



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1895.

6 Julie 1992

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

No. 132 van 1992: Wysigingswet op Verdediging, 1992.

No. 1895.

6 July 1992

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

No. 132 of 1992: Defence Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 2 Julie 1992.)*

WET

Tot wysiging van die Verdedigingswet, 1957, ten einde sekere woordskrywings in te voeg, te skrap of te vervang; verouderde uitdrukkings en bepalings te vervang; die indiensstelling van die Suid-Afrikaanse Weermag verder te reël; die gebruikmaking van die Suid-Afrikaanse Weermag vir polisiewerksaamhede verder te reël; te bepaal dat persone wat tot diens in die Suid-Afrikaanse Weermag verplig is, aangesê moet word om daardie diens te doen, en die wyse van aansegging verder te reël; diens in die kommando's verder te reël; die bevoegdheid van 'n vrystellingsraad om 'n persoon wat verplig is om in die Burgermag te dien, aan die kommando's toe te wys, nader te omskryf; toewysing van persone aan die Burgermag en die kommando's verder te reël; kennisgewing aan toegewysde persone verder te reël; die instelling van een of meer rade vir gewetensbeswaar en die samestelling daarvan te reël; die omstandighede waaronder en die voorwaardes waarop aansoek tot so 'n raad gerig kan word, te bepaal; die verpligting van persone wat besig is om militêre diens te doen ten tyde van hul aansoek om as gewetensbeswaardes geklassifiseer te word, te reël; die werkwyse en bevoegdheid van rade vir gewetensbeswaar te reël; die diens wat deur geklassifiseerde gewetensbeswaardes verrig moet word en, waar nodig, die wyse waarop en die formule waarvolgens die duur daarvan bereken moet word, te bepaal; nader te omskryf by wie gemeenskapsdiens verrig moet word; die uitvaardiging van regulasies met betrekking tot gemeenskapsdiens en sekere ander sake met betrekking daartoe verder te reël; die posisie van gewetensbeswaardes wat die Republiek verlaat of wie se verblyfplek onbekend is, te reël; die intrekking of wysiging van, en sekere aangeleenthede betreffende, beslissings van rade vir gewetensbeswaar te reël; beperkings te plaas op die vergoeding aan persone wat gemeenskapsdiens verrig; nuwe voorsiening, by regulasie, te maak vir dissiplinêre optredes teen persone wat gemeenskapsdiens verrig; verpligte detensiestraf voor te skryf vir 'n geklassifiseerde gewetensbeswaarde wat weier om gemeenskapsdiens te verrig; nuwe misdrywe te skep; gemeenskapsdiens verder te reël waar oortreders wat sodanige diens verrig, onder sekere omstandighede gevangenisstraf opgelê word; parool onder sekere omstandighede te reël; 'n sekere vermoede te skep vir die doeleindes van sekere vervolgings; bykomende voorsiening te maak met betrekking tot die opskorting van vonnisse; bewyslewering deur middel van sekere sertifikate verder te reël; die Minister van Verdediging te magtig om sekere van sy bevoegdhede te deleger; sekere boetes te verhoog; die outomatiese verval en intrekking van offisiere se kommissie, onder sekere omstandighede, verder te reël; die bevoegdheid om regulasies uit te vaardig wat 'n verskil maak tussen persone op grond van hul ras, in te trek; die uitvaardiging van verskillende regulasies vir mans en vroue, verder te reël; verdere voorsiening te maak met betrekking tot die verbod op of die beperking van toegang tot militêre persele of goed; die vrystelling van diens ingevolge artikel 97, en sake wat daarmee in verband staan, verder te reël; te bepaal dat sekere oortreders net een maal vir dieselfde oortreding verhoor mag word; en sekere strafregtelike aangeleenthede verder te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

GENERAL EXPLANATORY NOTE:

[Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

(English text signed by the State President.)
(Assented to 2 July 1992.)

ACT

To amend the Defence Act, 1957, so as to insert, delete or replace certain definitions; to replace obsolete expressions and provisions; to further regulate the employment of the South African Defence Force; to further regulate the use of the South African Defence Force on police functions; to provide that persons who are liable to service in the South African Defence Force shall be called up to render such service, and to further regulate the manner of call-up; to further regulate service in the commandos; to further define the authority of an exemption board to allot a person who is liable to serve in the Citizen Force, to the commandos; to further regulate the allotment of persons to the Citizen Force and the commandos; to further regulate the giving of notice to persons allotted; to regulate the establishment and composition of one or more boards for conscientious objection; to determine the circumstances under and conditions on which applications may be made to such a board; to regulate the liability of persons who are rendering military service at the time of their application to be classified as conscientious objectors; to regulate the procedure and powers of boards for conscientious objection; to determine the service to be performed by classified conscientious objectors, and, where necessary, the manner in which and the formula according to which the duration thereof shall be calculated; to further define with whom community service shall be performed; to further regulate the making of regulations with regard to community service and certain other matters in connection therewith; to regulate the position of conscientious objectors who leave the Republic or whose whereabouts are unknown; to regulate the withdrawal or alteration of, and certain matters relating to, decisions of boards for conscientious objection; to restrict the remuneration of persons performing community service; to make new provision, by regulation, for disciplinary steps against persons performing community service; to prescribe compulsory punishment of detention for a classified conscientious objector who refuses to perform community service; to create new offences; to further regulate community service where offenders performing such service have, under certain circumstances, been sentenced to imprisonment; to regulate parole under certain circumstances; to create a certain presumption for the purposes of certain prosecutions; to make additional provision with regard to the suspension of sentences; to further regulate proof by means of certificates; to empower the Minister of Defence to delegate certain of his powers; to increase certain fines; to further regulate the automatic termination and cancellation of commissions of officers under certain circumstances; to withdraw the power to make regulations differentiating between persons on account of their race; to further regulate the making of different regulations for men and women; to make further provision with regard to the prohibition or restriction of access to military premises or property; to further regulate the exemption from service in terms of section 97, and matters connected therewith; to provide that certain offenders may be tried once only for the same offence; and to further regulate certain criminal matters; and to provide for matters connected therewith.

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

Wysiging van artikel 1 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 12 van 1961, artikel 1 van Wet 42 van 1961, artikel 1 van Wet 77 van 1963, artikel 20 van Wet 39 van 1966, artikel 1 van Wet 85 van 1967, artikel 1 van Wet 26 van 1973, artikel 1 van Wet 8 van 1974, artikel 1 van Wet 1 van 1976, artikel 1 van Wet 35 van 1977, artikel 1 van Wet 103 van 1982 en artikel 1 van Wet 87 van 1984

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

(a) deur in subartikel (1) na die omskrywing van “aangetekende adres” die volgende omskrywing in te voeg:

“ ‘aansegging’ ’n bevel gerig aan enige persoon of kategorie, klas of groep persone wat kragtens hierdie Wet verplig is om diens in die Suid-Afrikaanse Weermag of die Reserwe te doen of opleiding daarin te ondergaan, om dié diens te doen of dié opleiding te ondergaan en om enigiets wat ingevolge ’n wet met betrekking tot dié diens of opleiding gedoen of nagekom moet word, te doen of na te kom, en het ‘aansê’, ‘aansegging om diens te doen’ en, slegs in artikel 92bis, ‘in kennis gestel’ en ‘magtig’ ooreenstemmende betekenis;”;

(b) deur in genoemde subartikel (1) die omskrywing van “Republiek” te skrap; en

(c) deur in genoemde subartikel (1) paragraaf (a) van die omskrywing van “voorgeskrif” deur die volgende paragraaf te vervang:

“(a) met betrekking tot ’n aangeleentheid rakende die salarisse, soldy of toelaes van lede van die Suid-Afrikaanse Weermag, die Reserwe, die Kadetkorps of ’n hulp- of verpleegdiens kragtens hierdie Wet ingestel, deur die **[Staatsdienskommis-sie]** Kommissie vir Administrasie ingevolge artikel 82bis aanbeveel; en”.

Wysiging van artikel 3 van Wet 44 van 1957, soos gewysig deur artikel 2 van Wet 77 van 1963, artikel 3 van Wet 85 van 1967, artikel 2 van Wet 1 van 1976, artikel 1 van Wet 34 van 1983 en artikel 2 van Wet 87 van 1984

2. Artikel 3 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (2) die woorde wat in paragraaf (a) subparagraaf (i) voorafgaan, deur die volgende woorde te vervang:

“te eniger tyd deur die Staatspresident in diens gestel word vir gebruik deur die uitvoerende militêre gesag van die Suid-Afrikaanse Weermag—”;

(b) deur aan die end van subparagraaf (iii) van paragraaf (a) van genoemde subartikel (2) die woord “en” te skrap;

(c) deur subparagraaf (iv) van paragraaf (a) van genoemde subartikel (2) deur die volgende subparagraaf te vervang:

“(iv) in diens ter **[behoud of]** bewaring van lewens, gesondheid of eiendom **[of ter instandhouding van noodsaaklike dienste];** en”;

(d) deur die volgende subparagraaf by paragraaf (a) van genoemde subartikel (2) te voeg:

“(v) in diens ter instandhouding van noodsaaklike dienste, met inbegrip van die handhawing van wet en orde en die voorkoming van misdaad in samewerking met die Suid-Afrikaanse Polisie; en”;

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

“(b) terwyl in diens gestel soos in paragraaf (a) beoog, binne die Republiek, en ter bereiking van die oogmerke van die betrokke diens, gebruik word in verband met daardie polisiewerksaamhede in artikel 5 van die Polisiewet, 1958 (Wet No. 7 van 1958), vermeld wat voorgeskryf word.”;

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

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

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

- 10 (a) by the insertion in subsection (1) before the definition of “citizen” of the following definition:

“ ‘call-up’, when used as a noun, means an order addressed to any person or any category, class or group of persons liable under this Act to render service or to undergo training in the South African Defence Force or the Reserve, to render such service or to undergo such training and to do or comply with anything required in terms of any law to be done or complied with in regard to such service or training, and ‘call up’, when used as a verb, ‘call up for service’ and, in section 92bis only, ‘notified’ and ‘authorize’ have corresponding meanings;”;
- 15 (b) by the substitution in the said subsection (1) for subparagraph (a) of the definition of “prescribed” of the following paragraph:

“ (a) in relation to any matter affecting the salaries, pay or allowances of members of the South African Defence Force, the Reserve, the Cadet Corps or any auxiliary or nursing service established under this Act, recommended by the **[Public Service]** Commission for Administration in terms of section 82bis; and”; and
- 20 (c) by the deletion in the said subsection (1) of the definition of “Republic”.

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Amendment of section 3 of Act 44 of 1957, as amended by section 2 of Act 77 of 1963, section 3 of Act 85 of 1967, section 2 of Act 1 of 1976, section 1 of Act 34 of 1983 and section 2 of Act 87 of 1984

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

- 35 (a) by the substitution in subsection (2) for the words which in paragraph (a) precede subparagraph (i) of the following words:

“at any time be employed by the State President to be used by the executive military command of the South African Defence Force—”;
- 40 (b) by the deletion at the end of subparagraph (iii) of paragraph (a) of the Afrikaans text of the said subsection (2) of the word “en”;
- (c) by the substitution for subparagraph (iv) of paragraph (a) of the said subsection (2) of the following subparagraph:

“ (iv) on service in the preservation of life, health or property **[or the maintenance of essential services]**; and”; and
- 45 (d) by the addition to paragraph (a) of the said subsection (2) of the following subparagraph:

“ (v) on service in the maintenance of essential services, including the maintenance of law and order and the prevention of crime in co-operation with the South African Police; and”; and
- 50 (e) by the substitution for paragraph (b) of the said subsection (2) of the following paragraph:

“ (b) while employed as contemplated in paragraph (a), be used, in the Republic and for achieving the objects of the service in question, on those police functions mentioned in section 5 of the Police Act, 1958 (Act No. 7 of 1958), as may be prescribed.”;
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(f) deur na subartikel (2) die volgende subartikel in te voeg:

“(2A) (a) Indien na die oordeel van die Hoof van die Suid-Afrikaanse Weermag dit nodig is dat ’n deel of lid van dié Weermag in diens gestel word vir diens soos in subartikel (2)(a)(iv) beoog en daar weens die dringendheid van die saak nie daarmee gewag kan word totdat die Staatspresident daarvoor kan besluit nie, kan genoemde Hoof genoemde deel of lid aldus in diens stel.

(b) Indien genoemde Hoof so ’n deel of lid van genoemde Weermag aldus in diens gestel het, moet hy die Minister so spoedig moontlik daarvan in kennis stel en hom terselfdertyd verwittig van die redes daarvoor en die resultaat daarvan.”;

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

“(4) ’n Lid wat in verband met polisiewerksaamhede bedoel in subartikel (2)(a)(v) of (b) **[vermeld]** gebruik word, het al die voorgeskrewe bevoegdhede en pligte wat by wet aan ’n lid van die kragtens die Polisiwet, 1958 (Wet No. 7 van 1958), ingestelde Suid-Afrikaanse Polisiemag verleen of opgelê word, en is ten opsigte van handelinge deur hom gedoen of nagelaat, in dieselfde mate aanspreeklik as wat hy onder dergelike omstandighede aanspreeklik sou gewees het as hy ’n lid van genoemde Mag was, en het die voordeel van al die indemniteite waarop ’n lid van daardie Mag onder dergelike omstandighede geregtig sou gewees het.”; en

(h) deur die volgende subartikels by te voeg:

“(5) Diens ter handhawing van wet en orde of ter voorkoming van misdaad in samewerking met die Suid-Afrikaanse Polisie soos beoog in subartikel (2)(a)(v) word—

(a) slegs gedoen in die gebiede of op die plekke wat die Minister, ondanks die bepalinge van artikel 138(1), op versoek van die Minister van Wet en Orde mag beveel;

(b) in enige gebied of op enige plek gestaak of opgeskort op bevel van die Minister wanneer die Minister van Wet en Orde die Minister versoek om dit te doen of wanneer die Minister dit om enige ander rede dienstig ag;

(c) gedoen ooreenkomstig—

(i) die riglyne aangaande—

(aa) samewerking tussen die Suid-Afrikaanse Weermag en die Suid-Afrikaanse Polisie; en

(bb) bevel en beheer oor lede van genoemde Mag en Polisie terwyl hulle enige sodanige diens in samewerking met mekaar doen,

wat die Hoof van die Suid-Afrikaanse Weermag en die Kommissaris van die Suid-Afrikaanse Polisie bepaal; en

(ii) voorskrifte, in orders uitgereik deur genoemde Hoof in oorlog met genoemde Kommissaris, aangaande spesiale uitkenningstekens wat deur lede van die Suid-Afrikaanse Weermag gedra moet word terwyl hulle sodanige diens doen.

(6) ’n Indiensstelling in diens ter handhawing van wet en orde of ter voorkoming van misdaad in samewerking met die Suid-Afrikaanse Polisie soos beoog in subartikel (2)(a)(v), moet binne 24 uur daarna by proklamasie in die *Staatskoerant* bekend gemaak word, en wanneer sodanige indiensstelling gestaak word soos in subartikel (5)(b) beoog, word dit by dergelike proklamasie bekend gemaak.”.

Vervanging van artikel 14 van Wet 44 van 1957

3. Artikel 14 van die Hoofwet word hierby deur die volgende artikel vervang:

“Lid van Staande Mag nie vir sekere ampte verkiesbaar nie

14. Geen lid van die Staande Mag kan vir verkiesing as **[senator of]** lid van die **[Volksraad of ’n Provinsiale Raad of die Wetgewende**

(f) by the insertion after subsection (2) of the following subsection:

“(2A) (a) If in the opinion of the Chief of the South African Defence Force it is necessary that a portion or a member of the said Force be employed on service as contemplated in subsection (2)(a)(iv) and the matter, owing to the urgency thereof, cannot be delayed until the State President can give a decision thereon, the said Chief may so employ the said portion or member.

(b) If the said Chief has so employed a portion or a member of the said Force, he shall as soon as possible inform the Minister thereof and at the same time notify him of the reasons therefor and the results thereof.”;

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

“(4) Any member who is used on police functions referred to in subsection (2)(a)(v) or (b), shall have all the prescribed powers and duties as are by law conferred or imposed upon a member of the South African Police Force established under the Police Act, 1958 (Act No. 7 of 1958), 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.”; and

(h) by the addition of the following subsections:

“(5) Service in the maintenance of law and order or in the prevention of crime in co-operation with the South African Police as contemplated in subsection (2)(a)(v) shall—

(a) only be performed in such areas or at such places as the Minister may, notwithstanding the provisions of section 138(1), order at the request of the Minister of Law and Order;

(b) be discontinued or suspended in any area or at any place by order of the Minister when the Minister of Law and Order requests the Minister to do so or when the Minister deems it expedient for any other reason;

(c) be performed in accordance with—

(i) such guidelines regarding—

(aa) co-operation between the South African Defence Force and the South African Police; and

(bb) command over and control of members of the said Force and Police while they are performing any such service in co-operation with each other, as the Chief of the South African Defence Force and the Commissioner of the South African Police may determine; and

(ii) directions, in orders issued by the said Chief in consultation with the said Commissioner, regarding special identification marks to be worn by members of the South African Defence Force while they are performing such service.

(6) Employment on service in the maintenance of law and order or in the prevention of crime in co-operation with the South African Police as contemplated in subsection (2)(a)(v), shall within 24 hours thereafter be notified by proclamation in the *Gazette*, and when such employment is discontinued as is contemplated in subsection (5)(b) it shall be notified by a similar proclamation.”.

Substitution of section 14 of Act 44 of 1957

3. The following section is hereby substituted for section 14 of the principal Act:

“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

Vergadering van Suidwes-Afrika] Parlement of 'n voorgeskrewe openbare liggaam genomineer, of daartoe verkies word nie.”.

Vervanging van artikel 21 van Wet 44 van 1957, soos vervang deur artikel 11 van Wet 85 van 1967 en gewysig deur artikel 2 van Wet 8 van 1974, artikel 2 van Wet 83 van 1974, artikel 4 van Wet 103 van 1982 en artikel 11 van Wet 87 van 1984 5

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

“Diensplig in Burgermag

21. (1) Elke persoon wat ingevolge Hoofstuk VIII aan die Burgermag toegewys is en elke persoon wat op of na 31 Desember 1982 lid van daardie [mag] Mag was of is (behalwe 'n in artikel 19 bedoelde lid), is, behoudens die bepalings van hierdie Wet, verplig om in daardie Mag te dien oor 'n tydperk van 14 jaar bereken vanaf die datum waarop hy vir die eerste keer diens of opleiding in daardie Mag begin het of begin: Met dien verstande dat so 'n persoon wat weens enige handeling of versuim hoegenaamd van sy kant nie diens gedoen het waartoe hy ingevolge artikel 22 verplig is nie, verplig bly om, ongeag of genoemde tydperk van 14 jaar verstryk het al dan nie en ongeag die bepalings van [daardie] artikel 22, [die] dié diens te doen oor die tydperk en in die [tydperk of tydperke] diens tydperk of diens tydperke soos [deur] die Minister of 'n persoon wat op sy gesag handel [gelas], bepaal, en doen dié diens soos hy aangesê word om te doen. 10 15 20

(2) [By die bepaling van die datum van verstryking] Diens gedoen of opleiding ondergaan wat ingevolge artikel 22(9) beskou word as diens deur die betrokke persoon in die Burgermag, word geag deur hom aldus gedoen te gewees het vanaf die aanvang van die tydperk van 14 jaar in subartikel (1) bedoel [word diens deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die Suid-Afrikaanse Spoorwegpolisiemag of die Gevangenisdiens as diens deur die bedoelde persoon in die Burgermag 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 van persone waartoe bedoelde persoon behoort]. 25 30

(3) [By die toepassing van subartikel (1) word 'n persoon wat te eniger tyd by 'n militêre gimnasium vir opleiding ingeskryf was, geag ingevolge Hoofstuk VIII aan die Burgermag toegewys te gewees het]”. . . . 35

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, artikel 2 van Wet 35 van 1977, artikel 1 van Wet 68 van 1977, artikel 5 van Wet 103 van 1982 en artikel 12 van Wet 87 van 1984 40

5. Artikel 22 van die Hoofwet word hierby gewysig—

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

“(1) (a) 'n Persoon in artikel 21 bedoel, is, behoudens die bepalings van hierdie Wet, verplig om die diens te doen wat die Minister of 'n persoon wat op sy gesag handel, binne die perke in hierdie artikel neergelê, bepaal en wat hy aangesê word om te doen. 45

(b) 'n Bepaling en aansegging ingevolge paragraaf (a) kan geskied ten opsigte van 'n bepaalde persoon of 'n kategorie, klas of groep persone.”; en 50

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

“(9) [Opleiding ondergaan of] Diens gedoen of opleiding ondergaan deur 'n persoon in die Staande Mag, die kommando's, die Suid-Afrikaanse Polisie, die Suid-Afrikaanse Spoorwegpolisiemag voor die inwerkingtreding van die Wet op die Oorplasing van die Suid-Afrikaanse Spoorwegpolisiemag na die Suid-Afrikaanse Polisie, 1986 (Wet No. 83 van 1986), die gewese Gevangenisdiens, 55

Assembly or any Provincial Council or the Legislative Assembly of South West Africa] Parliament or any prescribed public body.”.

Substitution of section 21 of Act 44 of 1957, as substituted by section 11 of Act 85 of 1967 and amended by section 2 of Act 8 of 1974, section 2 of Act 83 of 1974, 5 section 4 of Act 103 of 1982 and section 11 of Act 87 of 1984

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

“Liability to serve in Citizen Force

21. (1) Every person allotted to the Citizen Force in terms of Chapter VIII and every person who was or is a member of that Force on or after 31 December 1982 (other than a member referred to in section 19), shall, subject to the provisions of this Act, be liable to serve in that Force over a period of 14 years reckoned from the date upon which he commenced or commences service or training in that Force for the first time: Provided that any such person who, due to any act or omission whatever on his part, has not rendered any service to which he is liable in terms of section 22, shall, irrespective of whether or not the said period of 14 years has elapsed and notwithstanding **[that]** the provisions of section 22, remain liable to render such service over such period and in such period or periods of service as the Minister or any person acting under his authority may **[direct]** determine, and shall render such service as he may be called up to do.

(2) **[For the purposes of determining the date of expiration]** Service rendered or training undergone which in terms of section 22(9) is regarded as service by the person concerned in the Citizen Force shall be deemed to have been so rendered by him as from the commencement of the period of 14 years referred to in subsection (1) **[any service in the Permanent Force, the commandos, the South African Police, the South African Railways Police Force or the Prisons Service by any person shall be regarded as service in the Citizen Force by such person 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].**

(3) **[For the purposes of subsection (1) any person who has at any time been enrolled for training in a military gymnasium, shall be deemed to have been allotted to the Citizen Force in terms of Chapter VIII].**

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, section 2 of Act 35 of 1977, section 1 of Act 68 of 1977, section 5 of Act 103 of 1982 and section 12 of Act 87 of 1984

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

(a) by the substitution for subsection (1) of the following subsection:
 “(1) (a) Any person referred to in section 21 shall, subject to the provisions of this Act, be liable to render such service as the Minister or any person acting under his authority may, within the limits laid down in this section, determine and as he may be called up to render.

(b) A determination and call-up in terms of paragraph (a) may be made in respect of a particular person or a category, class or group of persons.”; and

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

“(9) **[Any training undergone or]** Service rendered or training undergone by any person in the Permanent Force, the commandos, the South African Police, the South African Railways Police Force before the commencement of the Transfer of the South African Railways Police Force to the South African Police Act, 1986 (Act No. 83 of 1986), the former Prisons Service, the

die Departement van Korrektiewe Dienste of die Burgermag voor 31 Desember 1982 of enige ander **[opleiding of]** diens of opleiding wat die Minister geskik ag, word by die toepassing van hierdie artikel as diens in die Burgermag beskou in die mate wat die Minister of 'n persoon wat op sy gesag handel, bepaal ten opsigte van **[bedoelde]** eersgenoemde persoon of ten opsigte van **[’n]** die kategorie **[of]**, klas of groep persone waartoe **[bedoelde persoon]** hy behoort.”.

Vervanging van artikel 35 van Wet 44 van 1957, soos vervang deur artikel 17 van Wet 87 van 1984

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

“Diensplig in die kommando’s

35. Elke persoon aan die kommando’s toegewys ingevolge Hoofstuk VIII en elke persoon wat op of na 31 Desember 1982 ’n lid van ’n kommando was en nie aan die Burgermag hertoegewys is nie (behalwe ’n in artikel 36 of 37 bedoelde lid), is, behoudens die bepalings van hierdie Wet, verplig om in **[’n kommando]** die kommando’s te dien **[totdat hy die ouderdom van 55 jaar bereik]** tot sy vyf-en-vyftigste jaar of totdat hy amptelik daaruit ontslaan word: Met dien verstande dat so ’n persoon wat weens enige handeling of versuim hoegenaamd van sy kant nie diens gedoen het waartoe hy ingevolge artikel 44 verplig is nie, verplig bly om, ongeag **[daardie]** die bepalings van genoemde artikel 44, **[die]** sodanige diens te doen oor die tydperk en in die **[tydperk of tydperke]** diens tydperk of diens tydperke soos **[deur]** die Minister of ’n persoon wat op sy gesag handel **[gelas]**, bepaal, en doen dié diens soos hy aangesê word om te doen.”.

