

# DEFENCE ACT 42 OF 2002

## THE ACT

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# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

Published under Government Notice R1204 in *Government Gazette* 1507 of 5 August 1966.

### CHAPTER I

#### INTRODUCTION

#### 1. Short Title

These regulations shall be known as the General Defence Force Regulations.

#### 2. Definitions

(1) In these regulations unless the context otherwise indicates -

(i) “CDFA” means the Chief of Defence Force Administration; and

(ii) “CLS” means the Chief of Logistic Services.

(2) In these regulations any reference to -

(a) “AG” or “Adjutant General” shall be construed as a reference to “CDFA” or “Chief of Defence Force Administration”; and

(b) “QMG” or “Quartermaster General” shall be construed as a reference to “CLS” or the Chief of Logistic Services.

(c) “Secretary” shall be construed as a reference to the “Commandant General, SADF”;

(d) “Chief of Staff” shall be construed as a reference to the “Chief of an Arm of the Force”; and

(e) “Army Chief of Staff”, “Air Chief of Staff” or “Naval Chief of Staff” shall be construed as a reference, respectively, to the “Chief of the Army”, “Chief of the Air Force” or “Chief of the Navy”.



# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

Published under Government Notice R2108 in *Government Gazette* 3315 of 26 November 1971 and amended by:

<b>GN R2360</b>	<b>GG 4103</b>	<b>14/12/73</b>
<b>GN R1387</b>	<b>GG 5249</b>	<b>13/8/76</b>
<b>GN R1298</b>	<b>GG 7077</b>	<b>20/7/80</b>
<b>GN R415</b>	<b>GG 10114</b>	<b>7/3/86</b>

The State President has, in terms of [section 87](#) (1) of the Defence Act, 1957, (Act 44 of 1957), made the following General Regulations for the SA Defence Force and the Reserve:

### CHAPTER II

#### ORGANISATION AND CONTROL

1. [Classification of the SA Defence Force.](#)
2. [Organisation of the Permanent Force](#)
3. [Organisation of the Citizen Force](#)
4. [Organisation of the commandos](#)
5. [Powers and duties of the Commandant General, SADF](#)
6. [Delegations by the Commandant General, SADF](#)
7. [Duties of Chiefs of the Arms of the Force or Sections](#)
8. [Purpose and use of orders](#)
9. [Contents and issue of orders](#)
10. [Authentication and signature of written orders](#)
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**1. Classification of the SA Defence Force**

(1) Subject to [section 7](#) of the Act the SA Defence Force is classified in-

(a) the SA Army;

(b) the SA Air Force;

(c) the SA Navy;

(d) a combined headquarters for the SA Defence Force, composed of such sections as the Minister may establish and designate in terms of [section 76](#) of the Act.

(2) The SA Army consists of-

(a) headquarters;

(b) corps, combat formations, commands and units which have been established and designated as part of the Permanent Force or the Citizen Force or of both in terms of [section 75](#) of the Act;

(c) the commando groups and commandos established by the Minister in terms of [section 32](#) of the Act, under the designations which he has determined.

(3) The SA Air Force consists of-

(a) headquarters,

(b) commands, Air Force groups and units established and designated as part of the Permanent Force or the Citizen Force or of both in terms of [section 75](#) of the Act;

(c) air commandos established by the Minister in terms of [section 32](#) of the Act under the designations which he has determined.

(4) The SA Navy consists of-

(a) headquarters;

(b) naval commands, groups and units established and designated as part of the Permanent Force or the Citizen Force or of both in terms of [section 75](#) of the Act.

## **2. Organisation of the Permanent Force**

(1) The Permanent Force consists of units of the SA Army, SA Air Force, the SA Navy and of such sections and organisations established and designated by the Minister in terms of [sections 75](#) and [76](#) of the Act.

(2) A fixed establishment which provides for the number and grading of the Permanent Force and civilian Public Service posts in respect of-

(a) the SA Army;

(b) the SA Air Force;

(c) the SA Navy;

(d) the sections and organisations referred to in subregulation (1),

is maintained, in so far as it concerns the Permanent Force, in terms of the Act and the regulations promulgated thereunder, and the civilian component in terms of the Public Service Act, 1957 (Act 54 of 1957).

(3) Within the limits of the fixed establishment which has been approved by the Minister for each Permanent Force unit of the SA Army, the SA Air Force, the SA Navy, and of the said sections and organisations, each such unit shall be functionally organised to carry out the task for which it is destined in time of peace.

## **3. Organisation of the Citizen Force**

(1) The Citizen Force consists of units of the SA Army, SA Air Force, the SA Navy and of such sections which are established and designated by the Minister in terms of



[sections 75](#) and [76](#) of the Act.

(2) A fixed establishment in respect of each unit which provides for the number and grading of the posts thereof, shall be maintained on the authority of the Commandant General, SADF.

(3) Within the limits of the fixed establishment which has been approved by the Commandant General, SADF, for each Citizen Force unit of the SA Army, the SA Air Force, the SA Navy and of the said sections, respectively, each such unit shall be functionally organised to carry out the task for which it is destined.

#### **4. Organisation of the commandos**

(1) The Commando System which includes air commandos for the provision of air support, consists of commando groups, commandos and commando squadrons, established by the Minister in terms of [section 32](#) of the Act under the designations he may determine.

(2) Subject to subregulations (5) and (6) a commando or commando squadron consists of-

(a) an element which is not bound as to area and to which members are allotted who -

(i) are liable to serve in the commandos in terms of [sections 35](#) and [44](#) of the Act;

(ii) have enrolled or engaged themselves voluntarily for service in the commandos in terms of [section 36](#) of the Act and who undertook in writing to serve in this element;

(iii) have engaged themselves voluntarily for service in the commandos in terms of the proviso to [section 2](#) of the Act, excluding female persons, and who undertook in writing to serve in this element;

(b) an element which is bound as to area and to which members are allotted who -

(i) are liable to serve in the commandos in terms of [sections 35](#) and [44](#) of the Act;

(ii) have enrolled or engaged themselves voluntarily for service in the commandos in terms of [section 36](#) of the Act and who did not undertake in writing to serve in the element referred to in paragraph (a) above;

(iii) have engaged themselves voluntarily for service in the commandos in terms of the proviso to [section 2](#) of the Act and who did not undertake in writing to serve in the element referred to in paragraph (a) above:

Provided that the Chief of the Army or an officer designated by him for the purpose may, in the case of members liable to serve in the commandos in terms of [sections 35](#) and [44](#) of the Act, determine to which element they are to be allotted.

(c) honorary members appointed in terms of [section 37](#) of the Act.

(3) The Chief of the Army, in the case of the commandos, and the Chief of the Air Force, in the case of the commando squadrons, may-

(a) determine or redetermine the geographical boundaries of a commando or commando squadron;

(b) group or regroup two or more commandos within the geographical boundaries of an Army Command into a commando group or a military area.

(4) The arming, training and equipping of the elements referred to in subregulation (2) above shall be determined by the Chief of the Army, in the case of the commandos, and by the Chief of the Air Force, in the case of the commando squadrons, according to the requirements of the elements concerned.

(5) The members of the element not bounded as to area may be employed for the purposes of [section 3](#) (2) of the Act at any place in the Republic and, subject to [sections 95](#) and [138](#), at any place outside the Republic.

(6) The members of the element bounded as to area may be employed for the purposes of [section 3](#) (2) of the Act only within the geographical boundaries of his commando or the commando group or the military area to which commando has been grouped.

(7) Subject to regulation 6 of Chapter XIV of these regulations, nobody residing outside the geographical boundaries of a commando or commando squadron, shall be

posted as a member of that commando or commando squadron without the approval of the chief of the combat service concerned.

