therein for less than four years; or”.

Amendment of section 80 of Act 44 of 1957, as amended by section 7 of Act 28 of 1970.

6. Section 80 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister may establish and designate for the purposes of the South African Defence Force, or any portion thereof, auxiliary services to perform such functions as he may determine.”.

Amendment of section 92ter of Act 44 of 1957, as inserted by section 14 of Act 12 of 1961, substituted by section 8 of Act 83 of 1974 and amended by section 5 of Act 1 of 1976.

7. Section 92ter of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) The Minister may, whenever he considers it to be necessary in the interest of the South African Defence Force or in the public interest, extend the period during which service in terms of subsection (1) shall be rendered by a member referred to therein, by such a period or periods as he may deem fit, but not till after the termination of six months after the termination of the time which would have been occupied by the service, duty or training which the member is performing or undergoing.”.

Short title and commencement.

8. (1) This Act shall be called the Second Defence Amendment Act, 1977, and its provisions shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may under subsection (1) be fixed in respect of different provisions of this Act or in respect of such provisions with reference to different persons or categories of persons.

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Mag, en daarna nie die tydperk in paragraaf (b) vermeld, oorskry nie; en

- (b) in die geval van lede wat by beëindiging van diens in die Staande Mag meer as tien jaar daarin gedien het, altesaam nie honderd-en-vyftig dae gedurende enige tydperk van vyf jaar oorskry nie.”; en

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

„(2) 'n Lid van die Staandemagreserwe wat opleiding van 'n spesiale aard ontvang het, kan op las van die Minister of iemand wat op sy gesag handel, verplig word om so 'n herhalingskursus te volg as wat voorgeskryf word, maar so 'n herhalingskursus duur nie langer as dertig dae in enige jaar wat strek van die eerste dag van Januarie tot die laaste dag van Desember nie.”.

5. Artikel 67 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (2) deur die volgende paragraaf te vervang:

„(c) wat onder die ouderdom van vyf-en-twintig jaar is en by beëindiging van diens in die Staande Mag minder as vier jaar daarin gedien het; of”.

Wysiging van artikel 67 van Wet 44 van 1957, soos vervang deur artikel 24 van Wet 57 van 1975 en gewysig deur artikel 4 van Wet 35 van 1977.

6. Artikel 80 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Die Minister kan vir doeleindes van die Suid-Afrikaanse Weermag of enige deel daarvan, hulpdienste instel en aanwys, om die werksaamhede wat hy bepaal, te verrig.”.

Wysiging van artikel 80 van Wet 44 van 1957, soos gewysig deur artikel 7 van Wet 28 van 1970.

7. Artikel 92ter van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die Minister kan, wanneer hy dit in belang van die Suid-Afrikaanse Weermag of in die openbare belang nodig ag, die tydperk waarin diens ingevolge subartikel (1) deur 'n daarin bedoelde lid gedoen moet word, verleng met 'n tydperk of die tydperke wat hy goedvind, maar nie tot na die verstryking van ses maande nie na die verstryking van die tyd wat die diens, pligte of opleiding wat die lid verrig of ondergaan, sou geduur het.”.

Wysiging van artikel 92ter van Wet 44 van 1957, soos ingevoeg deur artikel 14 van Wet 12 van 1961, vervang deur artikel 8 van Wet 83 van 1974 en gewysig deur artikel 5 van Wet 1 van 1976.

8. (1) Hierdie Wet heet die Tweede Wysigingswet op Verdediging, 1977, en die bepalinge daarvan tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

Kort titel en inwerkingtreding.

- (2) Verskillende datums kan kragtens subartikel (1) bepaal word ten opsigte van verskillende bepalinge van hierdie Wet of ten opsigte van daardie bepalinge met betrekking tot verskillende persone of kategorieë persone.