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, artikel 3 van Wet 35 van 1977, artikel 3 van Wet 68 van 1977, artikel 11 van Wet 103 van 1982 en artikel 23 van Wet 87 van 1984

7. Artikel 44 van die Hoofwet word hierby gewysig—

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

“(1) **[Die]** Diens **[wat deur lede van]** deur ’n persoon in die kommando’s **[gedoen moet word, word]** moet, nadat hy, met behoorlike inagneming van die behoeftes van die Suid-Afrikaanse Weermag aangesê is om dit te doen, deur hom in ’n diens tydperk vermeld in sy aansegging gedoen word, en wel in **[een]** enige van die gebiede in artikel 66(1) **[vermeld]** bedoel, en is soos voorgeskryf of soos bepaal deur die Hoof van die Suid-Afrikaanse Weermag of ’n offisier deur hom daartoe gemagtig.”;

(b) deur in subartikel (3) die woorde wat subparagraaf (i) van paragraaf (b) voorafgaan, deur die volgende woorde te vervang:

“’n Persoon wat verplig is om in ’n kommando te dien nadat hy ingevolge artikel 67(1)(b)(iv) aan **[’n kommando]** die kommando’s toegewys is en aangesê is om daarin diens te doen, doen **[behoudens artikel 146(3)]** diens—”;

(c) deur in genoemde subartikel (3) die woorde wat subparagraaf (i) van paragraaf (c) voorafgaan, deur die volgende woorde te vervang:

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

(d) deur die volgende paragraaf by genoemde subartikel (3) te voeg:

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

Department of Correctional Services or the Citizen Force before 31 December 1982 or any other **[training or]** service or training which the Minister may deem suitable, shall be regarded as service in the Citizen Force for the purpose of this section to such extent as the Minister or any person acting under his authority may determine in respect of **[such]** the first-mentioned person or in respect of **[any]** the category or class of persons to which **[such person]** he belongs.”.

Substitution of section 35 of Act 44 of 1957, as substituted by section 17 of Act 87 of 1984

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

“Liability to serve in commandos

35. Every person allotted to the commandos in terms of Chapter VIII and every person who, on or after 31 December 1982, was a member of a commando (other than a member referred to in section 36 or 37) and was not re-allotted to the Citizen Force, shall, subject to the provisions of this Act, be liable to serve in **[a commando]** the commandos until **[he attains the age of 55 years]** his fifty-fifth year or until he has been officially discharged therefrom: Provided that any such person who due to any act or omission whatever on his part has not rendered any service to which he is liable in terms of section 44, shall, notwithstanding **[that]** the provisions of the said section 44, remain liable to render such service over such period and in such period or periods of service as the Minister or any person acting under his authority may **[direct]** determine, and shall render such service as he may be called up to do.”.

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, section 3 of Act 35 of 1977, section 3 of Act 68 of 1977, section 11 of Act 103 of 1982 and section 23 of Act 87 of 1984

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

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

“(1) **[The]** Service **[to be rendered]** by **[members of]** a person in the commandos shall after he has, with due regard to the requirements of the South African Defence Force, been called up to render it, be rendered by him during a period of service stated in his call-up and in **[one]** any of the areas **[referred to]** contemplated in section 66(1) and shall be as may be prescribed or determined by the Chief of the South African Defence Force or an officer authorized thereto by him.”;
- (b) by the substitution in subsection (3) for the words preceding subparagraph (i) of paragraph (b) of the following words:

“A person liable to serve in a commando after having been allotted to **[a commando]** the commandos in terms of section 67(1)(b)(iv) and after having been called up for service therein shall **[subject to section 146(3)]** render service—”;
- (c) by the substitution in the said subsection (3) for the words preceding subparagraph (i) of paragraph (c) of the following words:

“A **[member]** person liable to serve in a commando after having been allotted to **[a commando]** the commandos in terms of section 67(1)(b)(i) and after having been called up for service therein shall render service which—”;
- (d) by the addition to the said subsection (3) of the following paragraph:

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

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

Wysiging van artikel 51 van Wet 44 van 1957, soos vervang deur artikel 18 van Wet 103 van 1982 en gewysig deur artikel 27 van Wet 87 van 1984

8. Artikel 51 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Die **[oproeping]** aansegging van iemand ingevolge subartikel (1) moet geskied deur middel van 'n aangetekende brief deur 'n voorgeskrewe offisier aan hom by sy aangetekende adres of die adres waar hy hom bevind, gerig of deur middel van 'n brief deur so 'n offisier wat aan hom persoonlik beteken word, en sodanige brief moet die datum waarop en plek waar met opleiding begin moet word, vermeld, en **[moet só geos word dat dit hom nie minder as die voorgeskrewe getal dae voor sodanige datum sal bereik nie, as sodanige brief in die gewone loop van die posdiens afgelewer word]** dié datum moet sodanig wees en die brief moet só geos of, na gelang van die geval, beteken word dat hy redelike kennis van dié aansegging kry.”.

Wysiging van artikel 52 van Wet 44 van 1957, soos gewysig deur artikel 1 van Wet 83 van 1962, artikel 27 van Wet 85 van 1967, artikel 4 van Wet 3 van 1969, artikel 6 van Wet 83 van 1974 en artikel 28 van Wet 87 van 1984

9. Artikel 52 van die Hoofwet word hierby gewysig—

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

“(b) kan daarbenewens te eniger tyd, op las van die Minister, **[opgeroep]** aangesê word om enige ander diens te doen wat voorgeskryf word.”;

(b) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Indien 'n persoon ingevolge die bepalings van subartikel (1)(b) of (3) **[opgeroep]** aangesê is om diens te doen, moet die Minister binne 14 dae na sodanige **[oproeping]** aansegging die redes daarvoor aan die Parlement meedeel indien die Parlement dan in sessie is, of, indien die Parlement nie dan in sessie is nie, binne 14 dae na die begin van sy eersvolgende sessie.”; en

(c) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang:

“(a) Die **[oproeping]** aansegging van iemand ingevolge subartikels (1)(b) en (3) moet geskied deur middel van 'n aangetekende brief deur 'n voorgeskrewe offisier aan hom by sy aangetekende adres of die adres waar hy hom bevind, gerig of deur middel van 'n brief deur so 'n offisier wat aan hom persoonlik beteken word, en **[wat só geos moet word dat dit hom nie minder as die voorgeskrewe getal dae voor]** sodanige brief moet die datum waarop en die plek waar sy diens 'n aanvang **[sal]** moet neem, **[sal bereik nie, as sodanige brief in die gewone loop van die posdiens afgelewer word]** vermeld, en dié datum moet sodanig wees en die brief moet só geos of, na gelang van die geval, beteken word dat hy redelike kennis van dié aansegging kry.”.

Wysiging van artikel 53 van Wet 44 van 1957, soos vervang deur artikel 28 van Wet 85 van 1967

10. Artikel 53 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Geen lid van die Staandemagreserwe wat ooreenkomstig die bepalings van hierdie Wet **[vir]** aangesê is om diens **[opgeroep is]** te doen, word, behalwe met sy eie toestemming of uit hoofde van stappe ingevolge die

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

Amendment of section 51 of Act 44 of 1957, as substituted by section 18 of Act 103 of 1982 and amended by section 27 of Act 87 of 1984

10 8. Section 51 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

15 “(2) The calling up of a person in terms of subsection (1) shall be effected by means of a registered letter addressed to him at his registered address or the address where he happens to be by a prescribed officer or by means of a letter by such an officer served on him personally, and such letter shall state the date on which and the place where training is to be commenced, and [shall be so posted that it will reach him not less than the prescribed number of days before such date, if such letter is delivered in the ordinary course of post] such date shall be such and the letter shall be so posted or, as the case may be, so served that he receives reasonable notice of the call-up.”.

Amendment of section 52 of Act 44 of 1957, as amended by section 1 of Act 83 of 1962, section 27 of Act 85 of 1967, section 4 of Act 3 of 1969, section 6 of Act 83 of 1974 and section 28 of Act 87 of 1984

25 9. Section 52 of the principal Act is hereby amended—

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

30 “(b) kan daarbenewens te eniger tyd, op las van die Minister, **[opgeroep]** aangesê word om enige ander diens te doen wat voorgeskryf word.”;

(b) by the substitution for subsection (5) of the Afrikaans text of the following subsection:

35 “(5) Indien ’n persoon ingevolge die bepalings van subartikel (1)(b) of (3) **[opgeroep]** aangesê is om diens te doen, moet die Minister binne 14 dae na sodanige **[oproeping]** aansegging, die redes daarvoor aan die Parlement meedeel indien die Parlement dan in sessie is of, indien die Parlement nie dan in sessie is nie, binne 14 dae na die begin van sy eersvolgende sessie.”; and

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

45 “(a) The calling up of a person in terms of subsections (1)(b) and (3) shall be effected by means of a registered letter addressed to him at his registered address or the address where he happens to be by a prescribed officer or by means of a letter by such an officer served on him personally, and [shall be so posted that it will reach him not less than the prescribed number of days before] such letter shall state the date on which and the place where his service [will] is to commence, [if such letter is delivered in the ordinary course of post] and such date shall be such and the letter shall be so posted or, as the case may be, so served that he receives reasonable notice of the call-up.”.

Amendment of section 53 of Act 44 of 1957, as substituted by section 28 of Act 85 of 1967

55 10. Section 53 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) No member of the Permanent Force Reserve who has been called **[out]** up for service in terms of the provisions of this Act shall, except with his own consent or in pursuance of action taken under the Military

Reglement van Disipline gedoen, verplig om in 'n rang laer as wat hy in bedoelde Reserwe bekleed, te dien nie.”.

Wysiging van artikel 67 van Wet 44 van 1957, soos vervang deur artikel 24 van Wet 103 van 1982 en gewysig deur artikel 8 van Wet 34 van 1983 en artikel 33 van Wet 87 van 1984

5

11. Artikel 67 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“Die registrasiebeampte moet, met behoorlike inagneming van die behoeftes van die Suid-Afrikaanse Weermag en behoudens enige beslissings van vrystellingsrade of rade vir **[godsdiensstige beswaar]** gewetensbeswaar—”;

10

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

“(ii) wat na 31 Desember 1982 lede van die Burgermag of die kommando's was en nog nie hul diensplig daarin voltooi het nie, tensy 'n vrystellingsraad ten opsigte van sodanige persone wat ingevolge artikel 21(1) verplig is om in die Burgermag te dien, na voltooiing van hul dienstydkperk bedoel in artikel 22(3)(a), kragtens voorbehoudsbepaling (iii) by artikel 70bis(1) gelas het dat hulle aan die kommando's toegewys moet word vir diens in enige gebied in artikel 66(1) bedoel **[wat die raad bepaal]**”;

15

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(c) deur subparagraaf (v) van paragraaf (a) van genoemde subartikel (1) deur die volgende subparagraaf te vervang:

25

“(v) wat **[onder die ouderdom van 55]** nog nie hul vyf-en-vyftigste jaar **[is]** bereik het nie, 'n permanente aanstelling in die Suid-Afrikaanse Polisie, die Suid-Afrikaanse Spoorwegpolisiemag voor die inwerkingtreding van die Wet op die Oorplasing van die Suid-Afrikaanse Spoorwegpolisiemag na die Suid-Afrikaanse Polisie, 1986 (Wet No. 83 van 1986), **[of]** die gewese Gevangenisdiens of die Departement van Korrektiewe Dienste bekleed het en by beëindiging van daardie aanstelling minder as 10 jaar, of die korter tydperk wat die Minister of iemand wat op sy gesag handel, bepaal, daarin gedien het;”;

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35

(d) deur subparagraaf (iv) van paragraaf (b) van genoemde subartikel (1) deur die volgende subparagraaf te vervang:

“(iv) wat die in artikel 22(3)(a) bedoelde **[tydperk van diens]** dienstydkperk voltooi het en ten opsigte van wie 'n vrystellingsraad kragtens voorbehoudsbepaling (iii) by artikel 70bis(1) gelas het dat hulle aan die kommando's toegewys moet word vir diens in enige van die in artikel 66(1) vermelde gebiede **[deur daardie raad bepaal]**; of”;

40

(e) deur die voorbehoudsbepaling by genoemde subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

45

“Met dien verstande dat iemand wat **[’n]** lid is van die Polisie-reserwe of 'n reserwemag wat ingevolge 'n Wet van die Parlement ten opsigte van die Suid-Afrikaanse Polisie **[die Suid-Afrikaanse Spoorwegpolisiemag]** of die **[Gevangenisdiens]** Departement van Korrektiewe Dienste ingestel is, nie ingevolge hierdie subartikel toegewys word nie.”;

50

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

“(2) Ondanks die bepaling van subartikel (1) moet die registrasiebeampte jaarliks uit die persone in daardie subartikel vermeld, die getal of kategorie persone wat die Minister in oorleg met die Minister van Wet en Orde bepaal met hul instemming, aan die Suid-Afrikaanse Polisie **[of die Suid-Afrikaanse Spoorwegpolisiemag]** toewys vir diens in die Polisie-reserwe ooreenkomstig die bepaling van die Polisielwet, 1958 (Wet No. 7 van 1958).”;

55

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

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“(3) Die registrasiebeampte moet 'n persoon wat in 'n in artikel 72D(1)(a)(i) of (ii) **[vermelde]** bedoelde kategorie van **[godsdiens-**

Discipline Code, be required to serve in a rank lower than that which he holds in the said Reserve.”.

Amendment of section 67 of Act 44 of 1957, as substituted by section 24 of Act 103 of 1982 and amended by section 8 of Act 34 of 1983 and section 33 of Act 87 of 1984

11. Section 67 of the principal Act is hereby amended—

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

“The registering officer shall, with due regard to the requirements of the South African Defence Force and subject to any decisions of exemption boards or boards for **[religious]** conscientious objection, allot—”;

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

“(ii) who were after 31 December 1982 members of the Citizen Force or the commandos and have not yet completed their service therein, unless an exemption board has, in respect of such persons who are in terms of section 21(1) liable to serve in the Citizen Force after completion of their period of service referred to in section 22(3)(a), directed under proviso (iii) to section 70bis(1) that they be allotted to the commandos for service in any area referred to in section 66(1) **[which may be determined by such board]**.”;

(c) by the substitution for subparagraph (v) of paragraph (a) of the said subsection (1) of the following subparagraph:

“(v) who **[are under the age of 55 years]** have not yet attained their fifty-fifth year, have held a permanent appointment in the South African Police, the South African Railways Police Force before the commencement of the Transfer of the South African Railways Police Force to the South African Police Act, 1986 (Act No. 83 of 1986), **[or]** the former Prisons Service or the Department of Correctional Services and have on termination of such appointment served therein for less than 10 years or such shorter period as the Minister or any person acting under his authority may determine.”;

(d) by the substitution for subparagraph (iv) of paragraph (b) of the said subsection (1) of the following subparagraph:

“(iv) who have completed the period of service referred to in section 22(3)(a) and in respect of whom an exemption board has, under proviso (iii) to section 70bis(1), directed that they be allotted to the commandos for service in any of the areas referred to in section 66(1) **[determined by that board]**; or”;

(e) by the substitution for the proviso to the said subsection (1) of the following proviso:

“Provided that any person who is a member of the Police Reserve or a reserve force established in terms of an Act of Parliament in respect of the South African Police **[the South African Railways Police Force]** or the **[Prisons Service]** Department of Correctional Services, shall not be allotted in terms of this subsection.”;

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

“(2) Notwithstanding the provisions of subsection (1), the registering officer shall annually from the persons referred to in that subsection with their consent allot to the South African Police **[or to the South African Railways Police Force]**, for service in the Police Reserve in terms of the provisions of the Police Act, 1958 (Act No. 7 of 1958), such number or category of persons as may be determined by the Minister in consultation with the Minister of Law and Order.”;

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

“(3) The registering officer shall **[allot]** notify any person who has been classified into a category of **[religious]** conscientious

beswaardes gewetensbeswaardes geklassifiseer is **[aan 'n]**, in kennis stel van die eenheid **[toewys]** waar **[bedoelde persoon]** hy diens moet doen, en wel op die wyse waarvoor voorsiening gemaak word in artikel 72E(1) of (2) ten opsigte van die toepaslike kategorie **[van godsdienstbeswaardes]** gewetensbeswaardes.”; en

(h) deur subartikel (5) deur die volgende subartikel te vervang:

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

Vervanging van artikel 67A van Wet 44 van 1957, soos ingevoeg deur artikel 25 van Wet 57 van 1975 en vervang deur artikel 34 van Wet 87 van 1984

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

“Persone aan Suid-Afrikaanse Polisie toegewys

67A. (1) Die registrasiebeampte stel die Kommissaris van die Suid-Afrikaanse Polisie **[of van die Suid-Afrikaanse Spoorwegpolisie-mag]** skriftelik in kennis van die naam en adres van elke persoon wat kragtens artikel 67 aan die Suid-Afrikaanse Polisie **[of die Suid-Afrikaanse Spoorwegpolisie-mag onderskeidelik]** toegewys is.

(2) Iemand wat—

(a) aldus aan die Suid-Afrikaanse Polisie **[of die Suid-Afrikaanse Spoorwegpolisie-mag]** toegewys is **[wat]** en kragtens die bepalings van

[(a)] die Polisiewet, 1958 (Wet No. 7 van 1958), uit die Suid-Afrikaanse Polisie ontslaan of afgedank **[is of]** word voordat hy die diens voltooi het waartoe hy ingevolge artikel 34A(10) van daardie Wet verplig is; of

(b) aan die Suid-Afrikaanse Spoorwegpolisie-mag toegewys is voor die inwerkingtreding van die Wet op die Oorplasing van die Suid-Afrikaanse Spoorwegpolisie-mag na die Suid-Afrikaanse Polisie, 1986 (Wet No. 83 van 1986), en kragtens die bepalings van die Suid-Afrikaanse Vervoerdienstewet, 1981 (Wet No. 65 van 1981), uit die Suid-Afrikaanse Spoorwegpolisie-mag ontslaan of afgedank **[word]** is voordat hy die diens voltooi het waartoe hy ingevolge **[daardie]** laasgenoemde Wet verplig **[is]** was, na gelang van die geval, **[kan]** moet aan die Burgermag **[of die kommando's]** toegewys word vir diens ingevolge hierdie Wet.”.

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

13. Artikel 70bis van die Hoofwet word hierby gewysig deur voorbehoudsbepaling (iii) by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

“(iii) die raad, in die geval van 'n persoon wat die dienstdyperk bedoel in artikel 22(3)(a) voltooi het, in plaas van uitstel of vrystelling van diens vir enige van die dienstdyperke bedoel in artikel 22(3)(b) te verleen of toe te staan, **[die raad]** kan gelas dat **[die betrokke persoon]** hy aan **[’n kommando]** die kommando's toegewys word vir diens in 'n in artikel 66(1) bedoelde gebied **[wat die raad bepaal]**.”.

Wysiging van artikel 72A van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983 en gewysig deur artikel 36 van Wet 87 van 1984

14. Artikel 72A van die Hoofwet word hierby gewysig—

objectors referred to in section 72D(1)(a)(i) or (ii) **[to a]** of the unit where **[such person]** he shall render service and in the manner provided for in section 72E(1) or (2) in respect of the appropriate category of **[religious]** conscientious objectors.”; and

5 (h) by the substitution for subsection (5) of the following subsection:

“(5) Every person allotted under this section to the Citizen Force, **[or]** the commandos or the South African Police shall be notified by **[a prescribed officer]** the registering officer of such allotment and, if possible, he shall inform every person so allotted
10 to the Citizen Force or the commandos of the name of the unit **[to which]** and place where he **[has been allotted and of the date upon which and place where he]** is required to **[commence]** render service, after he has been called up to do so.”.

Substitution of section 67A of Act 44 of 1957, as inserted by section 25 of Act 57 of 1975 and substituted by section 34 of Act 87 of 1984

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

“Persons allotted to South African Police

20 67A. (1) The registering officer shall notify the Commissioner of the South African Police **[or of the South African Railways Police Force]** in writing of the name and address of every person allotted under section 67 to the South African Police **[or the South African Railways Police Force, respectively]**.

25 (2) Any person who—

(a) **[has been]** so allotted to the South African Police **[or the South African Railways Police Force]** and who has been or **[(a)]** is discharged or dismissed from the South African Police under the provisions of the Police Act, 1958 (Act No. 7 of 1958), before he has completed the service to which he is
30 liable in terms of section 34A(10) of that Act; or

(b) was allotted to the South African Railways Police Force before the commencement of the Transfer of the South African Railways Police Force to the South African Police Act, 1986 (Act No. 83 of 1986), and who **[is]** was discharged or dismissed from the South African Railways Police Force under the provisions of the South African Transport Services Act, 1981 (Act No. 65 of 1981), before he **[has]** had completed the service to which he **[is]** was liable in terms of **[that]** the last-mentioned Act,
35 as the case may be, **[may]** shall be allotted to the Citizen Force **[or the commandos]** for service in terms of this Act.”.

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

13. Section 70bis of the principal Act is hereby amended by the substitution
45 for proviso (iii) to subsection (1) of the following proviso:

“(iii) in the case of a person who has completed the period of service referred to in section 22(3)(a), the board may, instead of granting deferment of or exemption from service for any of the periods of service referred to in section 22(3)(b), **[the board may]**, direct that
50 **[the person concerned]** he be allotted to **[a commando]** the commandos for service in any area referred to in section 66(1) **[determined by the board]**.”.

Amendment of section 72A of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983 and amended by section 36 of Act 87 of 1984

55 14. Section 72A of the principal Act is hereby amended—

- (a) deur in subartikel (1) die woorde wat in paragraaf (a) subparagraaf (i) voorafgaan, deur die volgende woorde te vervang:
 “een of meer rade vir **[godsdiensige beswaar]** gewetensbeswaar benoem—”;
- (b) deur die volgende paragraaf by genoemde subartikel (1) te voeg: 5
 “(d) die setel van so ’n raad bepaal.”;
- (c) deur subartikel (2) deur die volgende subartikel te vervang:
 “(2) So ’n raad bestaan uit—
- (a) ’n voorsitter, wat ’n regter of afgetrede regter van die Hooggeregshof van Suid-Afrika is of ’n persoon wat vir ’n 10
 tydperk van minstens 10 jaar by die toepassing van die reg betrokke was of na die mening van die Minister van Mannekrag oor voldoende kennis van die reg beskik, en wat deur **[die Minister van Mannekrag]** genoemde Minister in oorleg met die Minister van Justisie aangestel word; 15
- (b) **[drie]** twee lede wat teoloë of geestelikes is wat aan verskillende kerkgenootskappe behoort en wat deur die Minister van Mannekrag aangestel word;
- (c) twee lede wat **[lede van die Suid-Afrikaanse Weermag is en van wie een ’n kapelaan is wat]** deur die Minister van Mannekrag **[in oorleg met die Minister]** op grond van hul kundigheid betreffende die werksaamhede van die raad aangestel word; **[en]** 20
- (cA) ’n lid wat ’n sielkundige is soos omskryf in artikel 1 van die Wet op Geneeshere, Tandartse en Aanvullende Gesondheidsdiensberoep, 1974 (Wet No. 56 van 1974), en deur die Minister van Mannekrag aangestel word; en 25
- (d) indien die aansoeker in artikel 72B vermeld, in sy aansoek meld dat—
- (i) hy aansoek doen om geklassifiseer te word in ’n 30
 kategorie gewetensbeswaardes in artikel 72D(1)(a)(i) of (ii) bedoel, ’n lid van die Suid-Afrikaanse Weermag wat, vir koöptering deur die raad, in die besonder of in die algemeen aangewys is deur die Minister of iemand deur die Minister daartoe gemagtig, en wat; of 35
- (ii) die rede of gronde vir sy gewetenswroeging en -beswaar godsdiensig van aard is, en dit uit sy aansoek blyk dat hy aan ’n kerkgenootskap behoort en geeneen van die teoloë of **[die kapelaan]** geestelikes wat tydens die oorweging van sy aansoek in die raad dien, ’n lid van daardie kerkgenootskap is nie, ’n teoloog of geestelike wat aan daardie kerkgenootskap behoort wat, nadat die raad op die wyse wat hy goetvind persone wat sodanige teoloë of geestelikes is, uitgenooi het om vir die oorweging van sodanige aansoek in die raad te dien, die raad binne ’n **[tyd]** tydperk wat die raad as redelik beskou van sy bereidwilligheid om aldus te dien, verwittig het, en wat 40
- deur die raad as lid gekoöpteer is: Met dien verstande dat indien die aansoeker nie so ’n kategorie of rede of gronde, na gelang van die geval, in sy aansoek vermeld het nie en dit eers tydens die oorweging van sy aansoek onder die aandag van die raad kom, of geen sodanige teoloog of geestelike wat in subparagraaf (ii) bedoel word die raad binne bedoelde **[tyd]** tydperk van sy bereidwilligheid om in die raad te dien, verwittig het nie, die raad die betrokke aansoek kan oorweeg sonder dat so ’n lid van die Suid-Afrikaanse Weermag of so ’n teoloog of geestelike, na gelang van die geval, aldus gekoöpteer is.”; 45
- (d) deur subartikel (4) deur die volgende subartikel te vervang: 60
 “(4) Sonder om afbreuk te doen aan die Minister van Mannekrag se bevoegdheid ingevolge subartikel (1)(c), word die lede van die raad in paragrafe (a), (b), **[en]** (c) en (cA) van subartikel (2)

- (a) by the substitution in subsection (1) for the words which in paragraph (a) precede subparagraph (i) of the following words:
 “appoint one or more boards for **[religious]** conscientious objection—”;
- 5 (b) by the addition to the said subsection (1) of the following paragraph:
 “(d) determine the seat of any such board.”;
- (c) by the substitution for subsection (2) of the following subsection:
 “(2) Any such board shall consist of—
- 10 (a) a chairman, who shall be a judge or a retired judge of the Supreme Court of South Africa or a person who has been involved in the administration of justice for a period of not less than 10 years or who, in the opinion of the Minister of Manpower, has sufficient knowledge of law, and who shall be appointed by the **[Minister of Manpower]** said Minister in consultation with the Minister of Justice;
- 15 (b) **[three]** two members who shall be theologians or clergymen who belong to different religious denominations and who shall be appointed by the Minister of Manpower;
- 20 (c) two members who shall be **[members of the South African Defence Force and one of whom shall be a chaplain]** appointed by the Minister of Manpower **[in consultation with the Minister]** on the ground of their knowledge of the functions of the board; **[and]**
- 25 (cA) a member who is a psychologist as defined in section 1 of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974), appointed by the Minister of Manpower; and
- (d) if the applicant referred to in section 72B, states in his application that—
- 30 (i) he is applying to be classified in a category of conscientious objectors contemplated in section 72D(1)(a)(i) or (ii), a member of the South African Defence Force designated in particular or in general by the Minister or a person authorized thereto by the Minister, for co-option by the board and who; or
- 35 (ii) the reasons or grounds for his qualms of conscience and conscientious objection are of a religious nature, and it appears from his application that he belongs to a religious denomination and none of the theologians or
- 40 **[the chaplain]** clergymen serving on the board during the consideration of his application is a member of that religious denomination, a theologian or clergyman who belongs to that religious denomination who, after the board has in such manner as it may deem fit invited persons who are such theologians or clergymen to serve on the board for the consideration of such application, has informed the board, within a period which the board may regard as reasonable, of his willingness so to serve, and who,
- 45 has been co-opted by the board as a member: Provided that if the applicant has not mentioned any such category or reason or grounds, as the case may be, in his application and it first comes to the notice of the board during the consideration of his application, or no such theologian or clergyman referred to in subparagraph (ii) has informed the board within such **[time]** period of his willingness to serve on the board, the board may consider **[such]** the application in question without such a member of the South African Defence Force or such a theologian or clergyman, as the
- 50 case may be, having been thus co-opted.”;
- 55 (d) by the substitution for subsection (4) of the following subsection:
 “(4) Without derogating from the power of the Minister of Manpower under subsection (1)(c), the members of the board referred to in paragraphs (a), (b), **[and]** (c) and (cA) of subsection
- 60

vermeld en **[hulle]** hul plaasvervangende lede **[word]** vir 'n tydperk van nie minder nie as twee jaar aangestel.”; en

(e) deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Benewens 'n lid bedoel in subartikel (2)(d) wat aanwesig mag wees, bestaan die kworum op 'n vergadering van die raad **[bestaan]** uit die voorsitter en drie lede **[van wie een die in subartikel (2)(c) bedoelde kapelaan moet wees]**, en by 'n staking van stemme het die voorsitter 'n beslissende stem.”.