[Reg. 4 substituted by GN R1298/80]

## 5. Powers and duties of the Commandant General, SADF

In addition to the powers and duties vested in the Commandant General, SADF, in terms of [section 8](#) of the Act, the Treasury and Audit Act, 1956 (Act 23 of 1956), and section 66 of the [First Schedule](#) to the Act, as the military executive and permanent head of the Department of Defence, he shall be responsible to the Minister for-

- (a) the execution of ministerial policy;
- (b) the performance of functions and duties imposed upon him by the Act or rules and regulations promulgated thereunder or by any other law;
- (c) the organisation, training, discipline and efficiency of the SA Defence Force, the Reserve, the Cadet Corps, the auxiliary services established in terms of [section 80](#) of the Act and the civilian Public Service component of the Department of Defence.

## 6. Delegations by the Commandant General, SADF

(1) The Commandant General, SADF, may, if he deems it expedient for the efficient administration of the SA Defence Force, delegate any power, duty or function which has, by any regulation in terms of the Defence Act, 1957, been conferred or imposed upon or entrusted to him, to an officer or official over whom he exercises command or authority, on such conditions as he may determine.

(2) The Commandant General, SADF, may personally exercise, perform or execute any power, duty or function which has, by any regulation, been conferred or imposed upon or entrusted to an officer or official over whom he exercises command or authority, as if such power, duty or function has been conferred or imposed upon or entrusted to him.

## 7. Duties of Chiefs of the Arms of the Force or Sections

The Chief of each Arm of the Force and Head of Section, is in so far as it concerns his Arm of the Force or Section, responsible to the Commandant General, SADF, for-

- (a) the execution of determined policy in respect of the SA Defence Force in general

and his Arm of the Force or Section in particular;

(b) the organisation, training, discipline, efficiency and preparedness of his Arm of the Force or Section.

## **8. Purpose and use of orders**

(1) An order may be issued by a commander of a formation or unit to, and in respect of such formation or unit to convey-

(a) his commands, directions or instructions concerning-

(i) the planning, conduct, administration and logistics of any military operation;

(ii) any standard or routine procedures for the efficient functioning and control of such formation or unit; or

(iii) the organisation and administration of such formation or unit; or

(b) any matter relating to the pay, service or documents of any member;

to those members of such formation or unit who may be concerned therein.

(2) This regulation shall not be construed as-

(a) authorising any commander to issue any order which is contrary to any provision of the Act or any other law or materially varies any order issued by his superior commander; or

(b) in any way derogating from the validity of any lawful command or direction given in any manner by any officer, warrant officer or non-commissioned officer.

## **9. Contents and issue of orders**

(1) An order referred to in regulation 8 may be-

(a) an operational order;

(b) a formation order;

- (c) a unit order; or
  - (d) a standing order.
- (2) Operational orders may be issued orally, in writing, or in such other manner as the commander may deem expedient and may take the form of-
- (a) an operation order which shall deal with the preparation for or the conduct or administration of any military operation;
  - (b) an administrative order which shall deal with the administration or logistics of such operation; or
  - (c) an instruction relating to the planning or general conduct of any military operation.
- (3) A formation order shall be issued, in writing, in the form determined by the commander concerned subject to the direction of his superior commander and may contain all matters which are not dealt with in operational orders or Part II of unit orders.
- (4) A unit order shall be issued in writing and shall consist of two parts, namely:
- (a) Part I - which may contain all matters which are not dealt with in operational orders or Part II of unit orders; and
  - (b) Part II - in which any matter relating to the pay, service or documents of any member of the unit concerned may be promulgated in accordance with instructions issued from time to time by the Director General Personnel:

Provided that any such unit order or any extract therefrom may, in the case of Citizen Force units or commandos, with the prior approval of the officer commanding the command or Air Force group concerned or the Chief of the Navy, as the case may be, and the prior financial authority of the Commandant General, SADF, be published in one English and one Afrikaans newspaper circulating in the district concerned, for compliance by members of the unit or commando concerned.

- (5) Every commander shall, subject to subregulation (6), issue standing orders in which shall be stipulated the standard procedures which shall be followed by members of his formation or unit to ensure the efficient routine functioning and control of such

formation or unit, and such commander may issue different standing orders to apply in the varying conditions under which such formation or unit may be required to serve or operate.

(6) Any such standing order or amendment thereto shall be subject to approval-

(a) in peace time - by the Chief of the Arm of the Force or Head of Section concerned or by an officer designated for the purpose by such Chief of the Arm of the Force or Head of Section; or

(b) in time of war - by the superior commander referred to in subregulation (5),

and such standing order or amendment shall after such approval be issued as a formation or unit order.

(7) Any order referred to in this regulation shall come into operation on the date of its issue or on such later date as may be specified therein, and shall remain in force until it is withdrawn by the issue of another order in the manner prescribed for the issue of the order concerned.

## **10. Authentication and signature of written orders**

Every written order issued in terms of these regulations shall be signed by or by order of the commander concerned or a copy thereof may be authenticated on his behalf by the signature of an officer designated by him for the purpose.

## **11. Access to formation and unit orders**

Every commander shall ensure that every member of his formation or unit shall have access to every formation or unit order which in any manner concerns such member and it shall be the duty of every such member to have knowledge of every such order.

## **12. Reports**

(1) The commander of any formation, group or unit including a commando group, commando or commando squadron shall furnish the Chief of the Arm of the Force or Head of Section concerned or an officer designated by him for the purpose, with such reports, statistics, information or returns as he or the said officer in general or in particular may determine.

- (2) A commander referred to in subregulation (1) shall, during the performance of service in terms of Chapter X of the Act, maintain a war diary in the form and of such events as the Commandant General, SADF, may determine.
- (3) The war diary referred to in subregulation (2) or a certified copy thereof shall be furnished to the Commandant General, SADF, on request.

### **13. Placing of areas, premises and places out of bounds**

(1) The Commandant General, SADF, or a general officer or formation commander designated by him for the purpose may, if he deems it desirable in the interests of military security or discipline or the health or good morals of members of the South African Defence Force, by written order issued in terms of these regulations, place any area, premises or place specified in such order out of bounds to-

(a) any member of the Permanent Force, of the Citizen Force serving in terms of [section 20](#) of the Defence Act, 1957 (Act 44 of 1957), of an auxiliary service established under that Act or of the Reserve serving in terms of [section 52](#) of the said Act;

(b) any member of the Citizen Force, a commando, the Reserve or the Cadet Corps while such member is-

(i) serving in terms of Chapter X of the said Act;

(ii) undergoing any continuous or whole-time training under the said Act;

(iii) performing special duty in terms of any regulation applicable to the Citizen Force or the Commando Organisation;

(iv) undergoing a course of instruction under the said Act in respect of which pay of rank is payable; or

(v) clothed in a uniform of the South African Defence Force or the Cadet Corps.

(2) An order may be issued under subregulation (1) to be applicable-

(a) to all persons referred to in paragraph (a) or (b) of that subregulation or to any class of such persons or to any such person of a rank, sex, race or age specified



in such order; and

(b) at all times or on any day or during such hours as may be specified in such order.

(3) No person to whom an order issued in terms of this regulation applies shall enter or be present in or on any area, premises or place specified therein while such area, premises or place is out of bounds to him.

#### **14. Prescribed authority referred to in section 105 (3) of the Act**

For the purposes of [section 105](#) (3) of the Act the Chief of the Arm of the Force or Head of Section under whose command the non-commissioned officer of the South African Defence Force concerned is serving, shall be the prescribed authority referred to in that section.

#### **15. Political and other activities**

(1) The attendance of a public political meeting while dressed in civilian clothes and the exercising of his franchise comprise the full extent of the permitted political activities of a member of the Permanent Force.

(2) Subject to subregulation (1), no member of the South African Defence Force shall, while in military uniform or while performing duty in terms of the Act and the regulations promulgated thereunder or while undergoing training in terms thereof, participate in any meeting, demonstration or procession for party or political purposes, or promote it, or take part in activities for the furtherance of the interests of a political party or of a candidate or prospective candidate for election as senator or member of Parliament or Provincial Council or the Legislative Assembly of South-West Africa or of any public body, the members of which are elected on a party-political basis.