Vervanging van artikel 72B van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983

15. Artikel 72B van die Hoofwet word hierby deur die volgende artikel vervang:

“Aansoek om as gewetensbeswaarde geklassifiseer te word

72B. (1) Iemand (uitgesonderd 'n persoon wat hom vrywillig verbind het tot diens in die Suid-Afrikaanse Weermag of enige hulp- of verpleegdiens kragtens hierdie Wet ingestel, of 'n persoon wat, as gevolg van die intrekking of wysiging van 'n beslissing, of omdat 'n beslissing geag word ingetrek te wees, soos in artikel 72F(3) bedoel, verplig is om diens in die Suid-Afrikaanse Weermag te doen en aangesê kan word om dit te doen, of 'n persoon wie se klassifikasie ingevolge artikel 72E(4B) verval het) wat **[ingevolge artikel 67 toegewys is, kan]** kragtens die bepalings van hierdie Wet aangesê is om diens in die Suid-Afrikaanse Weermag te doen, kan, voordat of nadat hy met **[sy]** sodanige diens begin het, by 'n raad in artikel 72A vermeld, aansoek doen om ingevolge artikel 72D as 'n **[godsdienstbeswaarde]** gewetensbeswaarde geklassifiseer te word.

(2) 'n Aansoek ingevolge subartikel (1)—

- (a) moet skriftelik **[deur die aansoeker self gedoen word]** geskied en moet, behoudens die bepalings van paragrafe (d) en (e), deur die aansoeker self of deur iemand ooreenkomstig sy opdrag opgestel word, 'n verklaring deur hom bevat dat dit aldus opgestel is, deur hom onderteken word en deur **[die aansoeker]** homself tot die raad gerig word;
- (b) moet die in artikel 72D(1)(a) **[vermelde]** bedoelde kategorie van **[godsdienstbeswaardes]** gewetensbeswaardes waarin **[hy]** die aansoeker geklassifiseer wil **[wees]** word, vermeld;
- (c) moet 'n beëdigde verklaring deur die aansoeker bevat waarin hy die rede of gronde vir sy gewetensbeswaar, asook die ander feite en gronde waarop **[die]** sy aansoek berus, bondig uiteensit;
- (d) moet, indien die rede of gronde vir die aansoeker se gewetensbeswaar—
 - (i) moreel of eties van aard is, enige geskifte (indien daar is) waarop die aansoeker se morele of etiese oortuigings berus; of
 - (ii) godsdienstig van aard is, die openbarings- en belydenisgeskifte (indien daar is) waarop die aansoeker se godsdienstige oortuigings berus, asook die kerkgenootskap (indien daar een is) waarvan hy lid is,

vermeld;

(e) moet beëdigde verklarings bevat van **[die]** alle getuies wat die aansoeker ter ondersteuning van sy aansoek wil roep;

(f) moet die ander inligting bevat wat die Minister van Mannekrag by regulasie mag voorskryf,

en die aansoeker moet, indien die raad daarom vra, op eie koste die raad voorsien van afskrifte van die geskifte bedoel in paragraaf (d) of van die gedeeltes daarvan wat die raad mag spesifiseer.

(3) Die raad hoor na sy goëddunke 'n aansoek aan wat nie in 'n wesenlike opsig aan die bepalings van subartikel (2) voldoen nie, maar kan so 'n aansoek met enige opmerking of versoek wat die raad nodig mag ag, aan die aansoeker laat terugstuur.

(2) and their alternates, shall be appointed for a period of not less than two years.”; and

(e) by the substitution for subsection (5) of the following subsection:

5 “(5) In addition to a member referred to in subsection (2)(d) who may be present, the quorum at a meeting of the board shall consist of the chairman and three members [one of whom shall be the chaplain referred to in subsection (2)(c)], and in the event of an equality of votes the chairman shall have a casting vote.”.

10 **Substitution of section 72B of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983**

15 **15.** The following section is hereby substituted for section 72B of the principal Act:

“Application for classification as conscientious objector

15 **72B.** (1) Any person **[allotted in terms of section 67]** (excluding a person who has committed himself voluntarily to any service in the South African Defence Force or any auxiliary or nursing service established under this Act or a person who, in consequence of the withdrawal or amendment of a decision, or because a decision is deemed to have been withdrawn, as contemplated in section 72F(3), is liable to service in the South African Defence Force and may be called up to render such service, or a person whose classification has lapsed in terms of section 74E(4B)) called up under the provisions of this Act to render service in the South African Defence Force, may before or after having commenced with **[his]** such service, apply to a board referred to in section 72A to be classified in terms of section 20 72D as a **[religious]** conscientious objector.

 (2) Any application in terms of subsection (1)—

- 25 (a) shall be made in writing **[by the applicant himself]** and shall, subject to the provisions of paragraphs (d) and (e), be **[signed]** drawn up by the applicant himself or by a person according to his instructions, contain a statement by him that it has been so drawn up, be signed by him and be addressed by himself to the board;
- 30 (b) shall state the category of **[religious]** conscientious objectors referred to in section 72D(1)(a) in which the applicant wishes to be classified;
- 35 (c) shall contain an affidavit by the applicant which concisely **[set]** sets out the reasons or grounds for his conscientious objection, as well as the other facts and grounds upon which **[the]** his application is based;
- 40 (d) shall state, if the reasons or grounds for the conscientious objection of the applicant—
- 45 (i) are of a moral or ethical nature, any writings (if any) on which the moral or ethical convictions of the applicant are based; or
- (ii) are of a religious nature, the books of revelation and the articles of faith (if any) upon which the religious convictions of the applicant are based, as well as the religious denomination (if any) of which he is a member;
- 50 (e) shall include affidavits of **[the]** all witnesses whom the applicant intends to call in support of his application;
- 55 (f) shall contain such other information as may be prescribed by the Minister of Manpower by regulation, and the applicant shall, if the board so requests, provide the board at his own expense with copies of the writings referred to in paragraph (d) or with such parts thereof as the board may specify.

60 (3) The board may in its discretion hear any application which does not comply in any material respect with the provisions of subsection (2), but may cause such application, together with any remark or request which the board may deem necessary, to be returned to the applicant.

(4) (a) 'n Aansoek ingevolge subartikel (1) wat gedoen word deur iemand voordat hy begin het om diens te doen of opleiding te ondergaan, word deur die raad aangehoor slegs indien dit aan die raad deur die pos bestel word of indien dit aan die raad teen erkenning van ontvangs afgelewer word binne 30 dae vanaf die datum waarop die [kennisgewing] aansegging om diens te doen of opleiding te ondergaan aan die betrokke aansoeker afgelewer is: Met dien verstande dat die raad om redes deur die aansoeker aangevoer en wat die raad as gegrond beskou, 'n versuim om die aansoek binne daardie tydperk te doen, kan kondoneer.

(b) Behoudens die voorbehoudsbepaling by artikel 72C(2), moet die raad [moet] so 'n aansoek so gou as moontlik na ontvangs daarvan aanhoor en daaroor beslis.

(5) (a) 'n Aansoek ingevolge subartikel (1) deur iemand wat reeds begin het om diens te doen of opleiding te ondergaan, word deur die aansoeker by die bevelvoerder van die eenheid waarin hy diens doen of opleiding ondergaan, ingedien.

(b) [Die doen van] 'n Aansoeker wat 'n aansoek in paragraaf (a) vermeld, doen [onthef nie die aansoeker van die verpligting], bly verplig om die diens te doen of die opleiding te ondergaan wat hy aangesê is om te doen of te ondergaan, na gelang van die geval, totdat die raad oor sy aansoek beslis het [nie], tensy 'n vrystellingsraad in artikel 68 bedoel, na oorleg met die bevelvoerder van die eenheid in paragraaf (a) bedoel, hom skriftelik gemagtig het om dit te staak in afwagting van die raad se beslissing.

(c) Behoudens die voorbehoudsbepaling by artikel 72C(2) moet die raad [moet] so 'n aansoek so gou as moontlik na ontvangs daarvan aanhoor en daaroor beslis.

(6) Die raad oorweeg nie 'n aansoek ingevolge subartikel (1) gedoen nie indien so 'n aansoek na die oordeel van die raad op wesenlik dieselfde feite en gronde berus as 'n vorige aansoek kragtens daardie subartikel deur dieselfde aansoeker wat deur die raad geweier is, ongeag of laasgenoemde aansoek gedoen is voor of na die inwerkingtreding van die Wysigingswet op Verdediging, 1992."

Vervanging van artikel 72C van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983

16. Artikel 72C van die Hoofwet word hierby deur die volgende artikel vervang:

"Prosedure van rade vir gewetensbeswaar

72C. (1) 'n Raad in artikel 72A vermeld, kan in verband met enige aansoek wat ingevolge artikel 72B by hom gedoen word, die ondersoek instel wat hy nodig ag, en vir daardie doel geld die bepalings van die Kommissiewet, 1947 (Wet No. 8 van 1947), behalwe artikel 1 daarvan, met betrekking tot die raad, en by die toepassing van gemelde bepalings word die verwysing in artikel 3 van daardie Wet na die sekretaris van die kommissie, uitgelê as 'n verwysing na die voorsitter of enige lid van die raad of 'n [offisier van die Suid-Afrikaanse Weermag] beampte van die Departement van Mannekrag of 'n beampte in die staatsdiens wat tot die beskikking van dié Departement gestel is, wat vir daardie doel deur die Minister van Mannekrag aangewys is [uitgelê].

(2) Die las om te bewys dat hy 'n [godsdienstbeswaarde] gewetensbeswaarde is wat tot een van die in artikel 72D(1)(a) [vermelde] bedoelde kategorieë van [godsdienstbeswaardes] gewetensbeswaardes behoort en om die raad te oortuig van die aangeleentheid in artikel 72D(1A) vermeld, rus op die aansoeker, en hy en enige getuie wat hy wil roep, moet op eie koste op die tyd en plek wat die raad bepaal, voor die raad verskyn en [hom] hulle onderwerp aan enige ondersoek betreffende 'n aangeleentheid wat in verband staan met die aansoek, en sodanige ondersoek vind op Staatskoste plaas: Met dien verstande

(4) (a) Any application in terms of subsection (1) which is made by a person before commencing service or undergoing training, shall be heard by the board only if it is served upon the board by post, or if it is delivered to the board against acknowledgement of receipt, within 30 days from the date upon which the **[notice]** call-up to render service or undergo training was delivered to the applicant concerned: Provided that the board may for reasons advanced by the applicant and which are regarded as well-founded by the board, condone any failure to make the application within such period.

(b) Subject to the proviso to section 72C(2), the board shall consider and decide upon **[the]** such an application as soon as possible after receipt thereof.

(5) (a) Any application in terms of subsection (1) by a person who has commenced to render service or to undergo training shall be handed by the applicant to the **[commanding]** officer commanding of the unit in which he is rendering service or undergoing training.

(b) **[The making of]** An applicant who makes an application referred to in paragraph (a) **[shall not exempt]** remains liable to render the **[applicant from the liability to render]** service or to undergo the training which he has been called up to render or undergo, as the case may be, until the board has decided on his application, unless an exemption board contemplated in section 68 has, after consultation with the officer commanding of the unit referred to in paragraph (a), authorized him in writing to discontinue it pending the decision of the board.

(c) Subject to the proviso to section 72C(2), the board shall consider and decide upon the application as soon as possible after receipt thereof.

(6) The board shall not consider an application made under subsection (1) if such application in the opinion of the board is founded on facts and grounds substantially the same as an earlier application under that subsection by the same applicant which was rejected by the board, irrespective of whether the last-mentioned application was made before or after the commencement of the Defence Amendment Act, 1992.”

Substitution of section 72C of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983

16. The following section is hereby substituted for section 72C of the principal Act:

“Procedure of boards for conscientious objection

72C. (1) A board referred to in section 72A may in connection with an application made to it under section 72B make such investigation as it may deem necessary, and for that purpose the provisions of the Commissions Act, 1947 (Act No. 8 of 1947), except section 1 thereof, shall apply with reference to the board, and in the application of the said provisions the reference in section 3 of that Act to the secretary of the commission shall be construed as a reference to the chairman or any member of the board or to an officer of the **[South African Defence Force]** Department of Manpower or an officer in the public service placed at the disposal of the said Department, who has been appointed for that purpose by the Minister of Manpower.

(2) The onus to prove that he is a **[religious]** conscientious objector who belongs to any of the categories of **[religious]** conscientious objectors referred to in section 72D(1)(a) and to satisfy the board of the matters referred to in section 72D(1A) shall rest upon the applicant, and he, as well as any witness whom he may desire to call, shall at **[his]** their own expense appear before the board at the time and place determined by the board, and subject **[himself]** themselves to any investigation concerning a matter relating to such application, and such investigation shall take place at public expense: Provided

dat die raad 'n aansoek kan toestaan sonder dat die aansoeker voor hom verskyn het.

(3) Die prosedure wat gevolg moet word ten opsigte van **[die]** verrigtinge voor die raad **[is soos voorgeskryf]** kan deur die Minister van Mannekrag, na oorleg met die raad, by regulasie voorgeskryf word. 5

(4) 'n Aansoeker is nie geregtig op regsverteenvoordinging voor die raad nie."

Vervanging van artikel 72D van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983 10

17. Artikel 72D van die Hoofwet word hierby deur die volgende artikel vervang—

"Bevoegdhede van rade vir gewetensbeswaar

72D. (1) 'n Raad in artikel 72A vermeld wat 'n aansoek ingevolge artikel 72B oorweeg het, kan— 15

- (a) sodanige aansoek toestaan en die aansoeker klassifiseer—
 - (i) as 'n **[godsdienstbeswaarde]** gewetensbeswaarde met wie se **[godsdienstige oortuigings]** gewetensooruigings dit in stryd is om in 'n veltende hoedanigheid in enige of 'n bepaalde gewapende mag diens te doen; 20
 - (ii) as 'n **[godsdienstbeswaarde]** gewetensbeswaarde met wie se **[godsdienstige oortuigings]** gewetensooruigings dit in stryd is om in 'n veltende hoedanigheid in enige of 'n bepaalde gewapende mag diens te doen, **[enige]** om instandhoudings-take van 'n gevegsaard daarin te verrig en om in 'n militêre uniform **[gekleed]** geklee te wees; of 25
 - (iii) as 'n **[godsdienstbeswaarde]** gewetensbeswaarde met wie se **[godsdienstige oortuigings]** gewetensooruigings dit in stryd is om **[enige]** die militêre diens te doen of die militêre opleiding te ondergaan **[of enige taak in of in verband met enige gewapende mag te verrig]** wat hy, soos beoog in artikel 72B(1), aangesê is om te doen of te ondergaan; 30
- (b) die aansoeker in 'n ander in subartikel (1)(a) **[vermelde]** bedoelde kategorie klassifiseer as dié waarom aansoek gedoen word, indien sodanige ander klassifikasie geregverdig is; of 35
- (c) die aansoek weier.

(1A) Geen aansoek word toegestaan soos beoog in subartikel(1)(a) nie, tensy die raad ook oortuig is dat—

- (a) die aansoeker gewetensbeswaar het om militêre diensplog of opleiding kragtens hierdie Wet te verrig of te ondergaan; 40
- (b) die gewetensbeswaar op morele, etiese of godsdienstige gronde gebaseer is en ooreenstem met die besonderhede daaromtrent in die aansoeker se aansoek;
- (c) die aansoeker se gewetensbeswaar opreg en diepgaande is; en
- (d) die aansoeker se gewete hom nie optredes, of steun vir optredes, veroorloof wat strydig is met die redes en gronde vir sy aansoek nie en hy misdad en die beoefening of bevordering van enige vorm van kriminele geweld en anargie in of teen enige gemeenskap of persoon afkeur. 45

(2) (a) Indien die raad 'n aansoek ingevolge hierdie artikel geweier het, maar van oordeel is dat dit 'n aansoek is wat deur 'n vrystellingsraad in artikel 68 vermeld, oorweeg **[moes]** behoort te word, kan die raad daardie aansoek, tesame met enige aanbeveling wat hy nodig ag, na 'n vrystellingsraad verwys. 50

(b) Die vrystellingsraad oorweeg die aansoek asof dit 'n aansoek is wat ingevolge artikel 69 by hom gedoen is. 55

(3) (a) Indien die raad 'n aansoeker ingevolge hierdie artikel as 'n **[godsdienstbeswaarde]** gewetensbeswaarde klassifiseer, maar van oordeel is dat die verpligting wat deur artikel 72E geplaas word op 'n

that the board may grant an application without the applicant having appeared before it.

5 (3) The procedure to be followed in respect of proceedings before the board **[shall]** may be **[as]** prescribed by the Minister of Manpower by regulation after consultation with the board.

(4) An applicant shall not be entitled to legal representation before the board.”.

Substitution of section 72D of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983

10 17. The following section is hereby substituted for section 72D of the principal Act:

“Powers of boards for conscientious objection

72D. (1) A board referred to in section 72A which has considered an application in terms of section 72B may—

- 15 (a) grant such application and classify the applicant—
- (i) as a **[religious]** conscientious objector with whose **[religious]** conscientious convictions it is in conflict to render service in a combatant capacity in any or a particular armed force;
 - 20 (ii) as a **[religious]** conscientious objector with whose **[religious]** conscientious convictions it is in conflict to render service in a combatant capacity in any or a particular armed force, to perform **[any]** maintenance tasks of a combatant nature therein and to be clothed in a military uniform; or
 - 25 (iii) as a **[religious]** conscientious objector with whose **[religious]** conscientious convictions it is in conflict to render **[any]** the military service or to undergo **[any]** the military training **[or to perform any task in or in connection with any armed force]** which he has been called up to render or to
 - 30 undergo as contemplated in section 72B(1);

(b) classify the applicant in a category referred to in subsection (1)(a), other than that for which application is made, if such other classification is justified; or

(c) refuse the application.

35 (1A) No application shall be granted as contemplated in subsection (1)(a), unless the board is also satisfied that—

- (a) the applicant has conscientious objection to render military service or undergo military training under this Act;
- 40 (b) the conscientious objection is based on moral, ethical or religious grounds and corresponds to the particulars thereanent in the application of the applicant;
- (c) the applicant's conscientious objection is sincere and deep-rooted; and
- 45 (d) the applicant's conscience does not permit him conduct, or support for conduct, which is in conflict with the reasons and grounds for his application and that he condemns crime and the pursuit or furtherance of any form of criminal violence and anarchy in or against any community or person.

50 (2) (a) If the board has refused an application in terms of this section, but is of the opinion that it is an application which should **[have been]** be considered by an exemption board referred to in section 68, the board may refer that application, together with such recommendation as it may deem fit, to an exemption board.

55 (b) The exemption board shall consider such application as if it were an application made to it in terms of section 69.

(3) (a) If the board classifies an applicant in terms of this section as a **[religious]** conscientious objector, but is of the opinion that the liability imposed by section 72E upon a person thus classified should

persoon wat aldus geklassifiseer is, uitgestel behoort te word, kan die raad die aansoek, sy beslissing daaroor, en sy aanbeveling met betrekking tot die verlening van sodanige uitstel, na 'n vrystellingsraad in artikel 68 vermeld, verwys.

(b) Die vrystellingsraad behandel 'n aansoek wat ingevolge paragraaf (a) na hom verwys is asof dit 'n aansoek ingevolge artikel 69 is en kan **[die beslissing ten opsigte daarvan gee]**, indien 'n omstandigheid beoog in paragraaf (b), (c) of (d) van artikel 70bis(1) aanwesig is, uitstel van die betrokke verpligting verleen soos **[wat]** hy ten opsigte van 'n in artikel 69 vermelde aansoek kan **[gee: Met dien verstande dat 'n vrystellingsraad nie vrystelling van die in paragraaf (a) vermelde verpligting mag] verleen [nie]**.

(4) Iemand wat ten tyde van sy klassifikasie as 'n **[godsdienstbeswaarde]** gewetensbeswaarde ingevolge subartikel (1)(a)(ii) of (iii)—

(a) 'n offisier is, se kommissie word geag op die datum van sodanige klassifikasie te verval het en ingetrek te wees;

(b) 'n adjudant-offisier of 'n onderoffisier is, word geag op die datum van sodanige klassifikasie tot die gelede gedegradeer te wees.

(5) Die beslissing van 'n raad vir **[godsdienstige beswaar]** gewetensbeswaar ingevolge hierdie artikel is afdoende.”.

Vervanging van artikel 72E van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983 en gewysig deur artikel 37 van Wet 87 van 1984 en artikel 1 van Wet 45 van 1987

18. Artikel 72E van die Hoofwet word hierby deur die volgende artikel vervang:

“Diens deur geklassifiseerde gewetensbeswaardes

72E. (1) Iemand wat ingevolge artikel 72D(1)(a)(i) as 'n **[godsdienstbeswaarde]** gewetensbeswaarde geklassifiseer is, moet diens doen of opleiding ondergaan kragtens die bepaling van hierdie Wet in 'n nie-vegtende hoedanigheid in die Suid-Afrikaanse Weermag.

(2) (a) Iemand wat ingevolge artikel 72D(1)(a)(ii) as 'n **[godsdienstbeswaarde]** gewetensbeswaarde geklassifiseer is, moet

[(i) ondanks die bepaling van artikels 22 en 44, diens doen wat voltooi word in tydperke wat elk een-en-'n-half maal so lank is as die tydperke wat andersins ingevolge daardie artikels van toepassing sou wees;

(ii)] die diens doen of die opleiding ondergaan wat hy kragtens die bepaling van hierdie Wet aangesê word om te doen of te ondergaan en wel terwyl hy geklee is in [die] voorgeskrewe drag anders as 'n militêre uniform.

[Met dien verstande dat die Minister kan bepaal dat sodanige diens in 'n korter tydperk of tydperke voltooi kan word]

(b) Diens in paragraaf (a) vermeld, word gedoen deur voorgeskrewe instandhoudingstake van 'n nie-gevegsaard in die Suid-Afrikaanse Weermag te verrig, en opleiding in genoemde paragraaf beoog, is opleiding om sodanige instandhoudingstake te kan verrig.

(3) Iemand wat ingevolge artikel 72D(1)(a)(iii) as 'n **[godsdienstbeswaarde]** gewetensbeswaarde geklassifiseer is, moet in plaas daarvan om—

(a) diens te doen ingevolge artikel 22, diens **[doen] verrig** in 'n pos bedoel in subartikel **[(5) vermeld]** (4) (in hierdie Wet 'gemeenskapsdiens soos bedoel in hierdie Wet' genoem), wat voltooi word gedurende 'n enkele ononderbroke dienstrydperk **[wat een-en-'n-half maal so lank is as]**, vasgestel ooreenkomstig die formule—

$$L \times M \times R$$

waarin—

(i) 'L' 'n belading voorstel van 1,5;

(ii) 'M' 'n tydperk (uitgedruk in dae) voorstel wat die totaal is van die maksimum van alle in artikel 22(3) vermelde

be deferred, the board may refer the application, its decision thereon, and its recommendation relating to the granting of such postponement, to an exemption board referred to in section 68.

(b) The exemption board shall deal with an application referred to it in terms of paragraph (a) as if it were an application in terms of section 69 and may **[give in respect thereof such decision]**, if any circumstance contemplated in paragraph (b), (c) or (d) of section 70bis(1) is present, grant such deferment of the liability in question as it may **[give]** grant in respect of an application referred to in section 69 **[Provided that the exemption board shall not grant exemption from the liability referred to in paragraph (a)]**.

(4) Any person who, at the time of his classification as a **[religious]** conscientious objector in terms of subsection (1)(a)(ii) or (iii)—

(a) is an officer, shall be regarded as having his commission terminated and cancelled on the date of such classification;

(b) is a warrant officer or non-commissioned officer, shall be regarded as having been reduced to the ranks on the date of such classification.

(5) The decision of a board for **[religious]** conscientious objection in terms of this section shall be final.”.

Substitution of section 72E of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983 and amended by section 37 of Act 87 of 1984 and section 1 of Act 45 of 1987

18. The following section is hereby substituted for section 72E of the principal Act:

25 “Service by classified conscientious objectors

72E. (1) A person classified as a **[religious]** conscientious objector in terms of section 72D(1)(a)(i) shall render service or undergo training under the provisions of this Act in a non-combatant capacity in the South African Defence Force.

(2) (a) A person classified in terms of section 72D(1)(a)(ii) as a **[religious]** conscientious objector shall—

[i) notwithstanding the provisions of sections 22 and 44, render service which shall be completed in periods each of which shall be one-and-a-half times as long as the periods which would otherwise have been applicable in terms of those sections;

(ii)] render such service or undergo such training as he is under the provisions of this Act called up to render or to undergo and while he is clothed in the prescribed clothing, other than a military uniform.