(3) A member of the South African Defence Force who accepts nomination for election as senator or as Member of Parliament or of a Provincial Council or the Legislative Assembly of South-West Africa, shall be deemed to have resigned from the South African Defence Force with effect from the date of such acceptance.

(4) No member of the Permanent Force shall accept nomination for election as member of a local authority, school board or other similar subordinate body without the prior permission of the Commandant General, SADF.

(5) A member of the Permanent Force who, having obtained permission from the



Commandant General. SADF, is nominated and elected as member of a sub-ordinate body referred to in subregulation (4) shall not take part in the discussion of or a ballot relating to a matter at issue between said body and the Government, a Provincial Administration or the Administration of South-West Africa.

## 16. Change of address

(1) Each member of the SA Defence Force shall inform his officer commanding of each permanent change in his residential address within 14 days after such change has occurred.

(2) A member's officer commanding is, for the purpose of subregulation (1), the officer commanding of a unit on whose establishment the member is held, or in the case of a member whose name is on a General List or Unattached List, the officer who in terms of the other provisions of the regulations is deemed to be his officer commanding.

(3) Notwithstanding subregulation (1) each member of the Citizen Force and the Commandos shall during June of each year inform the officer commanding referred to in subregulation (2), in writing, of his present residential address.

(4) Notwithstanding anything else contained in this regulation, the Minister may require by notice in the *Government Gazette* every member of the Citizen Force, the Commandos or the Reserve (excluding the National Reserve) in a specific area to report at a place and during a specific period to furnish information concerning his personal particulars, address, work, profession, occupation and such other information as may be deemed necessary by the Registering Officer, South African Defence Force.

[Subreg. (4) inserted by GN R415/86]

## 17. SADF Trades Board

(1) A board to be known as the South African Defence Force Trades Board shall be established to advise and make recommendations to the Director General Personnel on-

(a) the nomenclature, classification and definition of technical musterings in the SA Defence Force;

(b) the standards of technical and practical knowledge required for the classification of members as technical other ranks;

(c) the conditions of service for technical other ranks;

- (d) the co-ordination of technical training in the SA Defence Force;
  - (e) the co-ordination of the trade testing policy, procedure and facilities in the SA Defence Force,
  - (f) any other matter which may be referred to that Board from time to time.
- (2) The Board referred to in subregulation (1) which shall also have the power of co-optation, shall, comprise-
- (a) a chairman appointed with the approval of the Commandant General, SADF;
  - (b) competent officers nominated by and representing Chiefs of Arms and Heads of Sections with the approval of the Commandant General, SADF;
  - (c) a secretary appointed by the Director General Personnel.

## **18. Trade Test Boards**

Trade Test Boards may be established in accordance with the directions of the Commandant General, SADF, to ensure the maintenance of trade proficiency in the SADF in accordance with standards determined by or in terms of these regulations.

## **19. Flag stations and the display of the National Flag**

- (1) The flag stations of the SA Defence Force shall be-
- (a) the Defence Headquarters;
  - (b) the SA Army Headquarters;
  - (c) the SA Air Force Headquarters;
  - (d) the SA Navy Headquarters;
  - (e) the headquarters of every Army command, Air Force command, Air Force group, Air Force base, Air Force station, Naval command and training institution of the SA Defence Force;

- (f) every ship of the SA Navy while it is in commission;
  - (g) the headquarters of any shore establishment of the SA Navy or any other unit or subunit of the SA Defence Force, which-
    - (i) is situated in a base where there is no other flag station of the SA Defence Force; and
    - (ii) has been approved as such flag station by the Chief of Defence Force Administration and promulgated in the orders of the SA Defence Force.  
[Subreg. (1) substituted by GN R2360/73]
- (2) Subject to subregulation (3) or (4) the National Flag shall be hoisted daily by every such flag station at 0800 hours and lowered at sunset.
- (3) In the event of two or more headquarters which are determined as flag stations in terms of subregulation (1) being situated on the same premises or in the same unit lines the senior headquarters only shall display the National Flag.
- (4) Any ship of the SA Navy which bears the personal flag or standard of the State President or of a foreign head of state or which convoys any warship or merchant ship bearing such personal flag or standard, shall display the National Flag by the day and night while at sea.

## **20. Flags of the Arms of the Force, corps and units**

The Chief of the Arm of the Force or Section concerned determines which Arm of the Force, corps or unit flag may be displayed by a headquarters, training institution, unit or sub-unit of his Arm of the Force and shall publish his determination in the orders of his Arm of the Force.

## **21. Colours and Battle Honours**

Regimental colours of a pattern approved by the Chief of the South African Defence Force as well as claims for battle honours, may on his authority be grant to regiments or units of the SA Defence Force: Provided that the costs for the manufacture of the first colour granted to a regiment or unit shall be borne by such regiment or unit.

[Reg. 21 substituted by GN R1387/76]

## **22. Procedure for applying and conferring of colours**

(1) On requesting that colours be conferred on a regiment or unit the following documents and information shall be submitted to the Chief of the Arm of the Force concerned-

(a) an application stating-

(i) whether the colour is being donated and whether the donor has made any stipulations concerning the donation;

(ii) whether the regiment or unit wishes to purchase the colour;

(b) a design in colour of the proposed colour.

(2) The Chief of the Arm of the Force concerned shall submit the application and design referred to in sub-regulation (1) with his recommendations to the Chief of Defence Force Administration for approval in principle by the Commandant General, SADF, and after approval in principle is obtained, the application and design concerned shall be submitted to the Quartermaster General for reference to the State Heraldist for the checking, correction, authorisation and registration thereof.

(3) The Quartermaster General shall re-submit the final design, on receipt thereof from the State Heraldist to the Chief of Defence Force Administration for-

(a) final approval and authorisation by the Commandant General, SADF;

(b) re-submission of the final authorisation and design to the Chief of the Arm of the Force concerned for further steps and the manufacturing of the colour.

(4) The Quartermaster General shall keep a copy in colour of the final design with a full description thereof for record purposes.

## **23. Replacement and repairs of colours**

(1) A regimental or unit colour which has been in use for a prescribed period of 20 years shall be examined by a board of survey and-

(a) if repairable, shall be repaired in accordance with the board's recommendation;

(b) if unserviceable, an indent for a new colour with a copy of the board's proceedings, shall be submitted to the Quartermaster General.

- (2) After replacement colours remain the property of the State and under no circumstances shall it be permitted for any individual to obtain possession thereof, and nobody shall have the right to sell such colours or otherwise dispose thereof.
- (3) After replacement, the colours shall be laid up in a church or other public building, and proposals for the laying up of old colours shall be submitted through the normal channels for approval by the Commandant General, SADF.
- (4) If the donor of any colour has at the time of presentation made any stipulation regarding its disposal that is in conflict with the provisions of this regulation, the matter shall be referred to the Commandant General, SADF.
- (5) Colours which have been replaced and laid up (see the Ceremonial Manual for the SADF) shall remain where deposited in perpetuity, and no maintenance against public funds is permissible.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

### CHAPTER III

Published under Government Notice R2213 in *Government Gazette* 3327 of 10 December 1971 and amended by:

GN R507	GG 4239	29/3/74
GN R314	GG 4992	27/2/76
GN R572	GG 5954	23/3/78
GN R832	GG 5996	21/4/78
GN R2203	GG 10494	24/10/86
GN R542	GG 12341	16/3/90
GN R585	GG 13077	22/3/91
GN R2703	GG 13622	15/11/91
GN R922	GG 14826	28/5/93
GN R2146	GG 15253	12/11/93
GN R950	GG 18139	18/7/97
GN R258	GG 18683	20/2/98
GN R900	GG 20299	23/7/99
GN R179	GG 20900	25/2/2000
GN R486	GG 21178	19/5/2000
GN R881	GG 21523	8/9/2000

The State President has in terms of [section 87](#) (1) of the Defence Act, 1957 (Act 44 of 1957), made the following General Regulations for the SA Defence Force and the Reserve:

### CHAPTER III

## OFFICERS (INCLUDING FEMALE OFFICERS AND NURSING OFFICERS) AND CANDIDATE OFFICERS

*Ranks, Precedence, Appointments, Promotions, Termination of Service and Reserve Liabilities*

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## 1. Ranks

(1) The ranks set out in the subjoined table may, subject to the other provisions of this regulation, be conferred on the officers of the SA Defence Force and each such rank-

- (a) shall be lower than the rank preceding it in the relative column of the table; and
- (b) shall be equivalent to those ranks in the other columns of the table which occupy a corresponding position in the order of precedence:

<i>SA Army</i>	<i>SA Air Force</i>	<i>SA Navy</i>	<i>SA Medical Services</i>
General	General	Admiral	General
Lieutenant General	Lieutenant General	Vise-Admiral	Lieutenant General
Major-General	Major-General	Rear-Admiral	Major-General
Brigadier-General	Brigadier-General	Rear-Admiral (Junior Grade)	Brigadier-General
Colonel	Colonel	Captain	Colonel
Lieutenant-Colonel	Lieutenant-Colonel	Commander	Lieutenant-Colonel
Major	Major	Lieutenant-Commander	Major
Captain	Captain	Lieutenant	Captain

Lieutenant	Lieutenant	Sub-Lieutenant	Lieutenant
Second Lieutenant	Second Lieutenant	Ensign	Second Lieutenant
Chaplain	Chaplain	Chaplain	Chaplain

[Table substituted by GN R258/98]

(2) The rank of candidate officer may be conferred on a member of the SA Army or the SA Air Force and the rank of midshipman on a member of the SA Navy who is appointed as such in terms of regulations 3 and 4 of this Chapter: Provided that a member who on the date of such appointment holds any other rank, shall cease to hold the said other rank with effect from such date, but he shall be paid as if he still holds the said other rank, unless the conditions of pay of a candidate officer are more favourable than those attached to the said other rank, in which case he shall be paid as a candidate officer.

(3) The rank of candidate officer or midshipman shall, for disciplinary purposes, be equivalent to the rank of private: Provided that a candidate officer or midshipman may in the course of his training or the execution of his duties be placed in a position of authority over any other rank: Provided further that a candidate officer or mid-shipman who has been so placed in a position of authority shall, whilst exercising such authority, be deemed, in relation to any other rank over whom he exercises such authority to hold the rank of Warrant Officer, Class 1.

(4) Wherever any rank is referred to in these regulations it shall, unless the context otherwise indicates, include those ranks which are equivalent thereto in terms of this regulation.

## 2. Precedence

(1) The order of precedence of officers shall be in accordance with the order of their ranks as determined by regulation 1 of this Chapter and the order of precedence of officers of the same rank shall be in accordance with the order of their seniority as determined by regulations 11 and 12 of this Chapter: Provided that-

(a) notwithstanding the position of the rank of chaplain in the table, the said rank shall be accorded the relative order of precedence of a colonel;

(b) an officer in command shall take precedence over all officers under his command;

(c) .....

[Para. (c) deleted by GN R832/78]

(d) a medical or dental officer shall, irrespective of his rank, in the execution of his professional duties take seniority and precedence over any nursing officer;

(e) under combat conditions, an officer classified in a combatant capacity shall exercise command notwithstanding the presence of an officer who is his senior in the same rank but who is not so classified;



(f) an officer of one arm of the Force shall not command any part of another arm of the Force unless he be so in command by virtue of the nature of his appointment or has specifically been ordered so to be in command.

(2) An officer of the Permanent Force holding any substantive or temporary rank shall, notwithstanding the date of his appointment in or promotion to such rank, be the senior of all officers of the Citizen Force, the commandos or the Reserve holding the same or equivalent rank.

(3) A member who is a medical officer, a nursing officer or a member of the SA Medical Service shall exercise over a patient, irrespective of his rank, such authority as may be necessary for his medical treatment or for the discipline of any hospital or other institution established for the care of the sick, injured or wounded.

[Subreg (3) substituted by GN R832/78]

(4) An officer in command of a ship or aircraft shall, irrespective of his rank, for the duration of any voyage or flight exercise authority over the crew and all passengers on such ship or aircraft in connection with any matter relating to the successful completion of such voyage or flight.

### **3. Conditions for the appointment and enrolment of officers and candidate officers**

(1) A person may, subject to the provisions of regulations 4 and 9 of this Chapter, be appointed in a permanent capacity as an officer in the SA Defence Force if such person-

- (a) is a citizen;
- (b) has obtained at least the School Leaving Certificate or equivalent certificate;
- (c) meets the standard of medical fitness which the Surgeon General may determine for the service or duties for which he is to be enrolled;
- (d) is not less than 18 years of age;
- (e) has the other attributes and qualifications which in the opinion of the Chief of the SA Defence Force are required for his training for, and the execution of, the duties attached to the type of post to which he is to be appointed;
- (f) should he be required to do so, has successfully completed a preparatory course which the Chief of the SA Defence Force may, at his discretion, prescribe for other ranks of the Permanent Force, Citizen Force or the commandos;
- (g) complies, where applicable, with the other requirements prescribed in regulation 4 (5) of this chapter in respect of any professional post;

(h) who is to be appointed as a nursing officer in the SAMS, has obtained at least the Standard VIII or equivalent certificate and is registered with the SA Nursing Council as a trained nurse and has paid all the required fees to the SA Nursing Association: Provided that any person who is to be appointed as a Sister Tutor or Senior Sister Tutor, shall in addition to the said requirements, have obtained the Diploma in Nursing Education;

(i) has, except in any case where the Chief of the SA Defence Force has dispensed with this requirement, been recommended by a selection board appointed by or on the authority of the Chief of the SA Defence Force:

Provided that, in exceptional cases, any person who does not comply with the aforementioned requirements, except those prescribed in paragraphs (a), (c), (d), (e), (g) and (h), may with the approval of the Minister or an officer designated thereto by him, be appointed in a permanent capacity as an officer in the SA Defence Force.

(2) A person who complies with at least the requirements of paragraphs (c), (d), (e) and (i), and, where applicable, (g) and (h) of sub-regulation (1), may be appointed or reappointed in the SA Defence Force as an officer in a temporary capacity for such period as the Minister or an officer designated thereto by him may from time to time determine.

(3) An officer who is a citizen and who has served for not less than 12 months in terms of sub-regulation (2) may be appointed in a permanent capacity as an officer of the Permanent Force.

(4) A person who complies with the applicable requirements of sub-regulation (1), may be accepted for training for commissioned rank by means of a course at any university, the Military Academy or any other military training institution if he-

(a) has reached the age of 17 years on the date of commencement of the course concerned;

(b) at least complies with the requirements for university admission;

(5) Any person who complies with the applicable requirements of sub-regulation (1) and whose training will not include obtaining an academic degree, may be engaged for training for commissioned rank at any military or educational institution if he -

(a) has reached the age of 17 years on the date of commencement of the course concerned;

(b) has obtained at least the School Leaving Certificate or equivalent certificate which, in addition to English and any other official language of the RSA, shall include such subjects as the Chief of the SA National Defence Force may from time to time determine.

[Para. (b) substituted by GN R881/2000]

(6) A person who in terms of sub-regulation (4) or (5), has been accepted for training, may

undergo such training as a candidate officer or in commissioned rank and may, notwithstanding any provisions to the contrary in this chapter, during such training be promoted to a higher substantive rank or granted a higher rank temporarily.

[Reg. 3 amended by GN R507/74 and substituted by GN R314/76]

#### **4. Authority for appointment or enrolment and rank on first appointment**

(1) An officer and a candidate officer shall be appointed on the authority of the Minister or an officer authorised thereto by him who shall determine whether such appointment of an officer or the enrolment of a candidate officer shall be effected in a permanent or temporary capacity.

(2) A candidate officer shall be enrolled as an other rank and shall hold his rank in terms of regulation 1 (3) and (4) of this Chapter and any conditions of service of such candidate officer for which no provision is made in this Chapter, shall be governed by the provisions of Chapter IV of these regulations.