[Provided that the Minister may determine that such service may be completed in a shorter period or periods]

(b) Service referred to in paragraph (a) shall be rendered by performing prescribed maintenance tasks of a non-combatant nature in the South African Defence Force, and training referred to in the said paragraph shall be training to perform such maintenance tasks.

(3) A person classified as a **[religious]** conscientious objector in terms of section 72D(1)(a)(iii) shall, instead of—

(a) rendering service in terms of section 22, **[render]** perform service in a post **[mentioned]** contemplated in subsection **[(5)]**

(4) (in this Act referred to as ‘community service as contemplated in this Act’), which shall be completed in a single continuous period of service **[one-and-a-half times as long as]**, determined in accordance with the formula—

$$L \times M \times R$$

in which—

(i) ‘L’ represents a loading of 1,5;

(ii) ‘M’ represents a period of time (expressed in days) which is the aggregate of the maximum of all the periods of service

- dienstydperk waartydens **[hy andersins]** 'n persoon in artikel 21 bedoel, vanaf die tydstip waarop die betrokke gewetensbeswaarde (wie se enkele ononderbroke dienstydperk van gemeenskapsdiens soos bedoel in hierdie Wet, bereken word) as sodanig geklassifiseer is, ingevolge **[daardie]** artikel 22 van tyd tot tyd (ongeag enige in artikel 22(1) bedoelde bepaling of aansegging) nog **[verplig]** aangesê sou kon word om diens te doen; en 5
- (iii) 'R' die verhouding voorstel van— 10
- $\frac{D1}{D2}$
- waar—
- (aa) 'D1' die werklike tydperk (uitgedruk as die getal van die maande waaruit dit bestaan), op die tydstip in subparagraaf (ii) bedoel, voorstel wat kragtens artikel 22(1) in die algemeen bepaal is vir persone in artikel 21 bedoel ten opsigte van die in artikel 22(3)(a) bedoelde eerste dienstydperk; en 15
- (bb) 'D2' die getal voorstel van die maksimum getal maande van die eerste dienstydperk soos in artikel 22(3)(a) vermeld; of 20
- (b) diens te doen ingevolge enige ander bepaling van hierdie Wet, gemeenskapsdiens soos bedoel in hierdie Wet, **[doen]** verrig vir 'n tydperk wat **[voltooi word gedurende 'n enkele ononderbroke dienstydperk wat]** een-en-'n-half maal so lank is as die betrokke dienstydperk waartydens hy andersins, weens sy aansegging om diens te doen ingevolge daardie ander bepaling, diens **[moet]** sou moet **[doen]** gedoen het, of **[18]** 36 dae, watter ook al die langste is: 25
- Met dien verstande dat die Minister, na oorleg met die Minister van Mannekrag, weens enige oorweging, met inbegrip van die duur van werklike militêre diens wat **[enigiemand]** enige persoon of kategorie, klas of groep persone ingevolge hierdie Wet **[gedoen het]** aangesê is of word of moontlik aangesê sal **[moet]** kan word om te doen, kan bepaal dat— 30 35
- (i) sodanige gemeenskapsdiens;
- (ii) gemeenskapsdiens soos bedoel in hierdie Wet wat deur iemand gedoen moet word ter voldoening aan die paroolvoorwaardes wat gestel is vir sy vrylating uit die detensiekaserne waar hy 'n vonnis van detensiestraf wat hom ingevolge artikel 72I(2)(a) opgelê is, moes uitdien; of 40
- (iii) gemeenskapsdiens soos bedoel in hierdie Wet wat deur iemand gedoen moet word ter voldoening aan 'n voorwaarde waarop die tenuitvoerlegging van 'n vonnis wat kragtens artikel 72I(2)(a) opgelê is, kragtens artikel 72I(5) opgeskort is, 45
- gedurende 'n korter tydperk voltooi kan word.
- (4) Enige persoon wat kragtens of weens enige bepaling van hierdie Wet **[die in subartikel (3) bedoelde]** verplig of genoodsaak is om gemeenskapsdiens **[word]** soos bedoel in hierdie Wet, te doen, verrig dit soos beveel deur die Minister van Mannekrag of 'n beamppte deur hom daartoe gemagtig **[in 'n pos in]**— 50
- (a) in 'n departement soos omskryf in artikel 1 van die Staatsdienswet, **[1957]** 1984 (Wet No. **[54]** 111 van **[1957]** 1984);
- (b) by 'n instelling, raad of liggaam in artikel 84(1)(f) van die **[Grondwet van die Republiek van Suid-Afrika]** Wet op Provinsiale Bestuur, 1961 (Wet No. 32 van 1961), beoog; 55
- (c) by 'n raad soos omskryf in artikel 1 van die Wet op Streeksdiens-terade, 1985 (Wet No. 109 van 1985); of
- (d) by 'n raad soos omskryf in artikel 1 van die Wet op Gesamentlike Dienste vir KwaZulu en Natal, 1990 (Wet No. 84 van 1990), 60
- en op 'n plek, wat deur daardie Minister of beamppte **[bepaal]** in bedoelde bevel vermeld word: Met dien verstande **[dat ondanks]**

mentioned in section 22(3) during which **[he could otherwise still have been compelled]** any person referred to in section 21 may still, as from when the conscientious objector in question (whose single continuous period of community service as contemplated in this Act is being calculated) was classified as such, be called up from time to time in terms of section 22 to render service **[in terms of that]** (notwithstanding any determination or call-up referred to in section 22(1)); and

(iii) 'R' represents the relation of—

D1
D2

in which—

(aa) 'D1' represents the actual period of time (expressed as the number of the months of which it consists), at the time contemplated in subparagraph (ii), determined in general in terms of section 22(1) for persons referred to in section 21 in respect of the first period of service referred to in section 22(3)(a); and

(bb) 'D2' represents the number of the maximum number of months of the first period of service as mentioned in section 22(3)(a); or

(b) rendering service in terms of any other provision of this Act, **[render]** perform community service as contemplated in this Act **[which shall be completed during a single continuous period of service]** for a period which is one-and-a-half times as long as the particular period of service during which he would otherwise, **[has to render]** as a result of his call-up to render service in terms of that other provision, have had to render service or **[18]** 36 days, whichever is the longer:

Provided that the Minister may, after consultation with the Minister of Manpower, on account of any consideration, including the duration of actual military service **[rendered or possibly to be rendered by anyone in terms of this Act]** which any person or category, class or group of persons in terms of this Act has been or is being or could possibly be called up to render, determine that—

(i) such community service;

(ii) community service as contemplated in this Act which has to be rendered by a person in compliance with the conditions of parole laid down for his release from the detention barracks where he had to serve a sentence of detention imposed on him in terms of section 72I(2)(a); or

(iii) community service as contemplated in this Act which has to be rendered by a person in compliance with a condition on which the operation of a sentence imposed under section 72I(2)(a) has been suspended under section 72I(5),

may be completed during a shorter period.

(4) **[The]** Any person who is under or because of any provision of this Act liable or obliged to perform community service **[referred to in subsection (3)]** as contemplated in this Act, shall **[be rendered]** perform it as ordered by the Minister of Manpower or an officer authorized thereto by him, **[in a post in]**—

(a) in a department as defined in section 1 of the Public Service Act, **[1957]** 1984 (Act No. **[54]** 111 of **[1957]** 1984);

(b) with an institution, council or body contemplated in section 84(1)(f) of the **[Republic of South Africa Constitution]** Provincial Government Act, 1961 (Act No. 32 of 1961);

(c) with a council as defined in section 1 of the Regional Services Councils Act, 1985 (Act No. 109 of 1985);

(d) with a board as defined in section 1 of the Kwazulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990),

[determined] and at a place specified by that Minister or officer in that order: Provided **[that notwithstanding anything to the contrary]**

andersluidende wetsbepalings die verrigting van gemeenskapsdiens in enige sodanige pos beveel kan word: Met dien verstande voorts]—

(i) dat die Minister van Mannekrag of 'n beampte deur hom daartoe gemagtig, te eniger tyd gedurende die verrigting van gemeenskapsdiens soos bedoel in hierdie Wet **[soos beveel]** wat ingevolge hierdie subartikel **beveel** is, na goedvinde kan **[gelas]** **beveel** dat daardie gemeenskapsdiens verrig moet word in 'n ander **[pos deur hom bepaal, hetsy in dieselfde of 'n ander]** sodanige departement, instelling, raad of liggaam; en

(ii) dat indien sodanige gemeenskapsdiens **[ingevolge hierdie artikel]** deur 'n persoon in meer as een pos verrig is, die tydperk van diens wat in elke sodanige pos verrig is in aanmerking geneem moet word ten einde die duur van die gemeenskapsdiens soos bedoel in hierdie Wet wat deur daardie persoon verrig is, te bepaal.

(4A) (a) 'n Persoon wat, om watter rede ook al, gemeenskapsdiens soos bedoel in hierdie Wet, moet verrig, word by die betrokke bevel bedoel in subartikel (4) ook beveel om, indien sodanige gemeenskapsdiens—

(i) ooreenkomstig die bepaling van subartikel (3)(a) vasgestel word, op 'n bepaalde datum binne 32 dae; of

(ii) ooreenkomstig die bepaling van subartikel (3)(b) vasgestel word, op 'n bepaalde datum binne 42 dae,

vanaf die dag waarop die verpligting om sodanige gemeenskapsdiens te verrig, ontstaan het en op 'n bepaalde tyd, daarvoor aan te meld en 'n aanvang daarmee te maak.

(b) By die toepassing van paragraaf (a) word 'n verpligting in die geval van 'n ingevolge artikel 72D(1)(a)(iii) geklassifiseerde gewetensbeswaarde wat tot bedoelde gemeenskapsdiens verplig is ter voldoening aan paroolvoorwaardes wat opgelê is, geag te ontstaan het op die dag waarop hy die paroolvoorwaardes aanvaar het, en in die geval van 'n aldus geklassifiseerde gewetensbeswaarde wat tot bedoelde gemeenskapsdiens verplig is ter voldoening aan 'n voorwaarde waarop die tenuitvoerlegging van 'n vonnis wat kragtens artikel 72I(2)(a) opgelê is, kragtens artikel 72I(5) opgeskort is, geag te ontstaan het op die dag waarop daardie vonnis opgelê is.

(c) Sodanige gemeenskapsdiens word, ten einde die tydperk waartydens dit verrig moet word, te bereken, geag 'n aanvang te geneem het op die datum waarop dit volgens bedoelde bevel 'n aanvang neem, of op die werklike aanvangsdatum daarvan, watter ook al die eerste voorval of, indien die Minister of beampte in subartikel (4) bedoel, versuim om te beveel dat sodanige gemeenskapsdiens 'n aanvang moet neem soos in paragraaf (a) van hierdie subartikel beoog en dit eers na bedoelde twee-en-dertigste of twee-en-veertigste dag, na gelang van die geval, 'n aanvang neem, word dit geag op bedoelde twee-en-dertigste of twee-en-veertigste dag, na gelang van die geval, 'n aanvang te geneem het: Met dien verstande dat sodanige persoon nie onthef word van sy verpligting om sodanige bevel na te kom indien bedoelde bepaalde datum nie binne die gemelde 32 of 42 dae, na gelang van die geval, val nie.

(4B) Indien iemand wat kragtens of weens enige bepaling van hierdie Wet verplig of genoodsaak is om gemeenskapsdiens soos bedoel in hierdie Wet te verrig, en hy as gevolg van die feit dat hy sy gewone verblyfplek verlaat het en dit onbekend is waar hy hom bevind of dat hy die Republiek verlaat het en daaruit afwesig bly, nie sodanige gemeenskapsdiens aldus verrig of verder verrig nie of, weens enige sodanige omstandighede nie kragtens subartikel (4) beveel kan word om sodanige gemeenskapsdiens te verrig nie, verval sy klassifikasie as sodanige gewetensbeswaarde na die verstryking van 'n tydperk van 90 dae vanaf die datum waarop hy sy gewone verblyfplek of die Republiek, na gelang van die geval, aldus verlaat het, en hy word onder bedoelde omstandighede geag steeds verplig te wees om die militêre diens te doen wat hy voor sy genoemde klassifikasie (wat aldus verval het) aangesê is om te doen en geag, deur sy gewone verblyfplek of die Republiek, na gelang van die geval, aldus te verlaat

in any law contained the rendering of community service in any such post may be ordered: Provided further]—

- 5 (i) that the Minister of Manpower or an officer authorized thereto by him may, if he deems fit, at any time while community service as contemplated in this Act is being **[rendered]** performed as ordered in terms of this subsection, order that such community service shall be **[rendered]** performed in **[a different post determined by him, whether in the same or]** another such department, institution, council, board or body; and
- 10 (ii) that if such community service has **[in terms of this section]** been **[rendered]** performed by a person in more than one post, the period of service **[rendered]** performed in every such post shall be taken into account for the purpose of determining the duration of the community service as contemplated in this Act
- 15 **[rendered]** performed by such person.

(4A) (a) Any person who, for whatever reason, has to perform community service as contemplated in this Act, shall, by the order referred to in subsection (4), also be ordered to report at a specified time for and commence with such community service if it is—

- 20 (i) determined in accordance with the provisions of subsection (3)(a), on a specified date within 32 days; or
- (ii) determined in accordance with the provisions of subsection (3)(b), on a specified date within 42 days,
- 25 from the day upon which the liability to perform such community service arose.

(b) For the purposes of paragraph (a) the liability in the case of a conscientious objector classified in terms of section 72D(1)(a)(iii) who is liable to that community service to comply with any conditions of parole which have been imposed, shall be deemed to have arisen on the day on which he accepted the conditions of parole, and in the case of such a classified conscientious objector who is liable to that community service to comply with a condition subject to which the execution of a sentence imposed under section 72I(2)(a), was suspended under section 72I(5), shall be deemed to have arisen on the day on which such sentence was imposed.

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(c) Such community service shall, for the purpose of calculating the period during which it is to be performed, be deemed to have commenced on the date on which it commences according to that order or on the actual date of commencement thereof, whichever occurs first, or, if the Minister or officer referred to in subsection (4) fails to order that such community service shall commence as contemplated in paragraph (a) of this subsection and it first commences after that thirty-second or forty-second day, as the case may be, it shall be deemed to have commenced on that thirty-second or forty-second day, as the case may be: Provided that such person shall not be exempted from his liability to comply with such order if that specified date does not fall within the said 32 or 42 days, as the case may be.

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(4B) If any person who is under or on account of any provision of this Act liable or obliged to perform community service as contemplated in this Act and he, by reason of the fact that he has left his ordinary place of residence and it is unknown where he happens to be or that he has left the Republic and remains absent therefrom, does not perform or further perform such community service, or by reason of any such circumstances cannot be ordered under subsection (4) to perform such community service, his classification as such a conscientious objector shall lapse after the expiration of a period of 90 days from the date on which he so left his ordinary place of residence or the Republic, as the case may be, and he shall under those circumstances be deemed to be still liable to render the military service which he had before his said classification (which has thus lapsed) been called up to render, and shall be deemed, by having thus left his ordinary place of residence or the Republic, as the case

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het en daarvan of daaruit, na gelang van die geval, afwesig te bly, te weier om sodanige militêre diens te doen.

(5) (a) 'n Departement, instelling, raad of liggaam in subartikel (4) vermeld, moet iemand wat ingevolge hierdie artikel verplig is om gemeenskapsdiens soos bedoel in hierdie Wet, by hom te verrig, in diens neem **[in die pos]** soos kragtens daardie subartikel **[bepaal]** beveel of, indien so iemand reeds by hom in diens is, **[maar nie in daardie pos dien nie, so iemand aansê om in daardie pos te dien,]** met ingang van **[’n]** die bepaalde datum **[bepaal deur die Minister van Mannekrag of iemand deur hom gemagtig]** in subartikel (4A) bedoel. 5 10

(b) Indien iemand verplig word om gemeenskapsdiens soos bedoel in hierdie Wet, in 'n pos by 'n departement, instelling, raad of liggaam te verrig, word sodanige diens verrig ooreenkomstig die regulasies kragtens artikel 72G uitgevaardig, en sodanige regulasies is tot uitsluiting van enige ander wet of enige kontraktuele verpligting ten opsigte van sodanige **[diens]** gemeenskapsdiens en sodanige persoon, met betrekking tot sy verrigting van sodanige **[diens]** gemeenskapsdiens, van toepassing. 15

(c) Indien iemand wat reeds by 'n departement, instelling, raad of liggaam in diens is, **[kragtens hierdie artikel]** om die een of ander rede verplig word om gemeenskapsdiens soos bedoel in hierdie Wet, by so 'n departement, instelling, raad of liggaam te verrig, verrig so iemand sy gemeenskapsdiens ooreenkomstig die regulasies kragtens artikel 72G uitgevaardig, en die eerste **[twee]** jaar van sodanige **[diens]** gemeenskapsdiens word, ten opsigte van sodanige persoon, vir die doeleindes van senioriteit, bevordering **[en besoldiging]**, salaris of vergoeding en verhoging van salaris of vergoeding, nie as diens by daardie departement, instelling, raad of liggaam gereken nie.”. 20 25

Vervanging van artikel 72F van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983 30

19. Artikel 72F van die Hoofwet word hierby deur die volgende artikel vervang:

“Intrekking of wysiging van beslissing van raad vir gewetensbeswaar

72F. (1) (a) Indien 'n raad kragtens artikel 72A benoem, as gevolg van feite wat tot sy beskikking kom, van oordeel is dat die feite waarop 'n aansoek om klassifikasie as **[godsdienstbeswaarde]** gewetensbeswaarde toegestaan is, moontlik verander het, kan hy, nadat hy— 35

(i) die betrokke **[godsdienstbeswaarde]** gewetensbeswaarde van 'n opsomming van eersgenoemde feite voorsien en van sy sienswyse verwittig het; 40

(ii) die **[bevelvoerende offisier]** bevelvoerder van die eenheid van sodanige **[godsdienstbeswaarde]** gewetensbeswaarde of die persoon wat toesig hou oor die **[godsdienstbeswaarde]** gewetensbeswaarde by die departement, instelling, raad of liggaam waar hy gemeenskapsdiens soos bedoel in hierdie Wet, verrig, 'n geleentheid gegee het om sy sienswyse te verstrek; en 45

(iii) die **[godsdienstbeswaarde]** gewetensbeswaarde 'n geleentheid gegee het om, na sy keuse, sy saak mondeling of op skrif te stel, (maar sonder regsverteenvoerding voor die raad), sy beslissing met ingang van 'n datum deur hom bepaal, intrek, of daardie beslissing wysig en die **[godsdienstbeswaarde]** gewetensbeswaarde in 'n ander in artikel 72D **[vermelde]** bedoelde kategorie van **[godsdienstbeswaardes]** gewetensbeswaardes klassifiseer. 50

(b) Indien iemand wat as 'n **[godsdienstbeswaarde]** gewetensbeswaarde geklassifiseer is, die betrokke raad vir **[godsdienstige beswaar]** gewetensbeswaar in 'n deur hom ondertekende kennisgewing verwittig dat hy nie meer tot daardie kategorie van **[godsdienstbeswaardes]** gewetensbeswaardes behoort nie en bereid is om militêre diens of opleiding te doen of te ondergaan, word die betrokke beslissing van die raad geag ingetrek te wees met ingang van die datum waarop die kennisgewing deur die raad ontvang is. 60

may be, and remaining absent therefrom, to refuse to render such military service.

(5) (a) Any department, institution, council, board or body referred to in subsection (4) shall take any person who in terms of this section is obliged to **[render]** perform community service as contemplated in this Act with it, into its employment **[in the post determined under]** as ordered in terms of that subsection or, if such person is already in its employment, **[but does not serve in that post, direct such person to serve in that post,]** with effect from **[a]** the specified date **[determined by the Minister of Manpower, or any person authorized by him]** contemplated in subsection (4A).

(b) If any person is obliged to **[render]** perform community service as contemplated in this Act in a post in a department, institution, council, board or body, such service shall be **[rendered]** performed in accordance with the regulations made under section 72G, and such regulations shall apply to the exclusion of any other law or any contractual obligation in respect of such community service and such person, in relation to his performance of such community service.

(c) If any person who already is in the employment of a department, institution, council, board or body is obliged **[under this section]** for any reason to **[render]** perform community service as contemplated in this Act with such department, institution, council, board or body, such person shall **[render]** perform his community service in accordance with the regulations made under section 72G, and the first **[two years]** year of such community service shall, in respect of such person, [not] for the purposes of seniority, promotion, [and remuneration] salary or compensation and increase in salary or compensation not be regarded as service with that department, institution, council, board or body."

30 Substitution of section 72F of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983

19. The following section is hereby substituted for section 72F of the principal Act:

"Withdrawal or amendment of decision of board for conscientious objection

72F. (1) (a) If a board appointed in terms of section 72A is of the opinion, as a result of facts becoming available to it, that the facts on which an application for classification as a **[religious]** conscientious objector was granted have possibly changed, it may, after it—

(i) has **[informed]** provided the **[religious]** conscientious objector concerned with a summary of the first-mentioned facts and informed him of its opinion;

(ii) has afforded the **[commanding]** officer commanding the unit of such **[religious]** conscientious objector or the person who supervises the **[religious]** conscientious objector at the department, institution, council, board or body where he is **[rendering]** performing community service as contemplated in this Act, an opportunity to state his views; and

(iii) has afforded the **[religious]** conscientious objector an opportunity to present his case, orally or in writing, as he may choose, (but without legal representation before the board),

withdraw its decision with effect from a date determined by the board or amend that decision and classify the **[religious]** conscientious objector into another category of **[religious]** conscientious objectors referred to in section 72D.

(b) If any person who has been classified as a **[religious]** conscientious objector informs the board for **[religious]** conscientious objection concerned in a notice signed by him that he no longer belongs to that category of **[religious]** conscientious objectors and that he is prepared to render military service or undergo military training, that decision of the board shall be deemed to have been withdrawn with effect from the date on which the notice was received by the board.

(2) Indien 'n beslissing in subartikel (1) vermeld ingevolge daardie subartikel—

(a) ingetrek is of geag word ingetrek te wees, **[moet]** is die persoon ten opsigte van wie daardie beslissing van toepassing was, **[met ingang van die datum van sodanige intrekking]** behoudens die 5 bepalinge van subartikel (3), benewens enige ander verpligting tot diens in die Suid-Afrikaanse Weermag ingevolge hierdie Wet, verplig om, indien hy aangesê word om dit te doen, diens ooreenkomstig die aansegging, kragtens artikel 22 of 44 te [diens] doen in die Burgermag of die kommando's, na gelang daardie 10 persoon ingevolge artikel 67 aan die Burgermag of die kommando's toegewys is;

(b) gewysig is en die betrokke persoon in 'n ander in artikel 72D vermelde kategorie van **[godsdienbeswaardes]** gewetensbeswaardes ingedeel is, is die bepalinge van artikel 72E wat **[geld ten opsigte]** van toepassing is op sodanige ander kategorie, met 15 ingang van die datum van sodanige wysiging ten opsigte van daardie persoon van toepassing.

(3) Indien iemand na en as gevolg van die intrekking of wysiging ingevolge subartikel (1) van 'n beslissing **[ingevolge subartikel (1)]** of 20 die intrekking van 'n beslissing wat geag word ingevolge subartikel (1) te geskied het, onder die verpligting kom om ooreenkomstig artikel 22 of 44 diens te doen, word enige tydperk van gemeenskapsdiens soos bedoel in hierdie Wet, deur daardie persoon **[ingevolge subartikel 72E(3) gedoen]** verrig, en enige tydperk van **[gevangenisstraf of]** 25 detensiestraf deur hom uitgedien uit hoofde van 'n vonnis hom opgelê kragtens artikel 72I**[(1) of 72I](2)(a)**, by die toepassing van artikels 22 en 44 geag diens soos in daardie artikels bedoel, te wees in die mate wat die Minister bepaal.

(4) Iets wat kragtens hierdie artikel gedoen is of voortspruit uit die 30 toepassing daarvan, word nie beskou nie as nie-voldoening aan of as die verbreking van enige voorwaarde van parool of van 'n opgeskorte vonnis ingevolge waarvan die betrokke persoon voor die intrekking of wysiging van 'n beslissing ingevolge subartikel (1) of die intrekking of wysiging van 'n beslissing wat geag word ingevolge subartikel (1) te 35 geskied het, gemeenskapsdiens soos bedoel in hierdie Wet, moes verrig het."

Vervanging van artikel 72G van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983 en gewysig deur artikel 9 van Wet 51 van 1991

20. Artikel 72G van die Hoofwet word hierby deur die volgende artikel 40 vervang:

"Regulasies betreffende gemeenskapsdiens

72G. (1) Die Minister van Mannekrag **[met die instemming van die Minister]** kan ten opsigte van persone wat ingevolge artikel 72D(1)(a)(iii) as **[godsdienbeswaardes]** gewetensbeswaardes geklas- 45 sifiseer is regulasies uitvaardig betreffende—

(a) aanwending, opleiding, kwalifikasies of verwerwing van kwalifikasies op koste van die departement, instelling, raad of liggaam waar die gemeenskapsdiens soos bedoel in hierdie Wet, verrig word, ongeskiktheid vir diens, verplasing, pligte, bevoegdhede, 50 klassifisering, gradering en, behoudens die bepalinge van artikel 72E(5)(c), bevordering, en enige ander aangeleentheid met betrekking tot die diens van sodanige persone tydens die verrigting van gemeenskapsdiens soos bedoel in hierdie Wet, met inbegrip van diensure, die verrigting van oortyddiens, verlof en 55 spesiale verlof met betaling;

(b) behoudens die bepalinge van artikel 72E(5)(c) en subartikel (1A) van hierdie artikel, salarisse, lone, verlof- en siektevoordele, reis- en verblyf-, plaaslike, lewenskoste- en ander toelaes, en die

(2) If a decision referred to in subsection (1)—

- (a) has been withdrawn or is deemed to have been withdrawn in terms of that subsection, the person in respect of whom that decision applied shall, subject to the provisions of subsection (3), be liable, in addition to any other liability to service in the South African Defence Force in terms of this Act, to render service **[with effect from the date of such withdrawal]**, if called up to do so, in accordance with the call-up, under section 22 or 44 in the Citizen Force or the commandos, according as to whether such person was in terms of section 67 allotted to the Citizen Force or the commandos;
- (b) has been amended in terms of that subsection and the person concerned has been classified into any other category of **[religious]** conscientious objectors referred to in section 72D, the provisions of section 72E which **[apply]** are applicable to such other category shall with effect from the date of such amendment apply in respect of such person.