(3) On first appointment an officer shall subject to sub-regulations (4) and (5) normally be appointed in the rank of Second Lieutenant.

(4) The Minister, may, subject to sub-regulation (5) approve that an officer on first appointment, be appointed in a rank higher than that of Second Lieutenant.

(5) Any person who complies with the provisions of regulation 3 (1) or (2) of this Chapter and in addition complies with the professional or academic requirements which have been recommended by the Public Service Commission in respect of an appointment in any professional post, may be appointed as a professional officer in such post in a rank determined with regard to-

- (a) the alternative grading of such post;
- (b) the competency and appropriate experience of the person concerned;
- (c) such other conditions in respect of such post as the Public Service Commission has from time to time recommended in terms of [section 82bis](#) of the Act and which have been promulgated in the orders of the SA Defence Force.

(6) Notwithstanding provisions to the contrary in these regulations, a qualified pilot or a qualified navigator may on the authority of the Minister and in a rank determined in terms of the existing conditions of service applicable to such member, be appointed as an officer in the Permanent Force for such a period of service as may be approved/amended by the Minister: Provided that-

- (a) any previous periods of full-time service rendered by the member concerned as a qualified pilot or qualified navigator in the Permanent Force shall be included in such period

of service as may be approved/amended by the Minister;

(b) the appointment may be approved only if the pilot or navigator concerned will complete the period of service in question, which includes the service referred to in paragraph (a), before he attains the age of 45 years subject thereto that the Minister may in exceptional cases and in the interests of the Permanent Force raise such maximum age.

[Subreg. (6) amended by GN R881/2000]

(7) If an officer referred to in sub-regulation (6) prior to the expiry of his stipulated period of service requests, in writing that the age for retirement prescribed in regulation 21 (1) must apply to him and that he will not retire on the expiry of his stipulated period of service, and also that he declares in writing-

- (a) that he is prepared to waive any service gratuity to which he may be entitled on the expiry of his stipulated period of service;
- (b) that he will repay any short service gratuity which he has already received;
- (c) that he will accept any adjustment of his rank and salary in accordance with conditions of service which would have applied to him if he had an ordinary permanent appointment other than an appointment for a stipulated period of service in the Permanent Force;

the provisions of the said regulation 21 (1) may with the approval of the Commandant General, SADF or an officer authorised thereto by him, on the conditions determined by the Commandant General, SADF, or the said officer, be made applicable to him, provided no break in service occurs.

(8) Subject to Chapter VII of these regulations a member of the commandos, who is a member of the staff of a school or other educational institution where a cadet detachment exists may in accordance with the regulations which apply to members of the commandos be appointed as an officer in the commandos for service with that detachment.

(9) A member whose commissioned appointment is terminated (except in pursuance of a sentence of cashiering or dismissal from the SADF imposed by a competent court) during a period in which he is liable to serve in terms of [section 21](#) or [35](#) of the Act, shall continue to serve as an other rank in any rank to which he may be appointed until the expiry of the said period.

(10) An officer serving in the commandos or the Reserve may, subject to regulation 24 of this Chapter be appointed in the Citizen Force on authority of the Commandant General, SADF or an officer designated by him for the purpose.

(11) An officer serving in the Citizen Force or the Reserve may, subject to regulation 24 of this Chapter be appointed in the commandos or air commandos on authority of the Commandant

General, SADF, or an officer designated by him for the purpose.

(12) The rank of an officer appointed in terms of sub-regulation (1), (10) or (11) shall be determined with due regard to his age, military and professional experience and qualifications.

(13) For the purpose of [section 146B](#) of the Act, the Director General Personnel shall be the prescribed officer.

## 5. Appointments in approved posts

(1) The Minister or an officer authorised thereto by him or her may appoint an officer holding the rank of brigadier-general or a higher rank to any post for which such officer is qualified: Provided that in those instances where the filling of a post of lieutenant-general is to be effected, the Minister in consultation with the Cabinet must fill the post.

(2) Notwithstanding the determination of sub-regulation (1), the Chief of the South African National Defence Force may appoint any other officer to any post for which such officer is qualified.

[Reg. 5 substituted by GN R542/90 and GN R2703/91, amended by GN R258/98 and substituted by GN R179/2000]

6. (1) Every appointment as officer commanding of a Citizen Force unit or a commando or commando squadron or as officer commanding of a commando group or any similar formation shall be on probation for a period of 12 months, which the Chief of the SA Defence Force or an officer designated by him for the purpose, may extend for a further period not exceeding 12 months.

(2) If at any time during the probationary period referred to in sub-regulation (1), it appears to the Chief of the SA Defence Force or an officer designated by him for the purpose, that the officer concerned is not competent to serve as an officer commanding, he may terminate the appointment concerned forthwith.

(3) The Chief of the SA Defence Force or an officer designated by him for the purpose, may at the end of the probationary period referred to in sub-regulation (1), if he considers the officer concerned qualified to perform the duties applicable to the post concerned, confirm his appointment with effect from the date of his appointment on probation.

(4) The appointment of an officer commanding referred to in this regulation shall be for a period not exceeding five years: Provided that the Chief of the SA Defence Force or an officer designated by him for the purpose, may, with due observance of the needs of the SA Defence Force and the age and physical abilities of the officer commanding concerned, extend or terminate such appointment at any time.

(5) Subject to [section 84](#) (1) of the Act, sub-regulation (4) shall not be construed authorising the continuation of the service of an officer commanding after he has reached the age of

retirement prescribed by regulation 24 of this Chapter.

[Reg. 6 substituted by GN R542/90 and GN R2703/91]

## **7. Voluntary whole-time service in terms of section 20 of the Act**

An officer may be enrolled, on authority of the Minister, in terms of [section 20](#) of the Act for voluntary whole-time service against a suitable vacancy in, or super-numerary to the fixed establishment of the Permanent Force, if-

- (a) he is not less than 18 years of age;
- (b) he has attained the certificate of the National Matriculation Board or an equivalent certificate which includes English and any other official language of the RSA;  
[Para. (b) substituted by GN R881/2000]
- (c) he complies with a standard of medical fitness which the Surgeon General may determine for the Permanent Force in respect of the Arm of the Force and branch concerned;
- (d) he has the other qualities and qualifications which in the opinion of the Commandant General, SADF, or an officer acting on his authority are necessary for the execution of the duties attached to the post to which he is to be appointed:

Provided that the Minister may approve of the enrolment of an officer who does not comply with the standards in respect of the official languages which may have been laid down as a condition precedent to appointment in terms of this regulation.

## **8. Appointment of an honorary colonel or an honorary member**

- (1) An honorary colonel may, with the approval of the Minister, be appointed to a unit of the SA National Defence Force on conditions determined by Chief of the SA National Defence Force.
- (2) Any person may, with the approval of the Minister or an officer authorised thereto by him, be appointed as honorary member of a unit of the SA National Defence Force on conditions determined by Chief of the SA National Defence Force.
- (3) An appointment as an honorary colonel or an honorary member shall confer no military status or power of command on the holder thereof, but an honorary colonel or honorary member shall be entitled to wear the uniform of the unit concerned on the occasions as may be determined by the relative Chief of the Service.
- (4) The restricting of the number of honorary members per unit shall be as prescribed.
- (5) The termination of the appointment of an honorary colonel and honorary member shall be as prescribed.



## 9. Probationary service

- (1) Every first appointment of an officer shall be on probation for a period of 12 months after expiry of which the appointment may be confirmed or the probationary period extended for a period not exceeding 12 months: Provided that-
- (a) an officer of the Permanent Force who is appointed during a degree-course in terms of regulation 3 (7) of this Chapter, renders probationary service until he has successfully completed the course concerned and for 12 months thereafter;
  - (b) the appointment of a member of the Citizen Force or commandos who has received direct training as an officer, may be confirmed after six months.
- (2) If at any time during his period of probation or any extension thereof it is found that an officer does not satisfy the requirements of the service, his appointment shall be terminated and his commission lapse: Provided that -
- (a) where such officer has been appointed from the ranks of the Permanent Force, he may be permitted without break in service to revert to the rank he held immediately prior to his appointment as an officer or to a higher other rank;
  - (b) where such officer is a member of the Citizen Force or the commandos and liable for service in terms of the Act, he shall revert to the rank that he held as an other rank.

[Subreg. (2) substituted by GN R314/76]

## 10. Postings, transfers, moves and reclassification

- (1) An officer may at any time subject to the other provisions of this regulations and [sections 95](#) and [138](#) of the Act-
- (a) be posted to any post in the SA Defence Force;
  - (b) be transferred or reclassified from any post or from one arm of the Force, corps, branch of the service or classification in the SA Defence Force to another post, arm of the Force, corps, branch of the service or classification in the SA Defence Force;
  - (c) be temporarily attached to any unit, depot, training or other establishment of the SA Defence Force for service or training; or
  - (d) be moved from any place to any other place.
- (2) If an officer other than a professional officer complies with the requirements of regulation 4

(5) of this Chapter, he may, subject to sub-regulation (3), be reclassified in his rank for service in a professional capacity and posted to an appropriate professional post.

(3) No officer shall without his own consent be reclassified in any case where such reclassification-

(a) will have the effect of altering the age at which the officer concerned has the right or may elect to be retired on pension; or

(b) will bestow professional status upon the officer concerned or deprive him of such status.

(4) An officer serving in a professional capacity shall not without the explicit approval of the Commandant General, SADF-

(a) be reclassified for service in any other capacity; or

(b) be posted temporarily or permanently to any post other than an appropriate professional post:

Provided that where a lower salary or a less favourable salary scale is attached to the classification or post which such officer is about to hold after reclassification or permanent posting, the prior recommendation of the Public Service Commission for the adjustment of such officer's salary or salary scale shall be obtained unless the officer concerned has agreed, in writing, to accept such lower salary or less favourable scale.

(5) For the purposes of promotion in a professional capacity in terms of regulation 13 (6) of this Chapter, a professional officer who has in terms of sub-regulation (2), been reclassified as such in his rank shall be deemed to have the same appropriate experience as a professional officer of the same profession who was appointed in the SA Defence Force without appropriate experience and has as a result of his having gained the appropriate professional experience in the SA Defence Force so progressed that he holds the same rank and is entitled to the same salary notch and incremental date as the officer concerned.

(6) If an official or employee in Government Service is transferred to the Permanent Force without a break in his service and is appointed in any rank as a professional officer, his appropriate experience for the purpose of promotion in a professional capacity shall, in accordance with the salary scale and incremental date to which he has been adjusted in his rank in the Permanent Force, also be adjusted in the same manner as that applicable to an officer referred to in sub-regulation (5).

## 11. Seniority of officers

(1) Except as otherwise provided in this regulation, the seniority of any officer (including an



officer on whom temporary commissioned rank has been conferred in terms of [section 83](#) of the Act) in any substantive or temporary rank shall, in relation to other officers of the same or equivalent substantive or temporary rank, be determined by the date of his appointment in or promotion to such substantive or temporary rank: Provided that any officer holding substantive rank shall be senior to all officers holding temporary rank of the same or equivalent grade.

(2) If two or more officers, other than officers referred to in sub-regulations (7) and (8), are appointed in terms of regulation 3 of this Chapter, in the same rank on the same date, the order of their seniority shall be determined by the Minister on the recommendation of the Commandant General, SADF: Provided that if the date which has been accorded for the determination of seniority to an officer serving in terms of regulation 3 (2) of this Chapter, coincides with the date accorded for such purpose to an officer holding a permanent appointment in the same rank, the officer holding the permanent appointment shall be the senior.

(3) If two or more officers are promoted to the same substantive or temporary rank on the same date, they shall mutually retain the seniority which they held in any substantive rank immediately prior to such promotion.

(4) The date for the determination of the seniority of any officer who without a break in service has been permanently appointed in terms of regulation 3 (3) of this chapter, shall be the date on which he, while serving temporarily in terms of sub-regulation 3 (2) was promoted to or appointed in the rank in which he is so appointed permanently.

[Subreg. (4) substituted by GN R314/76]

(5) Any officer transferred or reclassified in the exigencies of the service, but not at the request of the officer concerned, from any branch, arm of the Force or corps, shall not as a result thereof forfeit his seniority: Provided that if any officer serving in a professional capacity applies for reclassification for service in any capacity other than a professional capacity, the Minister may, with due regard to such officer's age, military and educational qualifications and experience and as a condition of such transfer or reclassification, require that officer to accept a lower position on the seniority roll.

(6) Any officer of the Permanent Force who holds any substantive or temporary rank shall, notwithstanding the date of his appointment or promotion to such rank, be senior to all officers of the Citizen Force, a commando or the Reserve holding the same or equivalent rank: Provided that in the case of any officer of the Permanent Force Reserve who is called out for service or duty in terms of [section 52](#) (3) or Chapter X of the Act or in the case of any officer of the Citizen Force who is at any time attached to the Permanent Force in terms of [section 16](#) (2) of the Act, the Minister or an officer designated by him for the purpose may determine the seniority in the Permanent Force of such officer of the Permanent Force Reserve or Citizen Force, due regard being had to his age, length of previous service in the SA Defence Force, military and educational qualifications and experience.

(7) The seniority of an officer promoted in terms of regulation 13 (5) of this Chapter shall be

determined in his rank with effect from the date on which he obtained the appropriate qualification referred to in the said sub-regulation: Provided that in the case of a medical or dental officer his seniority shall be determined with effect from the date of registration as a medical practitioner or dentist at the SA Medical and Dental Board.

(8) Where the seniority of any group of two or more officers, who have obtained degrees as a result of their training in terms of regulation 3 (4) of this Chapter, is reckoned from the same date, the seniority of every officer within such group shall be determined in accordance with an order of merit compiled for the group concerned according to the achievements which each officer in that group gained in the military and the academic training which preceded the attainment of the degree concerned and such achievements shall be adjudged on the principles accepted for the purpose with the approval of the Minister.

(9) This regulation shall not apply to an officer who has obtained any degree referred to in this regulation through private arrangements with any university.

(10) Subject to the provisions of [section 12](#)(1)(f)(i) and (ii) and (h) of the Military Discipline Supplementary Measures Act, 1999, when an officer is sentenced by the Military court to -

(a) reduction to any lower commissioned rank such officer shall take the most junior position on the seniority list of the rank to which he or she was reduced, and that officer's pay shall be reduced according to that which appertains to that new rank;

(b) when an officer is sentenced to reversion from any temporary or acting rank to his or her substantive rank, that officer's pay shall be reduced to that which appertains to his or her substantive rank.

[Subreg. (10) inserted by GN R900/99 and substituted by GN R179/2000]

**12.** The Commandant General, SADF, may determine the seniority of an officer following a course in terms of regulation 3 (4) which began prior to the commencement of these regulations.

### **13. Promotion - Members of the Permanent Force**

(1) The Minister or an officer authorised thereto by him or her may subject to the other provisions of this regulation, and provided that a suitable vacancy exists, promote any officer on grounds of his or her efficiency, qualifications and seniority.

[Subreg. (1) substituted by GN R900/99 and GN R179/2000]

(2) Subject to sub-regulation (3), a second lieutenant may, after two years satisfactory service in that rank, be promoted to the rank of lieutenant: Provided that -

(a) temporary service as a second lieutenant during a course referred to in regulation 3 (4) of this chapter, except temporary service as a second lieutenant arising from the remission of any part of the final phase of the course, shall count as service for promotion in terms of this

sub-regulation.

(b) a second lieutenant may, in exceptional circumstances pursuant to experience and qualifications, be promoted to lieutenant in a period less than two years.

[Subreg. (2) substituted by GN R314/76]

(3) An officer who has attended a degree course normally of three years' duration in terms of regulation 3 (4) of this Chapter, may after he has obtained such degree, notwithstanding the provisions of sub-regulation (2), be promoted to the rank of lieutenant in any post other than a professional post.