(3) If any person after and as a result of the withdrawal or amendment in terms of subsection (1) of a decision **[in terms of subsection (1)]** or the withdrawal of a decision deemed to have been effected in terms of subsection (1), becomes liable to render service in accordance with section 22 or 44, any period of community service as contemplated in this Act **[rendered]** performed by such person **[in terms of section 72E(3)]** and any period of **[imprisonment or]** detention served by him by virtue of a sentence imposed upon him under section 72I**[(1) or 72I](2)(a)**, shall for the purposes of sections 22 and 44 be regarded as service as contemplated in those sections, to the extent determined by the Minister.

(4) Anything done under this section or resulting from the application thereof shall not be regarded as non-compliance with or a breach of any condition of parole or a suspended sentence in terms of which the person concerned had to perform community service as contemplated in this Act before the withdrawal or amendment of a decision in terms of subsection (1), or the withdrawal or amendment of a decision deemed to have been effected in terms of subsection (1).”.

Substitution of section 72G of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983 and amended by section 9 of Act 51 of 1991

20. The following section is hereby substituted for section 72G of the principal Act:

“Regulations relating to community service

72G. (1) The Minister of Manpower **[with the concurrence of the Minister]** may in respect of persons classified in terms of section 72D(1)(a)(iii) as **[religious]** conscientious objectors make regulations relating to—

- (a) employment, training, qualifications or obtaining of qualifications at the expense of the department, institution, council, board or body where the community service as contemplated in this Act is **[rendered]** performed, unsuitability for service, transfer, duties, powers, classification, grading and, subject to the provisions of section 72E(5)(c), promotion, and any other matter with regard to the service of such persons during the **[rendering]** performance of community service as contemplated in this Act, including hours of duty, the performance of overtime duties, leave and special leave with pay;
- (b) subject to the provisions of section 72E(5)(c) and subsection (1A) of this section, salaries, wages, leave and sick benefits, subsistence and travel, local, cost of living and other allowances,

omstandighede waaronder, die wyse waarop en die bevoordeel-
des aan wie sulke betalings gedoen moet of mag word, asook die
verbod op die verlening van bykomende voordele deur werkge-
wers;

- (c) bewoning van amptelike kwartiere, die verskaffing van losies, 5
met inbegrip van maaltye, verpligtinge met betrekking tot en die
voorwaardes van sodanige bewoning en losies, die aanspreeklik-
heid vir of vrystelling van aanspreeklikheid vir skade of verlies
wat voortspruit uit of in verband staan met sodanige bewoning en
losies, met inbegrip van die omstandighede waaronder sekerheid 10
ten opsigte van sodanige aanspreeklikheid gestel moet word;
- (d) gebruik van amptelike vervoer, voertuie, toerusting en eiendom,
verpligtinge met betrekking tot en die voorwaardes van toepas-
sing op sodanige gebruik, met inbegrip van die opleiding en 15
kwalifikasies wat vereis word met betrekking tot sodanige
gebruik en die verwerwing van sodanige kwalifikasies op koste
van die departement, instelling, raad of liggaam waar die
gemeenskapsdiens soos bedoel in hierdie Wet, verrig word, en
die stel van sekerheid ten opsigte van en die verlening van 20
vrystelling van aanspreeklikheid vir skade of verlies voortsprui-
tend uit of in verband met sodanige gebruik;
- (e) aanspreeklikheid van die departement, liggaam, raad of instel-
ling waar gemeenskapsdiens soos bedoel in hierdie Wet verrig
word, vir skade of verlies voortspruitend uit of wat in verband
staan met die verrigting van sodanige gemeenskapsdiens en die 25
vrystelling van die departement, liggaam, raad of instelling van
sodanige aanspreeklikheid;
- (f) registrasie deur sodanige persone by enige liggaam, raad,
vereniging, bond of dergelike organisasie waar sodanige regis-
trasie vereis word ingevolge 'n wet of ooreenkoms voor die 30
aanvang of gedurende die verrigting van 'n diens wat deur
sodanige persone tydens die verrigting van gemeenskapsdiens
soos bedoel in hierdie Wet, gelewer moet word;
- (g) die uniform, beskermende kleredrag, toerusting, gereedskap en
ander artikels wat deur sodanige persone gedra of gebruik moet 35
word tydens die verrigting van gemeenskapsdiens soos bedoel in
hierdie Wet, toelaes daarvoor en die uitreiking daarvan op koste
van die departement, instelling, raad of liggaam waar **[die]**
sodanige gemeenskapsdiens verrig word en die voorskrifte met
betrekking tot die gebruik, aanwending, versorging en **[berging]** 40
bewaring daarvan;
- (h) dissipline, gedrag en optrede van sodanige persone gedurende
die tydperk van verrigting van gemeenskapsdiens soos bedoel in
hierdie Wet, die mate waarin sodanige persone gedurende 45
daardie tydperk aan politieke bedrywighede in die algemeen of in
die besonder, mag deelneem, die ondersoek van beweerde
dissiplinêre oortredings **[van regulasies kragtens hierdie artikel**
uitgevaardig], die aard van sodanige oortredings en die gesag wat
sodanige ondersoek moet hou, die prosedure wat deur hom
gevolg moet word, en die dissiplinêre stappe wat deur hom 50
gedoen kan word teen persone wat sodanige dissiplinêre oortre-
dings gepleeg het, met inbegrip van die oplê van 'n boete van
hoogstens R50, en die verhaal daarvan deur aftrekking van die
betrokkenes se vergoeding;
- (i) die toepassing van **[enige]** die een of ander bepaling van 'n wet op 55
gemeenskapsdiens soos bedoel in hierdie Wet, of op enige
aangeleentheid wat daarmee in verband staan, met inbegrip van
beserings en tydelike of permanente ongeskiktheid op enige wyse
deur persone opgedoen terwyl hulle sodanige gemeenskapsdiens
verrig en met inbegrip van die verskaffing aan hulle van 60
geneesmiddels en prostese op Staatskoste en van hul geneeskun-
dige, tandheelkundige en hospitaalbehandeling op Staatskoste
by inrigtings of deur medici of para-medici wat deur hul

and the circumstances under which, the manner in which and the beneficiaries to whom such payments shall or may be made, as well as the prohibition of the granting of additional benefits by employers;

- 5 (c) occupation of official quarters, the provision of lodging, including meals, obligations with regard to and the conditions of such occupation and lodging, the liability for, or the exemption from liability for, damage or loss arising from or in connection with such occupation and lodging, including the circumstances in which security shall be furnished with respect to such liability;
- 10 (d) use of official transport, vehicles, equipment and property, obligations with regard to and the conditions applying to such use, including the training and qualifications required with regard to such use and the obtaining of such qualifications at the expense of the department, institution, council, board or body where the community service as contemplated in this Act is **[rendered]** performed, and the furnishing of security in respect of and the granting of exemption from liability for damage or loss arising out of or in connection with such use;
- 15 (e) liability of the department, institution, council, board or body where community service as contemplated in this Act is **[rendered]** performed, for damage or loss arising out of or connected with such community service and the exemption of the department, institution, council, board or body from such liability;
- 20 (f) registration by such persons with any body, board, society, association or similar organization where such registration is in terms of any law or agreement required before the commencement or during the performance of any service to be rendered by such persons during the **[rendering]** performance of community service as contemplated in this Act;
- 25 (g) the uniform, protective clothing, equipment, tools and other articles to be worn or used by such persons during the **[rendering]** performance of community service as contemplated in this Act, allowances therefor and the issue thereof at the expense of the department, institution, council, board or body where **[the]** such community service is **[rendered]** performed and the directions with respect to the use, utilization, care and **[storage]** safe-keeping thereof;
- 30 (h) discipline, behaviour and conduct of such persons during the period of **[rendering]** performance of community service as contemplated in this Act, the extent to which such persons may during that period take part in political activities **[during that period]**, in general or in a particular case, the investigation of alleged disciplinary contraventions **[of the regulations made under this section]**, the nature of such contraventions and the authority which shall hold such investigation, the procedure to be followed by it, and the disciplinary steps which may be taken by it against persons who have committed such disciplinary contraventions, including the imposition of a fine not exceeding R50, and the recovery thereof by deduction from the remuneration of the persons concerned;
- 35 (i) the application of any law to community service as contemplated in this Act or to any matter in connection therewith, including injuries and temporary or permanent disability sustained in any manner by persons while **[rendering]** performing such community service and including the provision to them of medicine and prosthesis at State expense and their medical, dental and hospital treatment at State expense at institutions or by medical practitioners or para-medical practitioners designated by their
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- werkgewers aangewys word, vir siektes en beserings opgedoen tydens en voortspruitend uit hul bedoelde gemeenskapsdiens;
- (j) alle aangeleenthede in verband met gemeenskapsdiens soos bedoel in hierdie Wet, wat ingevolge hierdie Wet voorgeskryf moet of kan word; 5
- (k) in die algemeen, alle aangeleenthede wat hy nodig of dienstig ag om voor te skryf ten einde die **[doeleindes]** oogmerke van hierdie artikel te bereik, en sodanige regulasies kan 'n gesag voorskryf asook die bevoegdhe van so 'n gesag om ten opsigte van enige sodanige persoon of kategorie van sodanige persone die bepaling 10
- (1A) Regulasies uitgevaardig ingevolge subartikel (1)(b) mag nie voorsiening maak nie vir salarisse, lone, voordele en toelaes wat gunstiger is as dié wat verdien word deur persone wat in daardie deel van die Suid-Afrikaanse Weermag en oor daardie dienstdynerk dien 15
- (2) Sonder om afbreuk te doen aan die bepalinge van subartikel (1)(h) kan regulasies kragtens subartikel (1) uitgevaardig **[kan]**, ten opsigte van 'n oortreding daarvan of versuim om daaraan te voldoen, 'n straf voorskryf van 'n boete van hoogstens R500 of gevangenisstraf vir 'n tydperk van hoogstens ses maande of sodanige boete sowel as sodanige gevangenisstraf. 20
- (3) Ondanks andersluidende wetsbepalinge kan so 'n regulasie wat tot voordeel van **[godsdienbeswaardes]** gewetensbeswaardes is met terugwerkende krag uitgevaardig word." 25

Wysiging van artikel 72H van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983

21. Artikel 72H van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat die voorbehoudsbepaling 30
vooraangaan deur die volgende woorde te vervang:
“(1) Iemand wat ingevolge hierdie Wet as 'n **[godsdienbeswaarde]** gewetensbeswaarde geklassifiseer is of wat ingevolge hierdie Wet of die voorwaardes van 'n opgeskorte vonnis of van parool gemeenskapsdiens soos bedoel in hierdie Wet, moet verrig, 35
mag nie terwyl hy verplig is om sodanige gemeenskapsdiens te verrig aan enige politieke bedrywighede, behalwe dié wat voorgeskryf is, deelneem nie.”;
- (b) deur paragrafe (b) en (c) van subartikel (2) deur onderskeidelik die 40
volgende paragrafe te vervang:
“(b) versuim om redelike stappe te doen om te voorkom dat 'n dokument wat deur hom opgestel is voor die aanvang van die tydperk van sy gemeenskapsdiens soos bedoel in hierdie Wet, en waarvan die opstel of publikasie gedurende daardie tydperk 'n oortreding van subartikel (1) sou wees, gedurende daardie tydperk gepubliseer word; 45
(c) in die tydperk waartydens enigiemand ingevolge hierdie Wet of die voorwaardes van 'n opgeskorte vonnis of van parool verplig is om gemeenskapsdiens soos bedoel in hierdie Wet, te verrig, 'n dokument wat opgestel is deur die persoon wat aldus verplig is, publiseer, indien die opstel of publikasie deur die persoon aldus verplig 'n oortreding van subartikel (1) sou uitgemaak het,”; en 50
- (c) deur paragrafe (b) en (c) van subartikel (3) deur onderskeidelik die 55
volgende paragrafe te vervang:
“(b) subartikel (2)(a), indien daar beweer word dat die beskuldigde die oortreding gepleeg het deur die publikasie van 'n dokument en daar bewys word, of uit hoofde van die werking van paragraaf (a) van hierdie subartikel vermoed word, dat die beskuldigde die outeur daarvan is, word daar by 60
ontstentenis van bewys tot die teendeel vermoed dat die

- employers, for illnesses and injuries contracted or sustained during and arising from their said community service;
- (j) all matters in connection with community service as contemplated in this Act, which in terms of this Act shall or may be prescribed;
- (k) generally, all matters which he may deem necessary or expedient to prescribe in order to achieve the aims of this section, and such regulations may prescribe an authority as well as the powers of such authority to amend the provisions of such regulations with regard to any such person or category of such persons.
- (1A) Regulations made in terms of subsection (1)(b) shall not provide for salaries, wages, benefits and allowances which are more favourable than those which are enjoyed by persons who serve in that part of the South African Defence Force and during that period of service in which or during which the conscientious objector concerned would have served if it had not been for his classification as a conscientious objector.
- (2) Without derogating from the provisions of subsection (1)(h), regulations made under subsection (1) may prescribe in respect of a contravention thereof or failure to comply therewith, a penalty of a fine not exceeding R500 or imprisonment for a period not exceeding six months or both such fine and such imprisonment.
- (3) Notwithstanding anything to the contrary in any law contained, such a regulation which is to the advantage of **[religious]** conscientious objectors may be made with retrospective effect."

Amendment of section 72H of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983

21. Section 72H of the principal Act is hereby amended—
- (a) by the substitution in subsection (1) for the words preceding the proviso of the following words:
- "(1) Any person who in terms of this Act has been classified as a **[religious]** conscientious objector or who in terms of this Act or the conditions of a suspended sentence or of parole is liable to **[render]** perform community service as contemplated in this Act, shall not, while he is obliged to **[render]** perform such community service, participate in any political activities other than those which have been prescribed:"
- (b) by the substitution for paragraphs (b) and (c) of subsection (2) of the following paragraphs, respectively:
- "(b) fails to take reasonable steps to prevent the publication during the period of his community service as contemplated in this Act, of a document drawn up by him before the commencement of his period of such community service the drawing up or publication of which during that period would have constituted a contravention of subsection (1);
- (c) publishes in the period during which any person is in terms of this Act or the conditions of a suspended sentence or of parole liable to render community service as contemplated in this Act, any document drawn up by the person so liable, if the drawing up or publication of that document by the person so liable would have constituted a contravention of subsection (1),"
- (c) by the substitution for paragraphs (b) and (c) of subsection (3) of the following paragraphs, respectively:
- "(b) subsection (2)(a), if it is alleged that the accused committed the offence by the publication of any document and it is proved or, by reason of the operation of paragraph (a) of this subsection, is presumed that the accused is the author thereof, it shall be presumed in the absence of proof to the

beskuldigde die dokument gepubliseer het gedurende die tydperk van sy gemeenskapsdiens soos bedoel in hierdie Wet;

- (c) subartikel (2)(c), word daar by bewys dat die beskuldigde 'n dokument waarvan 'n persoon wat ingevolge artikel 72D as 'n **[godsdienbeswaarde]** gewetensbeswaarde geklassifiseer is die outeur is of uit hoofde van die werking van paragraaf (a) van hierdie subartikel **[(3)]** vermoed word die outeur te wees, gepubliseer het, by ontstentenis van bewys tot die teendeel vermoed dat die beskuldigde toe hy die dokument gepubliseer het, geweet het dat dit 'n dokument is waarvan die publikasie ingevolge die bepalings van hierdie artikel verbied is."

Vervanging van artikel 72I van Wet 44 van 1957, soos ingevoeg deur artikel 9 van Wet 34 van 1983

22. Artikel 72I van die Hoofwet word hierby deur die volgende artikel vervang:

"Misdrywe deur gewetensbeswaardes, en dokumentêre bewys

72I. (1) [’n In artikel 72E(2) bedoelde persoon wat weier of versuim om die diens te doen wat hy ingevolge daardie artikel verplig is om te doen, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir ’n tydperk wat gelykstaan met die tydperk van diens wat hy ingevolge daardie artikel verplig is om te doen] . . .

(2) 'n In artikel 72E(3) bedoelde **[persoon]** gewetensbeswaarde wat ingevolge genoemde artikel 72E(3), weens sy klassifikasie as so 'n gewetensbeswaarde, gemeenskapsdiens soos bedoel in hierdie Wet, moet verrig, en wat, wanneer hy beveel is om dit te verrig—

(a) weier of versuim om sodanige gemeenskapsdiens te **[doen]** verrig, is aan 'n misdryf skuldig en word by skuldigbevinding, **[strafbaar met]** ondanks andersluidende bepalings van die een of ander wet, 'n tydperk van detensie opgelê wat gelykstaan met die tydperk van gemeenskapsdiens wat hy nog **[moes doen]** moet verrig het op die tydstip van sodanige weiering of versuim.

(b) **[weier of versuim om enige opdrag of plig na te kom of uit te voer met betrekking tot gemeenskapsdiens, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met ’n boete van hoogstens R500 of met gevangenisstraf vir ’n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf]. . .**

(2A) 'n Persoon wat, om watter rede ook al, gemeenskapsdiens soos bedoel in hierdie Wet, moet verrig en, wanneer hy beveel is om dit te verrig, nalaat om (onder omstandighede waar sy gedrag nie 'n misdryf ingevolge subartikel (2)(a) is nie, of nie 'n verbreking is nie van enige voorwaarde waarop die tenuitvoerlegging van sy vonnis opgeskort mag wees, of nie 'n verbreking is nie van die paroolvoorwaardes vir die vrylating van sodanige persoon uit 'n detensiekaserne waar hy 'n vonnis van detensiestraf moes uitdien) op die datum en tyd en plek wat in die bevel vir die aanvang van sodanige gemeenskapsdiens vermeld is, hom daarvoor aan te meld, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R600 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

(2B) 'n Persoon wat, om watter rede ook al, gemeenskapsdiens soos bedoel in hierdie Wet, verrig en weier of versuim of nalaat om (onder omstandighede waar sy gedrag nie 'n misdryf ingevolge subartikel (2)(a) is nie, of nie 'n verbreking is nie van 'n voorwaarde waarop die tenuitvoerlegging van sy vonnis opgeskort mag wees, of nie 'n verbreking is nie van die paroolvoorwaardes vir die vrylating van sodanige persoon uit 'n detensiekaserne waar hy 'n vonnis van detensiestraf moes uitdien) 'n wettige bevel of opdrag of plig met betrekking tot sodanige gemeenskapsdiens na te kom, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van

contrary that the accused published the document during the period of his community service as contemplated in this Act;

- 5 (c) subsection (2)(c), upon proof that the accused published a document of which a person classified in terms of section 72D as a **[religious]** conscientious objector is the author, or by reason of the operation of paragraph (a) of this subsection **[(3)]** is presumed to be the author, it shall in the absence of proof to the contrary be presumed that the
10 accused knew when he published the document that it was a document the publication of which is prohibited in terms of this section.”.

Substitution of section 72I of Act 44 of 1957, as inserted by section 9 of Act 34 of 1983

22. The following section is hereby substituted for section 72I of the principal
15 Act:

“Offences by conscientious objectors, and documentary evidence

72I. (1) **[Any person referred to in section 72E(2) who refuses or fails to render the service which he is liable to render in terms of that section, shall be guilty of an offence and liable on conviction to imprisonment for a period which is equal to the period of service which he is liable to render in terms of that section]** . . .

(2) Any **[person]** conscientious objector referred to in section 72E(3) who has in terms of the said section 72E(3) to perform community service as contemplated in this Act by reason of his classification as such a conscientious objector and who, when ordered to do so—

(a) refuses or fails to **[render]** perform such community service shall be guilty of an offence and **[liable]** shall, notwithstanding anything to the contrary in any other law contained, on conviction **[to]** be sentenced to detention for a period which is equal to the period of community service which he still had to **[render]** perform at the time of such refusal or failure.

(b) **[refuses or fails to comply with or carry out any order or duty in relation to community service shall be guilty of an offence and liable on conviction to a fine not exceeding R500 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment]** . . .

(2A) Any person who, for whatever reason, is liable to perform community service as contemplated in this Act and, when ordered to perform it, fails (under circumstances where his conduct does not constitute an offence in terms of subsection (2)(a), or does not constitute a breach of any condition subject to which the operation of his sentence may have been suspended, or does not constitute a breach of the conditions of parole for the release of such person from a detention barracks where he had to serve a sentence of detention) to report therefor on the date and at the time and place mentioned in the order for the commencement of such community service, shall be guilty of an offence and liable on conviction to a fine not exceeding R600 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

(2B) Any person who, for whatever reason, performs community service as contemplated in this Act, and refuses or fails or omits (under circumstances where his conduct does not constitute an offence in terms of subsection (2)(a), or does not constitute a breach of any condition subject to which the operation of his sentence may have been suspended, or does not constitute a breach of the conditions of parole for the release of such person from a detention barracks where he had to serve a sentence of detention) to comply with a lawful order, instruction or duty in connection with such community service, shall be guilty of an offence and liable on

hoogstens R600 of met gevangenisstraf vir 'n tydperk van hoogstens ses maande of met daardie boete sowel as daardie gevangenisstraf.

(2C) Gevangenisstraf wat deur 'n gewetensbeswaarde ingevolge 'n vonnis bedoel in subartikel (2A) of (2B) uitgedien is terwyl hy gemeenskapsdiens soos bedoel in hierdie Wet, moet verrig het, word nie as sodanige gemeenskapsdiens beskou nie, en die tydperk van sodanige gemeenskapsdiens word verleng met die tydperk van gevangenisstraf wat hy aldus uitgedien het.

(2D) Die superintendent van die detensiekasernes waarin 'n persoon wat weens 'n oortreding van subartikel (2)(a) gevonnissen is, opgeneem staan te word, of 'n offisier wat deur hom vir daardie doel gemagtig is, stel sodanige persoon voor die keuse om, soos voorgeskryf, op parool vrygelaat te word op voorwaarde dat hy gemeenskapsdiens soos bedoel in hierdie Wet, verrig vir 'n tydperk wat gelykstaan met die tydperk van bedoelde gemeenskapsdiens wat hy nog moet verrig het op die tydstip van sy weiering of versuim om dit te verrig, en indien dié persoon kies om aldus vrygelaat te word, laat hy hom aldus vry.

(2E) By 'n vervolging weens 'n oortreding van subartikel (2)(a) word daar by bewys dat die beskuldigde hom nie op die betrokke datum, tyd en plek aangemeld het nie om met die betrokke gemeenskapsdiens in die betrokke pos te begin, word daar vermoed, tensy die teendeel bewys word, dat die beskuldigde geweier het om dié gemeenskapsdiens te verrig.

(3) Iemand wat **[gevangenisstraf of]** detensiestraf weens 'n vonnis ingevolge subartikel **[(1) of] (2)(a)** ten volle uitgedien het of wat, nadat hy **['n vonnis]** ingevolge subartikel (2)(a) **[opgelê]** gevonnissen is, op parool vrygelaat is en die voorwaardes van sodanige parool nagekom het, of wat aan die voorwaardes waarop die tenuitvoerlegging van sy vonnis ingevolge subartikel (2)(a) opgeskort is, voldoen het, is van sy verpligting om die betrokke **[diens of]** gemeenskapsdiens ingevolge artikel **[72E(2) of] 72E(3)** **[na gelang van die geval]** te verrig, vrygestel: Met dien verstande dat die voorafgaande bepalings van hierdie paragraaf nie inbreuk maak nie op die Minister se bevoegdheid om 'n bepaling te doen kragtens en soos beoog in die voorbehoudsbepaling by genoemde artikel 72E(3).

(4) Ondanks andersluidende wetsbepalings is—

[(a) 'n gewone krygsraad bevoeg om die straf op te lê waarvoor in subartikel (1) voorsiening gemaak word;

(b)] 'n landdroshof bevoeg om die vonnis op te lê waarvoor in subartikel (2)(a) voorsiening gemaak word.

(5) 'n Hof wat iemand 'n vonnis van **[gevangenisstraf of]** detensie ingevolge subartikel **[(1) of] (2)(a)** oplê, kan die tenuitvoerlegging daarvan opskort slegs indien die opskortingsvoorwaardes bepaal dat die betrokke persoon **[in artikel 72E(2) bedoelde diens of die]** gemeenskapsdiens **[na gelang van die geval, ooreenkomstig]** soos bedoel in hierdie Wet **[deur]**, moet verrig vir 'n tydperk wat gelyk is aan die tydperk van sodanige gemeenskapsdiens wat daardie persoon **[gedoen of]** nog moet verrig **[moet word]** het op die tydstip van sy weiering of versuim soos bedoel in subartikel (2)(a): Met dien verstande dat die tenuitvoerlegging van **['n]** sodanige vonnis **[ingevolge subartikel (2)(a) opgelê]** wat aldus opgeskort word, ondanks andersluidende wetsbepalings nie opgeskort word nie vir 'n tydperk wat korter is as die oorblywende tydperk van bedoelde gemeenskapsdiens wat nog deur die betrokke persoon verrig moet **[word]** geword het, en enige hof wat andersins bevoeg is om die saak te verhoor, die bevoegdheid het om sodanige vonnis op genoemde voorwaardes op te skort.

(6) By enige vervolging weens 'n oortreding—

(a) van subartikel **[(1) of] (2)(a), (2A) of (2B)** is 'n sertifikaat wat onderteken heet te wees deur die sekretaris van 'n raad vir **[godsdienslike beswaar]** gewetensbeswaar en waarin—

(i) die volle naam van die beskuldigde en van 'n persoon wat in 'n in artikel 72D(1)(a)(iii) bedoelde kategorie van gewetens-

conviction to a fine not exceeding R600 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

5 (2C) Imprisonment served by a conscientious objector pursuant to a sentence referred to in subsection (2A) or (2B) while he should have performed community service as contemplated in this Act, shall not be regarded as such community service, and the period of such community service shall be extended by the period of imprisonment so served by him.

10 (2D) The superintendent of the detention barracks to which any person who has been sentenced for a contravention of subsection (2)(a), is to be admitted or an officer authorized thereto by him, shall give such person the choice to be released as prescribed on parole on condition that he performs community service as contemplated in this Act, for a period equal to the period of such community service which he still had to perform at the time of his refusal or failure to perform it, and if such person chooses to be so released, shall so release him.

15 (2E) In any prosecution for a contravention of subsection (2)(a) the accused shall, upon proof that he did not on the date and at the time and place in question report to commence with the community service in question in the post in question, be deemed, unless the contrary is proved, to have refused to perform such community service.

20 (3) Any person who has served **[imprisonment or]** detention pursuant to a sentence in terms of subsection **[(1) or] (2)(a)** in full or who, after he has been sentenced in terms of subsection (2)(a) **[and]**, has been released on parole and has complied with the conditions of parole, or who has complied with the conditions subject to which the operation of his sentence in terms of subsection (2)(a) was suspended, shall be exempted from his liability to **[render]** perform the particular **[service or]** community service in terms of section **[72E(2) or] 73E(3) [as the case may be]**: Provided that the preceding provisions of this paragraph shall not derogate from the power of the Minister to make a determination under and as contemplated in the proviso to the said section 72E(3).

30 (4) Notwithstanding anything to the contrary in any law contained—

[(a) an ordinary court martial shall be competent to impose the sentence provided for in subsection (1);

40 **(b)] a magistrate's court shall be competent to impose the sentence provided for in subsection (2)(a).**

45 (5) Any court which sentences any person to **[imprisonment or]** detention in terms of subsection **[(1) or] (2)(a)**, may suspend the operation thereof only if the conditions of suspension provide that the person concerned **[service referred to in section 72E(2) or the]** shall perform community service **[as the case may be]** as contemplated in this Act **[shall be rendered by]** for a period equal to the period of such community service which that person **[in accordance with this Act]** still had to perform at the time of his refusal or failure as contemplated in subsection (2)(a): Provided that the operation of **[a]** such sentence **[imposed in terms of subsection (2)(a)]** which is thus suspended shall, notwithstanding anything to the contrary in any law contained, not be suspended for a period which is shorter than the remaining period of such community service which still had to be **[rendered]** performed by the person concerned, and any court which is otherwise competent to try such case shall have the power to suspend such sentence on such conditions.

50 (6) In any prosecution for a contravention—

60 (a) of subsection **[(1) or] (2)(a), (2A) or (2B)** a certificate purporting to be signed by the secretary of a board for **[religious]** conscientious objection and stating—

(i) the full name of the accused and of a person who has been classified into a category of conscientious objec-

- beswaardes geklassifiseer is en wie se naam ooreenstem met |
die naam van die beskuldigde; en
- (ii) die kategorie van **[godsdiensbeswaardes]** gewetensbeswaar-
des waarin **[die beskuldigde]** daardie persoon geklassifiseer
is en die datum van sodanige klassifikasie, 5
vermeld word, by blote voorlegging daarvan aan die hof, *prima*
facie-bewys van die besonderhede daarin vermeld en dat daardie
besonderhede op die beskuldigde betrekking het;
- (b) van subartikel (2)(a) of (2A) is 'n sertifikaat wat onderteken heet
te wees deur iemand wat daarin meld dat hy 'n beampte van die 10
Departement van Mannekrag is en waarin—
- (i) die naam van **[so 'n]** daardie **[persoon]** beampte;
(ii) sy aanstelling in die Departement van Mannekrag;
(iii) **[dat hy]** die magtiging deur die Minister van Mannekrag
[gemagtig is] aan hom om die sertifikaat uit te reik; 15
(iv) die volle naam van die beskuldigde;
(v) die volle naam van die persoon wat die in artikel 72E(4)
bedoelde bevel gegee het en die hoedanigheid waarin en
magtiging waarkragtens hy dit gedoen het, en beson-
derhede **[van]** aangaande die **[aard van]** bevel wat hy 20
gegee het met betrekking tot—
(aa) die plek waar; en
(bb) die datum en tyd waarop,
die beskuldigde hom moet aangemeld het om met die
gemeenskapsdiens **[wat]** soos bedoel in hierdie Wet 'n 25
aanvang te maak, asook die pos waarin die beskuldigde
[moet] sy gemeenskapsdiens moet verrig het; **[en]**
- (vi) die tydperk waartydens die beskuldigde **[die]** bedoelde
gemeenskapsdiens moet verrig;
(vii) die wyse waarop die bevel in subparagraaf (v) bedoel, 30
aan die beskuldigde gegee of oorgedra is;
(viii) besonderhede van enige mededeling wat die beskul-
digde aangaande sy bereidwilligheid al dan nie om die
gemelde bevel na te kom of om sy gemeenskapsdiens te
verrig, aan 'n beampte van daardie Departement mag 35
gemaak het, en die datum, tyd en plek daarvan; en
(ix) nakoming deur die beskuldigde van genoemde bevel of
andersins, of die verrigting van sy gemeenskapsdiens
ooreenkomstig sy verpligting of andersins,
vermeld word, by blote voorlegging daarvan aan die hof, *prima* 40
facie-bewys van die besonderhede daarin vermeld.”.

Wysiging van artikel 76 van Wet 44 van 1957, soos gewysig deur artikel 5 van Wet 12 van 1961 en artikel 48 van Wet 85 van 1967

23. Artikel 76 van die Hoofwet word hierby gewysig deur die volgende
subartikel na subartikel (2) in te voeg: 45
- “(2A) Die Minister kan die Hoof van die Suid-Afrikaanse Weermag of
enige offisier deur dié Hoof vir dié doel aangewys, skriftelik magtig om enige
bevoegdheid beoog in subartikels (1) en (2), namens die Minister uit te
oefen.”.

**Wysiging van artikel 80 van Wet 44 van 1957, soos gewysig deur artikel 7 van Wet 50
28 van 1970, artikel 6 van Wet 68 van 1977 en artikel 38 van Wet 87 van 1984**

24. Artikel 80 van die Hoofwet word hierby gewysig deur paragraaf (e) van
subartikel (3) deur die volgende paragraaf te vervang:

- “(e) strawwe vir misdrywe ingevolge bedoelde tugreëls by wyse van 'n
boete van hoogstens **[tweehonderd pond]** R1 200 of gevangenis- 55
straf **[met dwangarbeid]** vir 'n tydperk van hoogstens twee jaar of
beide so 'n boete en sodanige gevangenisstraf of by wyse van
detensiestraf vir 'n tydperk van hoogstens twee jaar of by wyse
van kaserne-arres of die verrigting van bykomende diens: Met

- tors contemplated in section 72D(1)(a)(iii) and whose name corresponds to the name of the accused; and
- (ii) the category of **[religious]** conscientious objectors into which **[the accused]** that person has been classified and the date of such classification,
- shall on the mere production thereof to the court, be *prima facie* proof of the particulars stated therein and that those particulars pertain to the accused;
- (b) of subsection (2)(a) or (2A), a certificate purporting to be signed by a person who states therein that he is an officer of the Department of Manpower and stating—
- (i) the name of such **[person]** officer;
 - (ii) his appointment in the Department of Manpower;
 - (iii) **[that he has been authorized]** his authorization by the Minister of Manpower to issue the certificate;
 - (iv) the full name of the accused;
 - (v) the full name of the person who gave the order referred to in section 72E(4) and the capacity in which and authorization under which he gave such order, and particulars **[of the nature of]** concerning the order he had given with regard to—
 - (aa) the place where; and
 - (bb) the date on which and time at which, the accused had to report to commence with the community service **[to be rendered by]** as contemplated in this Act, as well as the post in which the accused had to perform his community service; **[and]**
 - (vi) the period during which the accused **[shall]** has to **[render the]** perform such community service;
 - (vii) the manner in which the order referred to in subparagraph (v) was given or conveyed to the accused;
 - (viii) particulars of any communication which the accused may have made to any officer of that Department regarding his willingness or otherwise to comply with the said order or to perform his community service or otherwise, and the date, time and place thereof; and
 - (ix) compliance or otherwise by the accused with the said order or the performance or otherwise of his community service in accordance with his liability,
- shall on the mere production thereof to the court be *prima facie* proof of the particulars contained therein.”.

Amendment of section 76 of Act 44 of 1957, as amended by section 5 of Act 12 of 1961 and section 48 of Act 85 of 1967

23. Section 76 of the principal Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(2A) The Minister may in writing authorize the Chief of the South African Defence Force or any officer designated for that purpose by the said Chief to exercise on behalf of the Minister, any power contemplated in subsections (1) and (2).”.

Amendment of section 80 of Act 44 of 1957, as amended by section 7 of Act 28 of 1970, section 6 of Act 68 of 1977 and section 38 of Act 87 of 1984

24. Section 80 of the principal Act is hereby amended by the substitution for paragraph (e) of subsection (3) of the following paragraph:

“(e) penalties for offences under such disciplinary rules by way of a fine not exceeding **[two hundred pounds]** R1 200 or imprisonment **[with compulsory labour]** for a period not exceeding two years, or both such fine and such imprisonment or by way of detention for a period not exceeding two years or by way of confinement to barracks or the performance of extra duties:

dien verstande dat geen offisier wat sodanige lid summier verhoor, bevoeg is om **[gevangenisstraf]** detensiestraf wat 40 dae oorskry of 'n boete van meer as **[vyf pond]** R200 op te lê nie;”.

Wysiging van artikel 83 van Wet 44 van 1957, soos vervang deur artikel 39 van Wet 87 van 1984

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25. Artikel 83 van die Hoofwet word hierby gewysig deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

“(c) Die kommissie (met inbegrip van 'n tydelike kommissie) van 'n offisier verval en word geag ingetrek te gewees het—

- (i) op die datum waarop **[’n hom opgelegde straf van]** hy die **[doodvonnis]** doodstraf deur 'n bevoegde hof opgelê word;
- (ii) op die datum waarop daar uitvoering gegee word aan 'n vonnis van kassering of afdanking uit die Suid-Afrikaanse Weermag hom opgelê;
- (iii) op die datum van sy gevangesetting uit hoofde van 'n vonnis van gevangenisstraf (hetsy met of sonder die keuse van 'n boete) hom deur 'n bevoegde hof opgelê:

Met dien verstande dat indien enige sodanige vonnis deur 'n militêre hof opgelê is, dié kommissie nie verval en nie geag word aldus ingetrek te wees nie tensy sodanige vonnis kragtens die Eerste Bylae **[goedgekeur]** bekragtig is **[of]** en, indien dit kragtens 'n wet nie uitgevoer of voltrek (na gelang van die geval) mag word nie hoewel dit aldus bekragtig is, tensy en totdat dit deur 'n hersieningskommissie of -raad hersien en onderskryf of, tensy en totdat die betrokke bevinding sowel as die vonnis deur 'n hersieningsraad geëndosseer is ten effekte dat reg behoorlik geskied het en deur die Staatspresident goedgekeur is, dit aldus na sodanige bekragtiging aldus hersien en onderskryf is of aldus geëndosseer en goedgekeur **[word]** is, na gelang van die geval.”.

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

26. Artikel 87 van die Hoofwet word hierby gewysig—

- (a) deur paragrafe (rB) en (rC) van subartikel (1) te skrap;
- (b) deur paragraaf (t) van genoemde subartikel (1) deur die volgende paragraaf te vervang:

“(t) **[die]** strawwe wat vir oortredings van die regulasies opgelê kan word maar wat nie 'n boete van [vyftig pond] R1 000 of gevangenisstraf vir 'n tydperk van ses maande te bowe [gaande] gaan nie.”; en

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

“(2) Die Minister kan ingevolge subartikel (1) verskillende regulasies uitvaardig vir mans en vrouens [of vir persone van verskillende rasse uitvaardig] indien na sy mening die wesenlike verskille tussen die geslagte die uitvaardiging van sodanige verskillende regulasies nodig maak.”.

Vervanging 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, artikel 20 van Wet 80 van 1971 en artikel 8 van Wet 66 van 1972

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27. Artikel 89 van die Hoofwet word hierby deur die volgende artikel vervang:

“Verbod op toegang tot militêre persele

89. (1) Die Minister kan by **[bevel deur hom uitgereik en onderteken en]** kennisgewing in die *Staatskoerant* **[gepubliseer]** of op enige ander wyse wat hy onder die omstandighede genoegsaam ag **[bekend]**

55

Provided that no officer who tries such member summarily shall have jurisdiction to impose a penalty of **[imprisonment]** detention for a period exceeding 40 days or a fine exceeding [five pounds] R200;”.

5 **Amendment of section 83 of Act 44 of 1957, as substituted by section 39 of Act 87 of 1984**

25. Section 83 of the principal Act is hereby amended by the substitution for paragraph (c) of subsection (3) of the following paragraph:

10 “(c) The commission (including a temporary commission) of any officer shall terminate and shall be deemed to have been cancelled—

(i) on the date on which **[any]** the sentence of death is imposed upon him by a competent court;

15 (ii) on the date on which effect is given to a sentence of cashiering or dismissal from the South African Defence Force which may have been imposed upon him;

(iii) on the date on which he is imprisoned pursuant to a sentence of imprisonment imposed upon him by a competent court (whether with or without the option of a fine):

20 Provided that if any such sentence has been imposed by a military court, such commission shall not terminate and shall not be deemed to have been cancelled unless such sentence is **[approved or endorsed, as the case may be]** confirmed under the First Schedule and, if under any law it may not be carried into effect or be executed (as the case may be), although it has thus been confirmed, unless and until it has been reviewed and endorsed by a board or council of review or, unless and until the finding in question as well as the sentence has been endorsed by a council of review as being in accordance with real and substantial justice and has been approved by the State President, it has after such confirmation been thus reviewed and endorsed or been thus endorsed and approved, as the case may be.”.

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

35 26. Section 87 of the principal Act is hereby amended—

(a) by the deletion of paragraphs (rB) and (rC) of subsection (1);

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

40 “(t) **[the]** penalties which may be imposed for breaches of the regulations but which shall not **[exceeding]** exceed a fine of **[fifty pounds] R1 000** or imprisonment for a period of six months.”; and

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

45 “(2) The Minister may under subsection (1) make different regulations for male and female persons **[or for persons of different races]** if in his opinion the fundamental differences between the sexes necessitate the making of such different regulations.”.

50 **Substitution of section 89 of Act 44 of 1957, as amended by section 10 of Act 12 of 1961, section 16 of Act 81 of 1964, section 20 of Act 80 of 1971 and section 8 of Act 66 of 1972**

27. The following section is hereby substituted for section 89 of the principal Act:

“Prohibition of access to military premises

55 89. (1) The Minister may by **[order issued under his hand and published]** notice in the *Gazette* or **[made known]** in any other manner which he considers sufficient in the circumstances, prohibit

gemaak die], toegang [van alle persone] deur enige persoon tot enige militêre kamp, kaserne, skeepswerf, installasie, ander goed (hetsy roerend of onroerend) of ander perseel of grond of wateroppervlakte wat [vir militêre of verdedigingsdoeleindes], hetsy tydelik of permanent, deur die Suid-Afrikaanse Weermag gebruik word of onder [militêre] beheer van daardie Mag is, met inbegrip van enige sodanige gebou, perseel of oppervlakte wat ook gebruik of geokkupeer word deur of die eiendom is van enige ander persoon, of tot enige deel daarvan, verbied of beperk en, in so 'n geval, toelaat op die voorwaardes wat hy goedvind.

(2) Die offisier in bevel (en, in die geval van roerende goed, die offisier in beheer) van so 'n kamp, kaserne, skeepswerf of installasie, of sodanige goed of so 'n perseel of sodanige grond of so 'n [gebied] oppervlakte (in hierdie artikel "militêre perseel of goed" genoem) kan by 'n deur hom uitgereikte en ondertekende bevel, bekend gemaak of vertoon op die wyse wat hy onder die omstandighede genoegsaam ag [die], toegang [van alle persone] deur enige persoon tot [so 'n kamp, kaserne, skeepswerf, installasie of] sodanige militêre perseel of [sodanige grond of so 'n gebied of oppervlakte] goed of enige deel daarvan tydelik verbied of beperk en, in so 'n geval, toelaat op die voorwaardes wat hy goedvind.

(3) Iemand wat in stryd met 'n verbod of beperking [in 'n ingevolge] of voorwaarde in subartikel (1) of (2) beoog, [uitgereikte bevel vervat so 'n kamp, kaserne, skeepswerf, installasie of] sodanige militêre perseel of [sodanige grond of so 'n gebied] goed of die deel daarvan waarop sodanige verbod of beperking betrekking het, binnegaan of daarin of daarop is, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens [vyfduisend rand] R10 000 of met gevangenisstraf vir 'n tydperk van hoogstens 15 jaar of met sowel sodanige boete as sodanige gevangenisstraf.

(3A) Geen bepaling van hierdie artikel word uitgelê as sou dit afbreuk doen aan die regte van die Staat deur middel van die Suid-Afrikaanse Weermag of, indien dit van toepassing is, van 'n ander Staatsdepartement kragtens of ingevolge die Wet op die Voorkoming van Onregmatige Plakkery, 1951 (Wet No. 52 van 1951), en die Minister is vir alle doeleindes bevoeg om met betrekking tot enige reg of verwagting van die Suid-Afrikaanse Weermag op of ten opsigte van enige militêre perseel of goed ten opsigte waarvan onregmatig opgetree is of word of mag word, op te tree as applikant, respondent, eiser, verweerder of party in enige regsgeding.

(4) Die Minister of die Hoof van die Suid-Afrikaanse Weermag of [so] 'n in subartikel (2) bedoelde offisier in bevel, kan bowendien die werke onderneem of laat onderneem en die maatreëls tref of laat tref wat hy nodig ag vir die behoorlike verdediging [of], beskerming of beveiliging van [so 'n kamp, kaserne, skeepswerf, installasie] enige militêre perseel [grond] of [gebied] goed en [moet] kan in verband met enige werke en maatreëls aldus onderneem of getref die kennisgewings laat publiseer of die waarskuwingskennisgewings laat aanbring of oprig wat hy in elke bepaalde geval nodig ag.

(5) Nóg die [Regering] Staat [of] nóg 'n lid van die Uitvoerende Gesag nóg iemand in diens van die Staat of 'n lid van die Suid-Afrikaanse Weermag of die Reserwe is [(behalwe in die geval van 'n nalatige of opsetlike handeling of versuim van so iemand) nie] aanspreeklik vir enige verlies of skade deur 'n persoon gely as gevolg van liggaamlike besering, lewensverlies of verlies van of skade aan eiendom [of lewende hawe], hetsy roerend of onroerend, wat veroorsaak word deur of [ontstaan] voortspruit uit of in verband staan met enige handeling of late van die Staat, 'n lid van die Uitvoerende Gesag, iemand in diens van die Staat of 'n lid van genoemde Mag of Reserwe in verband met enige maatreëls getref of werke [opgerig] onderneem vir die verdediging [of], beskerming of beveiliging van, of die verbod op of die beperking van toegang tot, [so 'n kamp, kaserne,

or restrict and, in any such event, allow on such conditions as he may deem fit **[the]** access of **[all persons]** any person to any military camp, barracks, dockyard, installation, other property (whether movable or immovable) or other premises or any land or area of water which is used either temporarily or permanently by the South African Defence Force **[for military or defence purposes]** or which is under **[military]** control of that Force, including any such building, premises or area which is also being used or occupied by, or is the property of, any other person or to any part thereof.

(2) The officer in command (and, in the case of movable property, the officer in control) of any such camp, barracks, dockyard, installation, property, premises, land or area (in this section called 'military premises or property') may by order issued under his hand and made known or displayed in such manner as he considers sufficient in the circumstances, temporarily prohibit or restrict and, in any such event, allow on such conditions as he may deem fit **[the]** access of **[all persons]** any person to **[such camp, barracks, dockyard, installation]** such military premises or **[land or area]** property or any part thereof.

(3) Any person who enters or is within or on any such **[camp, barracks, dockyard, installation]** military premises **[land]** or **[area]** property or the part thereof to which such prohibition or restriction relates, contrary to any prohibition or restriction **[contained in an order under]** or condition contemplated in subsection (1) or (2), shall be guilty of an offence and liable on conviction to a fine not exceeding **[five thousand rand]** R10 000 or to imprisonment for a period not exceeding 15 years or to both such fine and such imprisonment.

(3A) No provision of this section shall be construed as derogating from the rights of the State through the South African Defence Force, or, if applicable, any other department of State under or pursuant to the Prevention of Illegal Squatting Act, 1951 (Act No. 52 of 1951), and the Minister shall for all purposes in relation to any right or expectation of the South African Defence Force to or in respect of any military premises or property in respect of which any unlawful action has been or may be taken, be competent to act as applicant, respondent, plaintiff, defendant or party in any legal proceedings.

(4) The Minister or **[any such]** the Chief of the South African Defence Force or an officer in command referred to in subsection (2), may further undertake or cause to be undertaken the works and take or cause to be taken such measures as he considers necessary for the efficient defence **[or]**, protection or safeguarding of any **[such camp, barracks, dockyard, installation]** military premises **[land]** or **[area]** property, and **[shall]** may in connection with any works and measures so undertaken or taken cause such notices to be published or such warning notices to be displayed or erected as he may in each particular case consider necessary.

(5) Neither the **[Government]** State **[or]** nor any member of the Executive Authority nor any person in the service of the State nor any member of the South African Defence Force or the Reserve shall **[not]** be liable **[(except in the case of any negligent or wilful act or omission on the part of any such person)]** for any loss or damage suffered by any person **[resulting from]** as a result of any bodily injury, loss of life or loss of or damage to property, **[or livestock]** whether movable or immovable, caused by or arising out of or **[in connection]** connected with any act or omission by the State, any member of the Executive Authority, any person in the service of the State or any member of such Force or Reserve in connection with any measures taken or works **[erected]** undertaken for the defence **[or]**, protection or safeguarding of, or the prohibition or restriction

skeepswerf, installasie] enige militêre perseel [grond] of [gebied aanspreeklik nie] goed.

(6) By die toepassing van hierdie artikel (uitgesonderd subartikel (2) en, vir sover dit bevoegdheid aan die Hoof van die Suid-Afrikaanse Weermag of 'n offisier in bevel verleen, subartikel (4)) word grond of 'n perseel (met inbegrip van 'n deel van 'n gebou) waarop of waarin krygstuig soos omskryf in die [Krygstuigwet, 1964] Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. [87] 57 van [1964] 1968), deur iemand ontwikkel, vervaardig, versien, herstel of in stand gehou word, of waarop of waarin 'n werksaamheid van die [Krygstuigraad ingestel kragtens daardie Wet of die Krygstuigontwikkelings- en vervaardigingskorporasie] Krygstuigkorporasie van Suid-Afrika, Beperk, ingestel kragtens [die Wet op Krygstuigontwikkeling en -vervaardiging, 1968] dié Wet [No. 57 van 1968] uitgevoer word, geag grond of 'n perseel te wees wat [vir militêre doeleindes] deur die Suid-Afrikaanse Weermag gebruik word of onder beheer van daardie Mag is.

(7) Voordat iemand ingevolge subartikel (1) of (2) toegang tot enige militêre perseel of goed toegelaat word, kan, *mutatis mutandis*, van hom vereis word wat van iemand ingevolge artikel 2(2) van die Wet op Beheer van Toegang tot Openbare Persele en Voertuie, 1985 (Wet No. 53 van 1985), vereis kan word, en die voorwaardes bedoel in genoemde subartikels (1) en (2) kan voorwaardes insluit soos dié vermeld in artikel 2(3) van genoemde Wet."

Wysiging van artikel 97 van Wet 44 van 1957, soos gewysig deur artikel 19 van Wet 77 van 1963, artikel 53 van Wet 85 van 1967, artikel 9 van Wet 83 van 1974 en artikel 12 van Wet 34 van 1983

28. Artikel 97 van die Hoofwet word hierby gewysig—

- (a) deur in subartikel (1) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

"Niemand kan ingevolge artikel 91 of 92 opgeroep word vir mobilisasie om diens soos in genoemde artikels beoog te doen [opgeroep word] nie, indien hy—";
- (b) deur paragraaf (a) van genoemde subartikel (1) te skrap;
- (c) deur paragrawe (e) en (f) van genoemde subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
 - "(e) 'n lid van die Suid-Afrikaanse Polisie [of die Suid-Afrikaanse Spoorweg- en Hawepolisie] is;
 - (f) 'n lid van die [Gevangenisdiens] Departement van Korrektiewe Dienste is [soos in artikel 1 van die Wet op Gevangnisse, 1959 (Wet No. 8 van 1959), omskryf];";
- (d) deur paragrawe (h) en (i) van genoemde subartikel (1) deur onderskeidelik die volgende paragrawe te vervang:
 - "(h) 'n pos bekleed wat deur die Minister van [Arbeid] Mannekrag, handelende in oorleg met die Minister en op aanbeveling van die mannekragraad kragtens artikel 74bis ingestel, vir die doeleindes van hierdie paragraaf as 'n sleutelpos in 'n sleutelnywerheid of -diens aangewys is;
 - (i) die [sekretaris of ander hoof] departementshoof van 'n Staatsdepartement [of van 'n Provinsiale Administrasie of die Administrasie van Suidwes-Afrika] is soos bedoel in die Staatsdienswet, 1984 (Wet No. 111 van 1984); of";
- (e) deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Enige ander persoon wat soos voormeld tot diens opgeroep is, kan—

 - (a) uitstel van die verrigting van daardie diens [vrygestel] verleen word [indien]—
 - (i) vir 'n tydperk waartydens hy, volgens 'n sertifikaat van die voorgeskrewe geneeskundige gesag, geneeskundig of sielkundig ongeskik vir die verrigting van daardie diens is; of
 - (ii) [dit aan] vir 'n tydperk bepaal deur 'n vrystellingsraad,

of access to, any such **[camp, barracks, dockyard, installation]** military premises **[land]** or **[area]** property.