(4) A lieutenant and a captain shall, subject to sub-regulations (5) and (6), not be considered for promotion to the next higher rank until he has proved by examination or in any other manner which the Commandant General, SADF, considers sufficient, that he has attained the standard of competence which the Commandant General, SADF, or an officer authorised thereto by him has determined for the rank concerned in his arm of the Force and classification.

(5) An officer appointed to a professional post on account of his attainment of an appropriate qualification in terms of regulation 3 (4) of this Chapter may, where the lowest rank determined in terms of sub-regulation (6) for such post is higher than the rank which he holds, be promoted to the said lowest rank.

(6) Any person who occupies a professional post referred to in regulation 4 (5) may, notwithstanding the other provisions of this regulation and subject to the alternative grading of the post concerned and to any special conditions applicable thereto, be promoted to the next higher alternative rank for which such post is graded, after the expiry of a period of service in that particular professional capacity in his rank determined from time to time for that purpose on the recommendation of the Public Service Commission in terms of [section 82bis](#) of the Act and promulgated in the orders of the SA Defence Force.

(7) Notwithstanding the provisions of this regulation the Minister may on the recommendation of the Commandant General, SADF, in exceptional cases and provided a suitable vacancy exists, promote any officer to any rank.

[Reg. 13 amended by GN R314/76, GN R900/99 and GN R179/2000]

#### **14. Promotion - Members of the Citizen Force and commandos**

(1) The Minister or an officer authorised thereto by him, may promote any officer of the Citizen Force or the commandos on the basis of his qualifications, ability and seniority on condition that he has complied with the requirements relating to military knowledge and proficiency determined for the purpose by the Chief of the Arm of the Force concerned.

(2) A professional officer serving in terms of regulation 3 of this Chapter may, with due regard to his seniority and experience in his profession and subject to such requirements relating to

military knowledge and proficiency as may be determined by the Chief of the Arm of the Force concerned be promoted in a professional post on the establishment of the Citizen Force or the Commandos.

## **15. Temporary grant of higher rank**

(1) The Minister or an officer authorised thereto by him may temporarily grant higher rank with or without pay to an officer who is appointed to a post to which a higher rank attaches than that held by such officer or who has, in terms of regulation 3 (7) of this Chapter been appointed as a second lieutenant and has successfully completed the third year of study of a course normally lasting more than three years.

(2) The Commandant General, SADF, or an officer authorised thereto by him may, in constraining circumstances where an appointment in any rank is necessary, temporarily grant the said rank to any officer holding a lower rank.

## **16. Reversion in rank on transfer - Citizen Force and commandos**

Subject to the provisions of [section 52](#) (1A) of the Act, an officer of the Citizen Force or commandos may be required to revert to a lower rank on being transferred at his request from any arm of the force, service or branch to any other arm of the force, service or branch.

## **17. Change in address**

(1) Each officer of the Citizen Force or commandos shall, in terms of [sections 29](#) (1) and [34](#) of the Act notify his officer commanding, in writing, of any change in his permanent address within 14 days of such change.

(2) Notwithstanding sub-regulation (1) each officer of the Citizen Force or commandos shall during June of each year notify his officer commanding, in writing, of his present address.

## **18. General List**

(1) An officer designated by the Commandant General, SADF, for the purpose, shall maintain a General List for the Citizen Force and the commandos respectively, in which shall be included the name of every officer, other than an officer serving in terms of [section 20](#) of the Act, who for any reason approved by the Commandant General, SADF, or such designated officer is temporarily not serving in an approved post on the establishment of the Citizen Force or commandos.

(2) An officer designated in sub-regulation (1) shall be deemed to be the officer commanding of an officer whose name is included in a General List and such officer commanding may require the officer concerned to render service in terms of [section 22](#) or [44](#) (3) of the Act read with Chapter VII of these regulations, and may attach him for such service to any unit of the SADF.

## (3) The name of an officer-

(a) shall be removed from the General List when he is appointed in a post on the establishment of the Citizen Force or the commandos or when his service is terminated for any reason;

(b) may be removed from the General List-

(i) in the case of an officer serving voluntarily in the Citizen Force or the commandos in terms of [section 19](#) or [36](#) of the Act after a period of six years has expired since his latest appointment in commissioned rank;

(ii) in the case of an officer serving in terms of [section 21](#) or [35](#) of the Act, after the period which he is thus liable to serve has elapsed,

and the removal of an officer's name in terms of paragraph (b) shall terminate the service of the officer concerned in the Citizen Force or the commandos.

**19. Termination of service - Officers of the Permanent Force**

(1) Subject to the provisions of [sections 12](#) (1), [83](#), [85](#), [86](#) and [96](#) of the Act, the Minister may, under [section 12](#) (1) (f) of the Act, discharge an officer of the Permanent Force-

(a) on account of misconduct, where-

(i) he or she has been absent from duty, without leave for an unbroken period of three months or more;

(ii) he or she has, while serving, been convicted by a military or civil court of an offence which, in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued service in the Permanent Force undesirable;

(iii) before, or since his or her appointment, he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually, would not justify or did not lead to his or her discharge on account of misconduct, but considered collectively, renders his or her continued employment in the Permanent Force undesirable;

(iv) owing to his or her recurrent conviction over a period by military courts of offences, he or she is considered not to be amenable to military discipline;

(b) if, he or she is appointed on probation, and his or her appointment is not confirmed or

if the conditions of a conditional appointment are not fulfilled;

(c) on account of unfitness for his or her duties or incapacity to carry his or her duties out efficiently;

(d) on the grounds of the material misrepresentation of his or her position as regards to a condition for his or her appointment, to any rank or post in the Permanent Force;

(e) if his or her continued employment constitutes a real or potential security risk to the Department of Defence;

(f) if he or she, at any time during his or her formative training or specialised training in the corps or mustering he or she has been appointed, proves to be unsuitable for such training and is not regarded suitable to be remustered for employment in any other corps or mustering in the Permanent Force;

(g) if he or she, after he or she has been instructed in terms of [section 144bis](#) of the Act to submit himself or herself to immunisation and prophylaxis, has refused to do so;

(h) if he or she is transferred to another state department or an institution or a body established by or under any law and which obtains its funds directly, entirely or in part from the National Income Fund;

(i) if the President appoints him or her in the public interest under any law to an office to which the provisions of the Defence Act, 1957 (Act No. 44 of 1957) do not apply; or

(j) if he or she accepts a nomination for election as a member of the Parliament or of the Provincial Legislature.

(k) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct.

(l) Notwithstanding the provisions in subparagraph (a)(i) and (iv), if the member has been convicted of contravening section 14(a) of the [First Schedule](#) of the Defence Act, 1957 (Act No. 44 of 1957), for five times or more during a period of 24 months of continuous service.

[Para. (l) inserted by GN R486/2000]

(2) In the application of regulation 19 (1) (a)-

(a) an officer may be discharged in absentia in terms of subparagraph (i) and his or her discharge will be effective from the first day following the day on which he or she was last on duty at his or her place of work; and



(b) an officer who has been sentenced by a Civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which his or her sentence has been imposed.

(3) An officer, who has been discharged in terms of sub-regulation (1), is not exempted from any service or training for which he or she is liable under the Act and must be allotted to the Citizen Force or the Commandos to complete the unexpired period of such service or training.

[Reg. 19 substituted by GN R900/99]

20. ....

[Reg. 20 repealed by GN R179/2000]

## 21. Retirement on pension of officers of the Permanent Force

(1) Subject to the provisions of this Chapter, an officer serving in the Permanent Force, except an officer who has enrolled in the said Force for a specified term of service, shall have the right to retire on pension and shall be so retired, on the date when he or she attains the age of 60 years: Provided that if such officer attains the said age after the first day of a month, he or she shall be deemed to have attained it on the first day of the following month:

(2) Notwithstanding the provisions of sub-regulations (1) and (3), an officer of the Permanent Force, except an officer who has enrolled for a specified term of service in the said Force, shall have the right to retire on the date on which he or she attains the age of 55 years, or on any date after that date, but not later than the date contemplated in sub-regulation (1).