(6) For the purposes of this section (excluding subsection (2) and, in so far as it confers powers on the Chief of the South African Defence Force or an officer in command, subsection (4)), land or premises (including any part of a building) on or in which armaments as defined in the **[Armaments Act, 1964]** Armaments Development and Production Act, 1968 (Act No. **[87]** 57 of **[1964]** 1968), are developed, manufactured, serviced, repaired or maintained by any person, or on or in which 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,]** said Act **[No. 57 of 1968]**, is carried out, shall be deemed to be land or premises used **[for military purposes]** by, or under the control of, the South African Defence Force.

(7) Before any person is in terms of subsection (1) or (2) allowed access to any military premises or property, anything that may in terms of section 2(2) of the Control of Access to Public Premises and Vehicles Act, 1985 (Act No. 53 of 1985), be required of any person, may *mutatis mutandis* be required of him, and the conditions referred to in the said subsections (1) and (2) may include such conditions as are mentioned in section 2(3) of the said Act.”

Amendment of section 97 of Act 44 of 1957, as amended by section 19 of Act 77 of 1963, section 53 of Act 85 of 1967, section 9 of Act 83 of 1974 and section 12 of Act 34 of 1983

28. Section 97 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

30 “No person shall be liable to be called **[out]** up **[for service]** in terms of section 91 or 92 for mobilization to render service as contemplated in the said sections, if he is—”;
- (b) by the deletion of paragraph (a) of the said subsection (1);
- (c) by the substitution for paragraphs (e) and (f) of the said subsection (1)

35 of the following paragraphs, respectively:

 - “(e) a member of the South African Police **[or the South African Railways and Harbours Police]**;
 - (f) a member of the **[Prisons Service]** Department of Correctional Services **[as defined in section 1 of the Prisons Act, 1959 (Act No. 8 of 1959)]**”;
- (d) by the substitution for paragraphs (h) and (i) of the said subsection (1)

40 of the following paragraphs, respectively:

 - “(h) occupying a post which has been designated by the Minister of **[Labour]** Manpower, acting in consultation with the Minister and upon the recommendation of the manpower board established under section 74bis, for the purposes of this paragraph as a key post in a key industry or service;
 - (i) the **[secretary or other]** head of a department of State **[or of a Provincial Administration or the Administration of South-West Africa]** as contemplated in the Public Service Act, 1984 (Act No. 111 of 1984); or”;
- (e) by the substitution for subsection (2) of the following subsection:

50 “(2) Any other person called **[out]** up for service as aforesaid may—

 - (a) be **[exempted from]** granted deferment of the rendering of such service **[it]**—
 - (i) for a period during which he is, according to a certificate by the prescribed medical authority, medically or psychologically unfit for the rendering of such service; or
 - (ii) **[it appears to]** for a period determined by an exemption

saamgestel soos in artikel 98 bepaal, indien dit aan dié raad blyk dat dit in die openbare belang is dat hy vir dié tydperk aldus **[vrygestel]** uitstel verleen word; of

(b) van daardie diens vrygestel word indien—

(i) hy deur die voorgeskrewe geneeskundige gesag as geneeskundig of sielkundig permanent ongeskik vir daardie diens gesertifiseer is; of

(ii) dit aan so 'n vrystellingsraad blyk dat dit in die openbare belang is dat hy aldus vrygestel word.”; en

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

“(4) Waar die vraag na aanleiding van 'n aansoek ontstaan of iemand ingevolge hierdie artikel uitstel van die verrigting van diens verleen of daarvan vrygestel **[is]** behoort te word, rus die las om **[die eis om vrystelling]** dit te bewys, op die **[eiser]** aansoeker, en alle **[eise en]** aansoeke om uitstel of vrystelling word deur 'n vrystellingsraad, saamgestel soos in artikel 98 bepaal, **[verhoor]** aangehoor en beslis.”.

Wysiging van artikel 103 van Wet 44 van 1957, soos gewysig deur artikel 21 van Wet 77 van 1963 en artikel 55 van Wet 85 van 1967

29. Artikel 103 van die Hoofwet word hierby gewysig—

(a) deur in subartikel (3) die woorde wat paragraaf (a) voorafgaan, deur die volgende woorde te vervang:

“Die bepalings van hierdie artikel doen nie afbreuk nie aan die bepalings van artikel 6(3)(f) van die Grondwet van die Republiek van Suid-Afrika, 1983 (Wet No. 110 van 1983), en word nie geag die uitvaardiging te magtig nie van 'n regulasie waarby—”; en

(b) deur paragraaf (b) van genoemde subartikel (3) deur die volgende paragraaf te vervang:

“(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]** Parlement of aangaande die hou van sittings deur die Parlement **[of 'n Provinsiale Raad of bedoelde Wetgewende Vergadering]** of 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]** opgeskort word.”.

Vervanging van artikel 106 van Wet 44 van 1957

30. Artikel 106 van die Hoofwet word hierby deur die volgende artikel vervang: 40

“Persone word net een maal verhoor

106. **[(1)]** Iemand **[aan die militêre reg onderworpe]** wat deur 'n **[afdeling van die Hooggeregshof van Suid-Afrika of deur 'n magistraatshof weens]** militêre hof, en iemand op wie die Reglement van Disipline van toepassing is wat deur enige ander hof, aan 'n misdryf **[verhoor]** skuldig of onskuldig bevind is, kan nie weer ten opsigte van daardie misdryf of enige ander misdryf waaraan hy ingevolge die bepalings van die een of ander wet skuldig bevind sou kon word op 'n aanklag van eersgenoemde misdryf, deur **['n militêre]** enige hof verhoor word nie. 50

[(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.”. 55

- board, constituted as provided in section 98, if it appears to such board that it is in the public interest that he should be granted such deferment for such period; or
- (b) be exempted from such service if—
- (i) he has been certified by the prescribed medical authority as being medically or psychologically permanently unfit for such service; or
- (ii) it appears to such an exemption board that it is in the public interest that he should be so exempted.”; and
- (f) by the substitution for subsection (4) of the following subsection:
- “(4) Where in consequence of an application any question arises as to whether a person **[is exempt from service]** should under this section be granted deferment of or be exempted from the rendering of service, the burden of proving **[the claim to exemption]** it shall lie on the **[claimant]** applicant, and all **[claims to and]** applications for deferment or exemption shall be heard and decided by an exemption board, constituted as provided in section 98.”.

Amendment of section 103 of Act 44 of 1957, as amended by section 21 of Act 77 of 1963 and section 55 of Act 85 of 1967

29. Section 103 of the principal Act is hereby amended—

- (a) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:
- “Nothing in this section contained shall derogate from the provisions of section 6(3)(f) of the Republic of South Africa Constitution Act, 1983 (Act No. 110 of 1983), or shall be deemed to authorize the making of any regulation whereby—”; and
- (b) by the substitution for paragraph (b) of the said subsection (3) of the following paragraph:
- “(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]** Parliament, or to the holding of sessions of Parliament **[or a Provincial Council or the said Legislative Assembly]**, or to the 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.”.

Substitution of section 106 of Act 44 of 1957

30. The following section is hereby substituted for section 106 of the principal Act:

“Person tried once only

106. **[(1)]** Any person **[subject to military law]** who has been **[tried for]** convicted or acquitted of an offence by **[any division of the Supreme Court of South Africa or by a magistrate’s court]** a military court, and any person to whom the Military Discipline Code applies and who has been convicted or acquitted of an offence by any other court, shall not be liable to be tried again in respect of that offence or any other offence of which he could have been convicted in terms of the provisions of any law on a charge of the first-mentioned offence, by **[a military]** any 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.”.

Wysiging van artikel 126A van Wet 44 van 1957, soos ingevoeg deur artikel 10 van Wet 66 van 1972, vervang deur artikel 16 van Wet 34 van 1983 en gewysig deur artikel 2 van Wet 45 van 1987

31. Artikel 126A van die Hoofwet word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang: 5
- “(1) Iemand wat ingevolge artikel 22 of 44 verplig is om diens te doen en wanneer hy **[daartoe]** aangesê is om dit te doen—
- (a) weier om diens in die Suid-Afrikaanse Weermag te doen, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar met gevangenisstraf vir ’n tydperk wat **[een-en-’n-half maal]** 10
hoogstens so lank is as die [totaal van die maksimum van alle in artikel 22(3) of 44(3), na gelang van die geval, vermelde dienstydyperke waartydens] voorgeskrewe tydperk van gemeenskapsdiens soos bedoel in hierdie Wet, wat hy [ander-
sins ingevolge daardie artikels nog verplig sou kon word om diens te doen] sou moes verrig het indien hy, op die tydstip toe hy aldus geweier het om diens te doen, ingevolge artikel 72D(1)(a)(iii) as ’n gewetensbeswaarde geklassifiseer sou gewees het **[of vir ’n tydperk van 18 maande, watter ook al die langste is];** of 15 20
- (b) versuim om hom daarvoor aan te meld, is aan ’n misdryf skuldig en by skuldigbevinding strafbaar slegs met gevangenisstraf **[of detensie]** vir ’n tydperk van hoogstens **[18]** vier 25
maande of, ongeag sy rang, detensie vir ’n tydperk van hoogstens vier maande of ’n boete wat hom, na gelang van sy rang, ingevolge die bepalings van die Eerste Bylae deur ’n krygsraad opgelê kan word.”;
- (b) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Iemand wat ingevolge enige ander bepaling van hierdie Wet verplig is om diens te doen of opleiding te ondergaan **[uitgesonderd]** 30
in die Suid-Afrikaanse Weermag of die Reserwe, uitgesonderd ’n verpligting om diens ingevolge Hoofstuk X te doen, en wat wanneer hy [daartoe] aangesê is—
- (a) weier om sodanige diens of opleiding **[in die Suid-Afrikaanse Weermag]** te doen of te ondergaan, is skuldig aan ’n misdryf 35
en by skuldigbevinding strafbaar met gevangenisstraf vir ’n tydperk van hoogstens 18 maande;
- (b) versuim om hom daarvoor aan te meld, is skuldig aan ’n misdryf en by skuldigbevinding strafbaar slegs met gevangenisstraf **[of detensie]** vir ’n tydperk van hoogstens **[18]** vier 40
maande, of, ongeag sy rang, met detensie vir ’n tydperk van hoogstens vier maande of ’n boete wat hom, na gelang van sy rang, ingevolge die bepalings van die Eerste Bylae deur ’n krygsraad opgelê kan word.”;
- (c) deur die volgende subartikel na subartikel (2) in te voeg: 45
- “(2A) Iemand wat ingevolge hierdie Wet verplig is om diens ingevolge Hoofstuk X te doen en wat, weens sy weiering om sodanige diens te doen of om hom daarvoor aan te meld, aan desersie skuldig bevind word soos beoog in artikel 92bis(3), is strafbaar met gevangenisstraf vir ’n tydperk van hoogstens ses 50
maande of die langer tydperk wat die Minister by kennisgewing in die Staatskoerant bepaal.”;
- (d) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) Ondanks andersluidende wetsbepalings—
- (a) is ’n landdroshof **[en ’n gewone krygsraad]** bevoeg om, 55
indien hy andersins regsbevoeg is, die strawwe op te lê en voorwaardes te bepaal waarvoor in hierdie artikel voorsiening gemaak word;
- (b) word—
- (i) by die oplegging ingevolge hierdie artikel van enige 60
vonnis van

Amendment of section 126A of Act 44 of 1957, as inserted by section 10 of Act 66 of 1972, substituted by section 16 of Act 34 of 1983 and amended by section 2 of Act 45 of 1987

31. Section 126A of the principal Act is hereby amended—

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

“(1) Any person liable to render service in terms of section 22 or 44 who when called up to do so—

10 (a) refuses to render such service in the South African Defence Force, shall be guilty of an offence and liable on conviction to imprisonment for a period **[one-and-a-half times as long as]** not exceeding the **[aggregate of the maximum of all periods of service mentioned in section 22(3) or 44(3), as the case may be, during which he could otherwise, in terms of those sections, still have been compelled to render service]** prescribed period of community service as contemplated in this Act to which he would have been liable if he had been classified as a conscientious objector in terms of section 72D(1)(a)(iii) at the time when he so refused to render service **[or for a period of 18 months, whichever is the longer];** or

15 (b) fails to report therefor, shall be guilty of an offence and liable on conviction only to imprisonment **[or detention]** for a period not exceeding **[18]** four months or, irrespective of his rank, detention for a period not exceeding four months or such a fine as may be imposed upon him, according to his rank, by a court martial in terms of the provisions of the First Schedule.”;

20

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

“(2) Any person liable in terms of any other provision of this Act to render service or undergo training in the South African Defence Force or the Reserve, other than a liability to render service in terms of Chapter X, and who when called up—

30 (a) refuses to render such service or to undergo such training **[in the South African Defence Force]**, shall be guilty of an offence and liable on conviction to imprisonment for a period **[of]** not exceeding 18 months;

35 (b) fails to report therefor, shall be guilty of an offence and liable on conviction only to imprisonment **[or detention]** for a period not exceeding **[18]** four months or, irrespective of his rank, to detention for a period not exceeding four months or such fine as may be imposed upon him, according to his rank, by a court martial in terms of the provisions of the First Schedule.”;

40 (c) by the insertion after subsection (2) of the following subsection:

“(2A) Any person liable in terms of this Act to render service in terms of Chapter X and who, on account of his refusal to render such service or to report therefor, is convicted of desertion as contemplated in section 92bis(3), shall be liable to imprisonment for a period not exceeding six months or such longer period as the Minister may by notice in the Gazette determine.”;

45 (d) by the substitution for subsection (3) of the following subsection:

“(3) Notwithstanding anything to the contrary contained in any law—

50 (a) a magistrate's court **[and an ordinary court martial]** shall, if **[they]** it otherwise **[have]** has jurisdiction, have jurisdiction to impose the sentences and determine conditions provided for in this section;

(b) at the imposition in terms of this section of—

55 (i) any sentence of

- [(i)] gevangenisstraf of detensiestraf wat, waar dit veroorloof is, nie in die geheel opgeskort is nie; of
 (ii) indien by die oplegging van 'n vonnis ingevolge hierdie artikel [’n boete] deur ’n landdroshof ’n boete opgelê word by die wanbetaling waarvan gevangenisstraf 5
uitgedien moet word, [waar] en, weens sodanige wanbetaling, gevangenisstraf uitgedien word,
’n offisier se kommissie geag ingetrek te wees en ’n adjudant-offisier of onderoffisier geag tot degradering na die gelede gevonniss te wees.”; 10
- (e) deur subartikel (4) deur die volgende subartikel te vervang:
 “(4) Indien daar by ’n vervolging weens ’n oortreding van subartikel (1)(a) of (2)(a) of ’n misdryf in subartikel (2A) bedoel, bewys word dat die beskuldigde versuim het om hom vir die diens wat daarin bedoel word, aan te meld of, nadat hy hom aangemeld 15
 het, versuim het om militêre diens te doen of militêre opleiding te ondergaan, word daar vermoed, tensy die teendeel bewys word, dat hy weier om diens of opleiding in die Suid-Afrikaanse Weermag of die Reserwe, na gelang van die geval, te doen of te ondergaan, na 20
 gelang van die geval.”;
- (f) deur subartikel (7) deur die volgende subartikel te vervang:
 “(7) ’n Persoon wat ingevolge subartikel (1)(a) of (2)(a) of aan ’n misdryf in subartikel (2A) bedoel, skuldig bevind is en wat voor verstryking van [die] enige gevangenisstraf wat hy as gevolg daarvan uitdien, in ’n kennisgewing deur hom onderteken en aan 25
 die [Adjudant-generaal] Hoof van die Suid-Afrikaanse Weermag gerig, verklaar dat hy gewillig is om diens of opleiding ingevolge [die] hierdie Wet te doen of te ondergaan, word van die onverstreke gedeelte van sy vonnis van gevangenisstraf vrygestel mits hy die diens of opleiding [waartoe] doen of ondergaan wat hy ingevolge 30
 hierdie Wet verplig is en aangesê is, en oor ’n tydperk van 60 maande vanaf die datum van sy kennisgewing aangesê mag word, om te doen of te ondergaan: Met dien verstande dat indien daardie persoon op enige tydstip [daarna] gedurende genoemde tydperk van 60 maande sou weier om [enige] laasgenoemde diens of 35
 opleiding [waartoe hy ingevolge hierdie Wet verplig is] te doen of te ondergaan, hy ondanks andersluidende bepalings van die een of ander wet gemelde onverstreke gedeelte van sy vonnis van gevangenisstraf moet uitdien: Met dien verstande voorts dat die Minister kan bepaal dat enige deel van die tydperk van gevangenisstraf wat daardie persoon uitgedien het soos bedoel in hierdie subartikel, geag moet word as diens of opleiding wat hy [gedoen] 40
 verplig is om te doen of te ondergaan en gedoen of ondergaan het.”;
- (g) deur subartikel (8) deur die volgende subartikel te vervang:
 “(8) Indien dit by die verhoor van ’n persoon weens ’n oortreding 45
 ingevolge hierdie Wet nodig is om—
 (a) die [tydperk] duur te bepaal [waartydens] van enige diens-tydperk of dienstydperke wat so ’n persoon wat ingevolge hierdie Wet verplig is om diens te [verrig] doen of opleiding te ondergaan in die Suid-Afrikaanse Weermag of die Reserwe, 50
 (i) aangesê is; of
 (ii) nog aangesê kan word, hetsy vir een of meer dienstydperke soos bedoel in hierdie Wet,
 om in daardie Mag of Reserwe diens te doen of opleiding te ondergaan; 55
 (b) die tydperk van gemeenskapsdiens soos bedoel in hierdie Wet waartoe hy verplig is, vas te stel ooreenkomstig die bepalings van hierdie Wet en om, met betrekking daartoe, die feite en faktore vas te stel bedoel in artikel 72E(3)(a) wat nodig is om bedoelde tydperk vas te stel; 60
 (c) die tydperk van enige gevangenis- of detensiestraf wat hom by skuldigbevinding opgelê kan of moet word, vas te stel ooreenkomstig of met inagneming van die formule vermeld in

[(i)] imprisonment or detention which, if permissible, has not been suspended in full; or

(ii) a sentence in terms of this section of a fine by a magistrate's court at the non-payment of which imprisonment is served, where, due to such non-payment, imprisonment is served,

the commission of an officer shall be deemed to have been cancelled and a warrant officer or a non-commissioned officer shall be deemed to have been sentenced to reduction to the ranks.”;

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

“(4) If in any prosecution for a contravention of subsection (1)(a) or (2)(a) or an offence referred to in subsection (2A), it is proved that the accused failed to report for the service referred to therein or, having reported for service, failed to render military service or undergo military training, it shall be presumed, unless the contrary is proved, that he refused to render service or undergo training, as the case may be, in the South African Defence Force or the Reserve, as the case may be.”;

(f) by the substitution for subsection (7) of the following subsection:

“(7) Any person convicted in terms of subsection (1)(a) or (2)(a) or of an offence referred to in subsection (2A) who, before the expiry of ~~the~~ any term of imprisonment which he is serving in consequence thereof, in a notice signed by him and directed to the **[Adjutant-General]** Chief of the South African Defence Force, states that he is willing to render service or to undergo training in terms of ~~the~~ this Act, shall be exempted from serving the remaining portion of his sentence of imprisonment provided he renders the service or undergoes the training **[for which he is liable]** which in terms of this Act he is obliged and has been called up, and may be called up over a period of 60 months as from the date of his notice, to render or undergo: Provided that if that person should at any time **[thereafter]** during the said period of 60 months refuse to render [any] the last-mentioned service or undergo [any] the last-mentioned training [for which he is liable in terms of the Act] he shall, notwithstanding anything to the contrary contained in any law, serve the said remaining portion of his term of imprisonment: Provided further that the Minister may determine that any part of the period of imprisonment which that person has served as contemplated in this subsection, shall be regarded as service or training which he **[has]** is liable to render or to undergo and has rendered or undergone.”;

(g) by the substitution for subsection (8) of the following subsection:

“(8) If at the trial of any person for a contravention in terms of this Act it is necessary to—

(a) determine the **[period]** duration [during] of any period or periods of service which such person who is [liable to render service] in terms of this Act liable to render service or to undergo training in the South African Defence Force or the Reserve,

(i) has been called up; or

(ii) may still be called up, whether for one or more periods of service as contemplated in this Act,

to render service or undergo training in that Force or Reserve;

(b) determine, in accordance with the provisions of this Act, the period of community service as contemplated in this Act to which he is liable, and with reference thereto, to determine the facts and factors referred to in section 72E(3)(a) which are necessary to determine the said period;

(c) determine the period of any imprisonment or detention which, upon conviction, may be or has to be imposed upon him in accordance with or by taking into consideration the formula

artikel 72E(3)(a) en om, met betrekking daartoe, die feite en faktore vas te stel wat nodig is om die gemelde formule toe te pas,

is 'n sertifikaat wat onderteken heet te wees deur die **[Adjutant-generaal]** Hoof van die Suid-Afrikaanse Weermag of deur iemand deur hom **[daartoe]** vir daardie doel in die algemeen of in die besonder gemagtig en waarin—

- (i) **[daardie]** enige tydperk wat in paragraaf (a) bedoel word;
- (ii) die tydperk van gemeenskapsdiens wat in paragraaf (b) bedoel word en enige feit of faktor wat in daardie paragraaf bedoel word en wat nodig is om genoemde tydperk vas te stel;
- (iii) enige tydperk van straf wat in paragraaf (c) bedoel word en enige feit of faktor bedoel in daardie paragraaf wat nodig is om ooreenkomstig of met inagneming van die formule vermeld in artikel 72E(3)(a) bedoelde tydperk vas te stel,

vermeld en, waar dit nodig of nuttig is, in besonderhede verduidelik word ten opsigte van 'n persoon wie se naam in die sertifikaat vermeld word en ooreenstem met die naam van die beskuldigde, by blote voorlegging aan die hof *prima facie*-bewys (na gelang van die geval) van—

- (aa) **[daardie]** enige tydperk wat in paragraaf (a) bedoel word;
- (bb) die tydperk van gemeenskapsdiens wat in paragraaf (b) bedoel word en van enige feit of faktor vermeld in die sertifikaat wat nodig is om dié tydperk vas te stel;
- (cc) enige tydperk van straf wat in paragraaf (c) bedoel word en van enige feit of faktor vermeld in die sertifikaat wat nodig is om ooreenkomstig of met inagneming van die formule vermeld in artikel 72E(3)(a), bedoelde tydperk vas te stel, en van enige verduidelikende besonderhede daaromtrent wat in die sertifikaat vermeld word.”; en

(h) deur die volgende subartikel by te voeg:

“(9) By die vasstelling of berekening ingevolge enige bepaling van hierdie Wet van—

- (a) 'n tydperk van gemeenskapsdiens;
 - (b) enige tydperk van straf,
- waarby enige dienstydsperk wat in artikel 22(3)(b) vermeld word, bereken of in berekening gebring moet word, word daar geag dat die maksimum tydperk van diens wat 'n persoon ingevolge artikel 22(1) aangesê kan word om te doen tydens 'n siklus bedoel in eersgenoemde artikel, sodanige deel van 120 dae is wat tot 120 in dieselfde verhouding staan as wat die onverstreke gedeelte van sodanige siklus tot twee jaar staan.”.

Vervanging van artikel 127 van Wet 44 van 1957, soos gewysig deur artikel 62 van Wet 85 van 1967 en artikel 11 van Wet 83 van 1974

32. Artikel 127 van die Hoofwet word hierby deur die volgende artikel vervang: 45

“Misdrywe en strawwe

127. Iemand wat—

- (a) 'n bepaling of voorskrif van hierdie Wet waarvoor 'n straf nie spesiaal voorgeskryf is nie, oortree of versuim om daaraan te voldoen of om dit na te kom; of
- (b) 'n bepaling of voorskrif van hierdie Wet wat nie elders tot misdaad verklaar word nie, oortree of versuim om daaraan te voldoen of dit na te kom,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—

- [(a)]** (i) in die geval van 'n misdryf in artikel 4(2)(b) of (c), 79(2), 88(2), 99A(4) of (5), 101(3), 115(1) of (3), 118(3) of (4), 120, **[of]** 123, 124 of 125(1) bedoel of 'n misdryf weens nie-nakoming van die bepalings van artikel 40(3) of (5), 99(1), 117(1) of 119(1), met 'n

mentioned in section 72E(3)(a) and, with reference thereto, to determine the facts and factors which are necessary to apply the said formula,

a certificate purporting to be signed by the **[Adjutant-General]** Chief of the South African Defence Force or by any person authorized **[thereto]** by him for the purpose in general or in particular and in which—

(i) **[that]** any period contemplated in paragraph (a);

(ii) the period of community service referred to in paragraph (b) and any fact or factor referred to in that paragraph which is necessary to determine such period;

(iii) any period of punishment referred to in paragraph (c) and any fact or factor referred to in that paragraph which is necessary to determine such period in accordance with or by taking into consideration the formula referred to in section 72E(3)(a),

[is] are mentioned and, where necessary or useful, explained in detail in respect of any person whose name is mentioned in the certificate and corresponds to the name of the accused shall, on its mere production to the court be *prima facie* evidence (as the case may be) of—

(aa) **[that]** any period referred to in paragraph (a);

(bb) the period of community service referred to in paragraph (b) and of any fact or factor mentioned in the certificate which is necessary to determine such period;

(cc) any period of punishment referred to in paragraph (c) and of any fact or factor mentioned in the certificate which is necessary to determine such period in accordance with or by taking into consideration the formula mentioned in section 72E(3)(a),

and of any explanatory detail thereanent mentioned in the certificate.”; and

(h) by the addition of the following subsection:

“(9) In the determination or calculation in terms of any provision of this Act of—

(a) any period of community service;

(b) any period of punishment,

in which any period of service mentioned in section 22(3)(b) is to be determined or to be taken into consideration, it shall be deemed that the maximum period of service which any person may, in terms of subsection 22(1), be called up to render during a cycle referred to in the first-mentioned section, shall be such part of 120 days as stands to 120 days in the same proportion as the unexpired portion of such cycle stands to two years.”.