(3) Notwithstanding the provisions of sub-regulation (1), an officer of the Permanent Force, except an officer who has enrolled for a specified term of service in the said Force, who contributed in terms of a law towards a pension fund with effect from a date prior to 1 October 1993 and which law is repealed by Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), shall, in accordance with section 212 (7) (b) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), have the right to retire from the Permanent Force at or at any time after the retirement age applicable to such officers as at 1 October 1993, and that retirement age shall not be changed without his or her consent.

(4) An officer who has the right to an earlier retirement age in terms of sub-regulation (2) or (3), and who wishes to be so retired, shall give written notification to the Chief of the South African Notarial Defence Force of his or her wish to be so retired, and he or she shall-

(a) if that notification is given at least three calendar months prior to the date on which he or she attains the retirement age applicable to him or her in terms of sub-regulation (2) or (3), be so retired on the date on which he or she attains the age or, if he or she attains it after the first day of a month, on the first day of the following month; or

(b) if that notification is not given at least three calendar months prior to the date on which

he or she attains the said age, be so retired on the first day of the fourth month after the month in which the notification is received.

(5) Subject to [section 85](#) of the Defence Act, 1957, the Minister may under [section 12](#) (1) (f) of the Act, discharge an officer from the Permanent Force -

(a) on account of ill-health not occasioned by his or her own fault;

(b) owing to the abolition of his or her post or reorganisation of the Permanent Force or of any headquarters, arm of the service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;

(c) on grounds that his or her discharge shall promote efficiency in the Permanent Force or of any headquarters, arm of the service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;

(d) on account of his or her incapability to carry out his or her duties efficiently excluding cases where such incapability and inefficiency result in such person being discharged on grounds of misconduct; or

(e) as a result of injury or ill-health not occasioned by his or her own fault, arising out of and in the course of his or her employment in the Permanent Force.

(6) The Minister may, at the request of an officer who has reached the age of 45 years, and subject to a recommendation of the Chief of the South African National Defence Force, notwithstanding the absence of any reasons for discharge in terms of the sub-regulation (5), allow such officer to retire from the Permanent Force, if in the opinion of the Minister a sufficient reason exists therefor, and the retirement will be to the advantage of the South African National Defence Force.

(7) If an officer is allowed to retire from the Permanent Force in terms of sub-regulation (5) or (6), he or she shall be entitled to the pension benefits which are payable in terms of the Rules of the Government Employees Pension Fund.

(8) To an officer who is discharged in terms of the provisions of sub-regulation (5) or (6), three months notice must be given in writing.

[Reg. 21 substituted by GN R922/93, GN R2146/93 and GN R950/97]

## **22. Maximum age limit for temporary service in the Permanent Force**

No officer shall be retained in service in the Permanent Force in a temporary capacity after he has reached the age of 65 years.

## **23. Place of retirement**



The place of retirement shall be the last permanent station of the officer concerned.

## **24. Age of retirement of Citizen Force or commando officers**

An officer serving in the Citizen Force or the Commandos shall be retired from the date he or she attains the age of 65 years: Provided that the Minister or any person acting under his or her authority may extend the date of retirement of such officer, with his or her consent, but at most until such officer reaches the age of 75 years.

[Reg. 24 substituted by GN R314/76, amended by GN R2203/86 and substituted by GN R900/99]

## **24A. Termination of Service of Officers of the Citizen Force and the Commandos**

(1) An officer of the Citizen Force and the Commandos (hereafter referred to as the Reserve Force) shall be discharged from the said Reserve Force-

(a) with effect from the date upon which he or she attains the age contemplated in regulation 24;

(b) upon expiration of the period of service for which he or she is liable to serve in terms of [section 22](#) or [35](#) of the Act: Provided that the officer concerned has not re-engaged for further service on a voluntary basis in the Reserve Force.

(c) upon expiration of an engagement for a specified period and he or she has not re-engaged for a further period of service in terms of [section 20](#), [24](#) or [36](#) of the Act;

(d) subject to any liability incurred in terms of [section 2](#) (3) and (4) of the Act, upon satisfactory proof of the termination of his or her South African Citizenship or, if he or she is not a South African citizen, upon satisfactory proof of termination of his or her domicile in the Republic;

(e) when an exemption board has, in terms of the Act, granted him or her total exemption of service in the Reserve Force;

(f) on appointment in the Permanent Force, the South African Police Service or the Department of Correctional Services prior to the expiration of the period of service he or she is liable to serve in the Reserve Force in terms of the Act.

(2) The Minister may, subject to the provisions of [sections 30](#) (1), [45](#) (1), [83](#), [85](#), [86](#) and [96](#) of the Act, discharge an officer of the Reserve Force in terms of [section 20](#) (2) or 45 (2)-

(a) on account of misconduct, where-

(i) he or she has, while serving, been convicted by a military or civil court of an

offence which in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued service in the Reserve Force undesirable;

(ii) before, or since his or her appointment, he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually, would not justify or did not lead to his or her discharge on account of misconduct, but considered collectively, renders his or her continued employment in the Reserve Force undesirable;

(iii) owing to his or her recurrent conviction over a period by military courts of offences, he or she is considered not to be amenable to military discipline;

(b) if, he or she is appointed on probation, and his or her appointment is not confirmed or if the conditions of a conditional appointment are not fulfilled;

(c) on account of unfitness for his or her duties or incapacity to carry out his or her duties efficiently;

(d) on the grounds of the material misrepresentation of his or her position as regards a condition for his or her appointment at the time of appointment, to any rank or post in the Reserve Force;

(e) if his or her continued employment constitutes a real or potential security risk to the Department of Defence;

(f) if he or she, at any time during his or her formative training or specialised training in the corps or mustering he or she has been appointed, proves to be unsuitable for such training and is not regarded suitable to be remustered for employment in any other corps or mustering in the Reserve Force;

(g) if he or she, after he or she has been instructed in terms of [section 144bis](#) of the Act, to submit himself or herself to immunisation and prophylaxis, has refused to do so;

(h) if the President appoints him or her in the public interest under any law to an office to which the provisions of the Defence Act, 1957 (Act No. 44 of 1957), do not apply;

(i) if he or she is elected as a member of the Parliament or of the Provincial legislature;

(j) on account of ill-health;

(k) owing to the abolition of his or her post or the reorganisation of the Reserve Force or of any headquarters, Service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;

(l) on the grounds that his or her discharge shall promote efficiency in the Reserve Force or at any headquarters, Service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;

(m) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct.

(3) In the application of sub-regulation (2)(a)(i) and officer who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which the sentence has been imposed.

[Subreg. (3) substituted by GN R179/2000]

[Reg. 24A inserted by GN R900/99 and amended by GN R179/2000]

## 25. Service in the Permanent Force Reserve

(1) An officer who complies with a standard of medical fitness which the Surgeon General may determine, may on the termination of his service in the Permanent Force, be required, subject to [section 47](#) of the Act, to serve in the Permanent Force Reserve in the substantive rank which he held immediately before such termination of service until he reaches the age of 65 years or is otherwise relieved of this obligation in terms of the Act or these regulations.

(2) An officer shall whilst serving in the Permanent Force Reserve, other than during periods in which he is rendering service or undergoing training as referred to in sub-regulation (3), report, in writing, to the Director General Personnel annually in June and he shall advise the Director General Personnel of-

(a) any change in his permanent address within 14 days of such change;

(b) the particulars of his intended absence from the Republic and the duration thereof.

(3) Whilst an officer serving in the Permanent Force Reserve is rendering service in terms of [section 51](#) of the Act read with regulation 11 of Chapter VII of these regulations or [section 52](#) or Chapter X of the Act, these regulations, with the exception of the regulations relating to retirement on pension and those relating to medical treatment for an officer and his family, shall be applicable to him as though he were a member of the Permanent Force: Provided that regulation 15 of Chapter XV of these regulations shall determine the medical benefits to which such officer is entitled.

(4) In the application of [section 52](#) of the Act the