Substitution of section 127 of Act 44 of 1957, as amended by section 62 of Act 85 of 1967 and section 11 of Act 83 of 1974

32. The following section is hereby substituted for section 127 of the principal Act:

“Offences and penalties

127. Any person who—

(a) contravenes or fails to comply with or to observe any provision or requirement of this Act for which no penalty is specially prescribed; or

(b) contravenes or fails to comply with or to observe any provision or requirement of this Act which is not elsewhere declared to be an offence,

shall be guilty of an offence and liable on conviction—

[(a)] (i) in the case of an offence referred to in section 4(2)(b) or (c), 79(2), 88(2), 99A(4) or (5), 101(3), 115(1) or (3), 118(3) or (4), 120, **[or]** 123, 124 or 125(1) or an offence of non-compliance with the provisions of section 40(3) or (5), 99(1), 117(1) or 119(1), to a fine not exceeding **[five**

- boete van hoogstens **[vyfhonderd pond]** R10 000 of gevangenisstraf vir 'n tydperk van hoogstens vyf jaar of sowel daardie boete as daardie gevangenisstraf;
- [(b)] (ii)** in die geval van 'n misdryf in artikel 4(2)(a), 4A(1), 115(2), 122 of 143(2) bedoel of 'n misdryf weens nie-nakoming van die bepalings van artikel 27(1) of (2), 29(1), 34(1), 40(2), 41, 54(2), (2A)(a), (b) of (c) of (2B), 55(1) of (2), 63(1)(a) of (b), (2) of (4) of 64(1), met 'n boete van hoogstens **[honderd pond]** R2 000 of gevangenisstraf vir 'n tydperk van hoogstens een jaar of beide daardie boete en daardie gevangenisstraf;
- [(c)] (iii)** in die geval van 'n misdryf in artikel 116(1) of (2) bedoel, 'n misdryf weens nie-nakoming van die bepalings van artikel 69(5) of 144bis(1), of enige ander misdryf, met 'n boete van hoogstens **[honderd pond]** R1 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande of sowel daardie boete as daardie gevangenisstraf."

Wysiging van artikel 132 van Wet 44 van 1957, soos gewysig deur artikel 12 van Wet 28 van 1970

33. Artikel 132 van die Hoofwet word hierby gewysig deur in subartikel (4) paragrawe (a) en (b) van die omskrywing van "misdryf teen die persoon" deur die volgende paragrawe onderskeidelik te vervang:

- "(a) moord **[toediening van gif met opset om moord te pleeg]**, strafbare manslag, enige vorm van aanranding **[hetsy dit met 'n besondere opset gepaard gaan al dan nie]**, verkragting, strafregtelike *injuria*, bloedskande, sodomie, vrugafdrywing, **[ontvoering, kinderroof]** mense-roof, kinderdiefstal;
- (b) 'n oortreding van artikel 113 **[of 114]** van die Algemene Regswysigingswet, 1935 (Wet No. 46 van 1935), artikel 39(1)(i) van die Wet op Wapens en Ammunisie, 1969 (Wet No. 75 van 1969), artikel 12(1), 14(1) of (3) of 15 van die **[Ontugwet]** Wet op Seksuele Misdrywe, 1957 (Wet No. 23 van 1957), artikel **[74]** 66 van die Wet op **[Geestesgebreken, 1916]** Geestesgesondheid, 1973 (Wet No. **[38]** 18 van **[1916]** 35 1973), artikel **[18(1), 19, 21 of 25]** 50 van die **[Kinderwet, 1960]** Wet op Kindersorg, 1983 (Wet No. **[33]** 74 van **[1960]** 1983), of artikel **[92]** 45 van die Drankwet, **[1928]** 1989, (Wet No. **[30]** 27 van **[1928]** 1989); of".

Vervanging van artikel 146A van Wet 44 van 1957, soos ingevoeg deur artikel 65 van Wet 85 van 1967 en gewysig deur artikel 49 van Wet 87 van 1984, artikel 15 van Wet 83 van 1974 en artikel 14 van Wet 35 van 1977

34. Artikel 146A van die Hoofwet word hierby deur die volgende artikel vervang:

"Datum van lidmaatskap van Burgermag of kommando's

- 146A.** 'n Persoon word lid van die Burgermag of **['n kommando]** die kommando's wanneer hy hom vir die eerste keer vir diens daarin aanmeld: Met dien verstande dat 'n persoon wat ingevolge artikel **[67(5) in kennis gestel is van die datum waarop en die plek waar hy moet begin diens doen.]** 22(1) aangesê is om diens te doen in 'n eerste dienstydyperk soos beoog in artikel 22(3)(a) of wat ingevolge artikel 35 aangesê is om vir 'n eerste keer diens te doen in 'n dienstydyperk soos beoog in paragraaf (a), (b) of (c) van artikel 44(3), geag word lid van die Burgermag of die kommando's te wees, na gelang van die geval—
- (a) by die toepassing van artikel 104(5), vanaf **[bedoelde]** die datum waarop hy sy diens aldus moet begin doen;
- (b) by die toepassing van artikel 146, vanaf die datum waarop hy sy

hundred pounds] R10 000 or imprisonment for a period not exceeding five years or to both such fine and such imprisonment;

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

10 **[(c)] (iii)** in the case of an offence referred to in section 116(1) or (2), an offence of non-compliance with the provisions of section 69(5) or 144bis(1), or any other offence, to a fine not exceeding **[one hundred pounds] R1 000** or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.”.

Amendment of section 132 of Act 44 of 1957, as amended by section 12 of Act 28 of 1970

20 33. Section 132 of the principal Act is hereby amended by the substitution in subsection (4) for paragraphs (a) and (b) of the definition of “offence against the person” of the following paragraphs, respectively:

- 25 “(a) murder **[administering poison with intent to murder]**, culpable homicide, assault **[whether coupled with any particular intent or not]** of whatever nature, rape, criminal injuria, incest, sodomy, procuring abortion, **[abduction]** kidnapping, child-stealing;
- 30 (b) a contravention of section 113 **[or 114]** of the General Law Amendment Act, 1935 (Act No. 46 of 1935), section 39(1)(i) of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969), section 12(1), 14(1) or (3) or 15 of the **[Immorality]** Sexual Offences Act, 1957 (Act No. 23 of 1957), section **[74]** 66 of the Mental **[Disorders]** Health Act, **[1916]** 1973 (Act No. **[38]** 18 of **[1916]** 1973), section **[18(1), 19, 21 or 25]** 50 of the **[Children’s]** Child Care Act, **[1960]** 1983 (Act No. **[33]** 74 of **[1960]** 1983), or section **[92]** 45 of the Liquor Act, **[1928]** 1989, (Act No. **[30]** 27 of **[1928]** 1989); or”.

Substitution of section 146A of Act 44 of 1957, as inserted by section 65 of Act 85 of 1967 and amended by section 49 of Act 87 of 1984, section 15 of Act 83 of 1974 and section 14 of Act 35 of 1977

40 34. The following section is hereby substituted for section 146A of the principal Act:

“Date of membership of Citizen Force or commandos

45 146A. A person becomes a member of the Citizen Force **[or a commando]** or the commandos when he reports for service therein for the first time: Provided that any person who has been **[notified in terms of section 67(5) of the date upon which and the place where he is required to commence service]** called up in terms of section 22(1) to serve in a first period of service as contemplated in section 22(3)(a) or who has in terms of section 35 been called up to render service for a first time in a period of service as contemplated in

- 50 paragraph (a), (b) or (c) of section 44(3), shall be deemed to be a member of the Citizen Force or the commandos, as the case may be—
- (a) for the purposes of section 104(5), from the **[said]** date on which his service is so to commence;
- 55 (b) for the purposes of section 146, from the date upon which he

reis **[na bedoelde plek]** begin na die plek waar hy met sy diens moet begin.".

Herroeping van artikel 153 van Wet 44 van 1957, soos gewysig deur artikel 26 van Wet 12 van 1961 en artikel 66 van Wet 85 van 1967

35. Artikel 153 van die Hoofwet word hierby herroep.

5

Wysiging van bepalings in Bylae vermeld

36. Die artikels van die Hoofwet vermeld in die eerste kolom van die Bylae word hierby gewysig deur die uitdrukking of uitdrukings, na gelang van die geval, daarteenoor onderskeidelik vermeld in die tweede kolom, oral waar dit voorkom in die betrokke artikel, deur die uitdrukking of uitdrukings, na gelang van die geval, vermeld daarteenoor onderskeidelik in die derde kolom te vervang.

10

Oorgangsbepalings

37. (1) Die klassifikasie van enige persoon as 'n godsdien্সbeswaarde soos beoog in subparagraaf (i), (ii) of (iii) van artikel 72D(1)(a) van die Hoofwet voor die vervanging daarvan deur artikel 17 van hierdie Wet, word, behoudens die bepalings van hierdie artikel, vir alle doeleindes geag 'n klassifikasie as 'n gewetensbeswaarde te wees soos beoog in 'n relevante genoemde subparagraaf soos aldus vervang.

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(2) (a) 'n Verpligting tot diens of opleiding ingevolge artikel 72E(1) van die Hoofwet voor die vervanging daarvan deur artikel 18 van hierdie Wet, word geag 'n verpligting daartoe te wees ingevolge eersgenoemde artikel soos aldus vervang, en by die inwerkingtreding van genoemde artikel 18 word sodanige diens of opleiding waarmee nog nie begin is nie, nadat 'n betrokke persoon aangesê is om daarmee te begin, deur hom begin en voortgesit tot by voltooiing daarvan of, indien by genoemde inwerkingtreding 'n betrokke persoon reeds daarmee begin het maar dit nog nie voltooi het nie, deur hom voortgesit ooreenkomstig die bepalings van die Hoofwet soos gewysig deur hierdie Wet, totdat dit voltooi is.

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(b) 'n Verpligting tot diens ingevolge artikel 72E(2) van die Hoofwet voor die vervanging daarvan deur artikel 18 van hierdie Wet, word geag 'n verpligting daartoe te wees ingevolge eersgenoemde artikel soos aldus vervang, en by die inwerkingtreding van genoemde artikel 18 word sodanige diens waarmee nog nie begin is nie, nadat 'n betrokke persoon aangesê is om daarmee te begin, deur hom begin en voortgesit tot by voltooiing daarvan of, indien by genoemde inwerkingtreding 'n betrokke persoon reeds daarmee begin het maar dit nog nie voltooi het nie, deur hom voortgesit ooreenkomstig die bepalings van die Hoofwet soos gewysig deur hierdie Wet, totdat dit voltooi is: Met dien verstande dat sodanige diens geskied oor die tydperk wat die betrokke persoon ooreenkomstig genoemde artikel 72E(2), soos aldus vervang, aangesê is om diens te doen of aangesê sou kon gewees het om diens te doen indien daardie artikel, toe sy verpligting tot daardie diens ontstaan het, aldus vervang was of, indien dit van toepassing is, oor die tydperk wat die Minister bepaal het kragtens die voorbehoudsbepaling by genoemde artikel voor genoemde vervanging daarvan, watter van genoemde tydperke ook al die kortste is: Met dien verstande voorts dat hierdie paragraaf nie so uitgelê word nie dat dit 'n persoon onthef van enige verpligting tot diens kragtens die bepalings van die Hoofwet omdat hy kragtens dié Wet as 'n gewetensbeswaarde geklassifiseer is of geag word aldus geklassifiseer te wees.

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(c) 'n Verpligting tot gemeenskapsdiens ingevolge artikel 72E(3)(a) van die Hoofwet voor die vervanging daarvan deur artikel 18 van hierdie Wet, word geag 'n verpligting te wees om dié diens te verrig ingevolge eersgenoemde artikel soos aldus vervang, en by die inwerkingtreding van genoemde vervanging word 'n persoon bedoel in subartikel (1) wat tot gemeenskapsdiens soos bedoel in die Hoofwet verplig is maar dan nog nie daarmee begin het nie, by bevel kragtens artikel 72E(4) van die Hoofwet aangesê om dit te verrig, en hy verrig daarop sodanige gemeenskapsdiens ooreenkomstig die toepaslike bepalings van die Hoofwet soos gewysig deur hierdie Wet of, indien hy by sodanige inwerkingtreding reeds beveel is om die gemeenskapsdiens te verrig of daarmee begin het, begin hy met die verrigting daarvan of sit hy dit voort, na gelang van die geval,

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commences his journey to the **[said]** place where he is required to commence his service.”.

Repeal of section 153 of Act 44 of 1957, as amended by section 26 of Act 12 of 1961 and section 66 of Act 85 of 1967

- 5 **35.** Section 153 of the principal Act is hereby repealed.

Amendment of provisions mentioned in Schedule

- 10 **36.** The sections of the principal Act mentioned in the first column of the Schedule are hereby amended by the substitution for the expression or expressions, as the case may be, specified opposite thereto, respectively, in the second column, wherever they appear in the section in question, of the expression or expressions, as the case may be, specified opposite thereto, respectively, in the third column.

Transitional provisions

- 15 **37.** (1) The classification of any person as a religious objector as contemplated in subparagraph (i), (ii) or (iii) of section 72D(1)(a) of the principal Act before the replacement thereof by section 17 of this Act shall, subject to the provisions of this section, for all purposes be deemed to be a classification as a conscientious objector as contemplated in a relevant above-mentioned subparagraph as so replaced.

- 20 (2) (a) A liability to service or training in terms of section 72E(1) of the principal Act before the replacement thereof by section 18 of this Act, shall be deemed to be a liability thereto in terms of the first-mentioned section as so replaced, and at the commencement of the said section 18 such service or training not yet commenced shall, after a person concerned has been called up to commence it, be begun and continued by him until completion thereof, or, if
25 a person concerned has at such commencement, already begun it but not yet completed it, be continued by him in accordance with the provisions of the principal Act as amended by this Act, until it has been completed.

- 30 (b) A liability to service in terms of section 72E(2) of the principal Act before the replacement thereof by section 18 of this Act shall be deemed to be a liability thereto in terms of the first-mentioned section as so replaced, and at the commencement of the said section 18 such service not yet commenced shall, after a person concerned has been called up to commence it, be begun and continued by him until completion thereof, or, if a person concerned has, at such
35 commencement, already begun but not yet completed it, be continued by him in accordance with the provisions of the principal Act as amended by this Act, until it has been completed: Provided that such service shall be rendered over the period which the person concerned has been called up to render service in terms of the said section 72E(2), as so replaced, or could have been called up to render
40 service in terms of the said section if it had been so replaced when his liability to such service arose or, if applicable, over the period which the Minister has determined under the proviso to the said section prior to the said replacement thereof, whichever of the said periods may be the shorter: Provided further that this paragraph shall not be construed as meaning that it exempts a person from
45 any liability to service under the provisions of the principal Act because he has been classified under the said Act as a conscientious objector or is deemed to have been so classified.

- 50 (c) Any liability to community service in terms of section 72E(3)(a) of the principal Act prior to the replacement thereof by section 18 of this Act, shall be deemed to be a liability to perform such service in terms of the first-mentioned section as so replaced, and at the commencement of such replacement a person referred to in subsection (1) who is liable to community service as contemplated in the principal Act but has then not begun it, shall by order under section 72E(4) of the principal Act be ordered to perform it, and he shall thereupon
55 perform community service in terms of the appropriate provisions of the principal Act as amended by this Act, or, if at such commencement he had already been ordered to perform such community service or had begun such

ooreenkomstig die toepaslike bepalings van die Hoofwet soos gewysig deur hierdie Wet, totdat dit voltooi is: Met dien verstande dat sodanige gemeenskapsdiens verrig word oor die tydperk wat ooreenkomstig artikel 72E(3)(a) van die Hoofwet, soos aldus vervang, vasgestel is of, na gelang van die geval, soos bepaal, hetsy voor of na die inwerkingtreding van hierdie Wet, deur die Minister kragtens die voorbehoudsbepaling by genoemde artikel 72E(3), watter van bedoelde tydperke ook al die kortste is. 5

(3) Enige aansoek ingevolge artikel 72B van die Hoofwet waaroor 'n raad vir godsdienstige beswaar by die inwerkingtreding van hierdie Wet nog nie sy bevoegdhede ingevolge artikel 72D van genoemde Wet uitgeoefen het nie, vervalt by genoemde inwerkingtreding. 10

(4) Die regulasies ingevolge artikels 72C en 72G wat by die inwerkingtreding van hierdie Wet van krag is, bly in die mate waarin dit nie strydig is met die bepalings van hierdie Wet nie, van krag na dié inwerkingtreding totdat dit ingevolge enige sodanige artikel soos gewysig deur hierdie Wet, herroep of vervang word. 15

Kort titel en inwerkingtreding

38. (1) Hierdie Wet heet die Wysigingswet op Verdediging, 1992, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal. 20

(2) Verskillende datums kan ingevolge subartikel (1) bepaal word ten opsigte van verskillende bepalings van hierdie Wet.

(3) 'n Verwysing in hierdie Wet na die datum van inwerkingtreding daarvan word uitgelê as 'n verwysing na die toepaslike datum wat aldus bepaal is.

service, he shall commence the performance thereof or continue it, as the case may be, in terms of the appropriate provisions of the principal Act as amended by this Act, until it has been completed: Provided that such community service shall be performed over the period fixed in terms of section 72E(3)(a) of the
5 principal Act as so replaced or, as the case may be, determined, whether before or after the commencement of this Act, by the Minister under the proviso to the said section 72E(3), whichever of those periods may be the shorter.

(3) Any application in terms of section 72B of the principal Act in respect of which a board for religious objection has at the commencement of this Act not
10 yet exercised its powers in terms of section 72D of the said Act, shall lapse at such commencement.

(4) The regulations in terms of sections 72C and 72G which are in force at the time of the commencement of this Act shall after such commencement remain in force to the extent that they are not in conflict with the provisions of this Act,
15 until they have been repealed or substituted under any such section as amended by this Act.

Short title and commencement

38. (1) This Act shall be called the Defence Amendment Act, 1992, and shall come into operation on a date fixed by the State President by proclamation in
20 the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of different provisions of this Act.

(3) A reference in this Act to the date of commencement thereof shall be construed as a reference to the appropriate date so fixed.

BYLAE

Nommer van artikel	Bestaande uitdrukking	Vervangende uitdrukking
2(1)	"die Senaat of die Volksraad of van 'n Provinsiale Raad of van die Wetgewende Vergadering van Suidwes-Afrika"	"die Parlement"
	"beide Huise van die Parlement"	"die Parlement"
41	"opgeroep"	"aangesê"
52(3)	"opgeroep"	"aangesê"
52(4)	"opgeroep"	"aangesê"
52(5)	"opgeroep"	"opgeroep of aangesê"
74bis(1), (2) en (3)	"Minister van Arbeid"	"Minister van Mannekrag"
76(3)(a) en (c)	"sy Departement van Verdediging"	"die Suid-Afrikaanse Weermag"
79(1)(a)	"trec"	"meter"
79(1)(b)	"Sekretaris van Verdediging"	"Hoof van die Suid-Afrikaanse Weermag"
82bis	"Staatsdienskommissie"	"Kommissie vir Administrasie"
83A(1)	"Staatsdienswet, 1957 (Wet No. 54 van 1957)"	"Staatsdienswet, 1984 (Wet No. 111 van 1984)"
	"departement"	"Mag"
83A(1) en (2)	"Departement van Verdediging"	"Suid-Afrikaanse Weermag"
86(1)	"'n kommando"	"die kommando's"
87(1)(r)	"sy Departement van Verdediging"	"die Suid-Afrikaanse Weermag"
91(1)	"'n kommando"	"die kommando's"
91(2)	"beide Huise van die Parlement"	"die Parlement"
92(1)	"'n kommando"	"die kommando's"
92(2)	"'n kommando"	"die kommando's"
	"daardie kommando"	"die kommando's"
92(3)	"subartikel (1) of (2)"	"subartikel (1)"
	"Staatspresident"	"Minister"
92bis(1)	"'n kommando"	"die kommando's"
	"artikel 92(1) of (2)"	"artikel 92(1)"
92ter(1)	"'n kommando"	"die kommando's"
92ter(3)	"beide Huise van die Parlement"	"die Parlement"
93	"'n kommando"	"die kommando's"
	"daardie kommando"	"die kommando's"
98(1)	"Minister van Arbeid"	"Minister van Mannekrag"
99(2)	"Suid-Afrikaanse Spoorweg- en Hawensadministrasie"	"'Maatskappy' of die 'Korporasie' omskryf in artikel 1 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989),"
103(4) en (5)	"beide Huise van die Parlement"	"die Parlement"
103(6)	"Senaat en die Volksraad"	"Parlement"
103ter(3) en (7)(b)	"Eerste Minister"	"Staatspresident"
103ter(7)(a)	"Minister of die Eerste Minister"	"Minister"
103quat(8)	"Gekonsolideerde Inkomstefonds"	"Staatsinkomstefonds"
104(2)(a)	"beide Huise van die Parlement"	"die Parlement"
104(3)	"Stafhoofde"	"Hoofde van Weermagsdele"
	"Senior Regsoffisier van die Suid-Afrikaanse Weermag"	"Senior Regsoffisier van die Suid-Afrikaanse Weermag verantwoordelik vir die opstel van wette"
129(1)	"Staatsminister"	"Minister"

DEFENCE AMENDMENT ACT, 1992

Act No. 132, 1992

SCHEDULE

Number of section	Existing expression	Expression substituted
2(1)	"the Senate or the House of Assembly or of a Provincial Council or of the Legislative Assembly of South-West Africa"	"Parliament"
	"Both Houses of Parliament"	"Parliament"
41	"called upon"	"called up"
52(3)	"opgeroep" (in the Afrikaans text)	"aangesê" (in the Afrikaans text)
52(4)	"opgeroep" (in the Afrikaans text)	"aangesê" (in the Afrikaans text)
52(5)	"opgeroep" (in the Afrikaans text)	"opgeroep of aangesê" (in the Afrikaans text)
74bis(1), (2) and (3)	"Minister of Labour"	"Minister of Manpower"
76(3)(a) and (c)	"its Department of Defence"	"the South African Defence Force"
79(1)(a)	"yards"	"metres"
79(1)(b)	"Secretary for Defence"	"Chief of the South African Defence Force"
82bis	"Public Service Commission"	"Commission for Administration"
83A(1)	"Public Service Act, 1957 (Act No. 54 of 1957)"	"Public Service Act, 1984 (Act No. 111 of 1984)"
	"department"	"Force"
83A(1) and (2)	"Department of Defence"	"South African Defence Force"
86(1)	"a commando"	"the commandos"
87(1)(r)	"its Department of Defence"	"the South African Defence Force"
91(1)	"any commando"	"the commandos"
91(2)	"both Houses of Parliament"	"Parliament"
92(1)	"any commando"	"the commandos"
92(2)	"a commando"	"the commandos"
	"that commando"	"the commandos"
92(3)	"subsection (1) or (2)"	"subsection (1)"
	"State President"	"Minister"
92bis(1)	"a commando"	"the commandos"
	"section 92(1) or (2)"	"section 92(1)"
92ter(1)	"a commando"	"the commandos"
92ter(3)	"both Houses of Parliament"	"Parliament"
93	"a commando"	"the commandos"
	"that commando"	"the commandos"
98(1)	"Minister of Labour"	"Minister of Manpower"
99(2)	"South African Railways and Harbours Administration"	"'Company' or the 'Corporation' defined in section 1 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989)"
103(4) and (5)	"both Houses of Parliament"	"Parliament"
103(6)	"the Senate and the House of Assembly"	"Parliament"
103ter(3) and (7)(b)	"Prime Minister"	"State President"
103ter(7)(a)	"Minister or the Prime Minister"	"Minister"
103quat(8)	"Consolidated Revenue Fund"	"State Revenue Fund"
104(2)(a)	"both Houses of Parliament"	"Parliament"
104(3)	"Chiefs of Staff"	"Chiefs of the Arms of the Service"
	"Senior Legal Officer of the South African Defence Force"	"Senior Legal Officer of the South African Defence Force responsible for the drafting of laws"
129(1)	"Minister of State"	"Minister"
135(4)	"Section twenty-seven of the Births, Marriages and Deaths Registration Act, 1923 (Act No. 17 of 1923)"	"Section 29 of the Births, Marriages and Deaths Registration Act, 1963 (Act No. 81 of 1963)"

Wet No. 132, 1992

WYSIGINGSWET OP VERDEDIGING, 1992

135(4)	"Artikel <i>sewe-en-twintig</i> van die 'Wet op die Registrasie van Geboorten, Huweliken en Sterfgevallen, 1923' (Wet No. 17 van 1923)"	"Artikel 29 van die Wet op die Registrasie van Geboortes, Huwelike en Sterfgevallen, 1963 (Wet No. 81 van 1963)"
136(1) en (1A)	"ordes, dekorasies en medaljes"	"dekorasies en medaljes"
136(1), (1A), (2) en (3)	"orde, dekorasie of medalje"	"dekorasie of medalje"
141	"sy Departement van Verdediging"	"die Suid-Afrikaanse Weermag"
144	"Suid-Afrikaanse Spoorweg- en Hawensadministrasie"	"'Maatskappy' of die 'Korporasie' omskryf in artikel 1 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989),"
	"Departement van Verdediging"	"Suid-Afrikaanse Weermag"
149bis(1)	"sy Departement van Verdediging"	"die Suid-Afrikaanse Weermag"
	"genoemde Departement"	"genoemde Weermag"
149quat	"sy Departement van Verdediging"	"die Suid-Afrikaanse Weermag"
150(2)	"magistrate"	"landdroste".

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136(1) and (1A)	"orders, decorations and medals"	"decorations and medals"
136(1), (1A), (2) and (3)	"order, decoration or medal"	"decoration or medal"
141	"its Department of Defence"	"the South African Defence Force"
144	"South African Railways and Harbours Administration"	"'Company' or the 'Corporation' as defined in section 1 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989),"
149bis(1)	"Department of Defence"	"South African Defence Force"
	"its Department of Defence"	"the South African Defence Force"
	"said Department"	"said Force"
149quat	"its Department of Defence"	"the South African Defence Force"
150(2)	"magistrate" (in the Afrikaans text)	"landdroste" (in the Afrikaans text).

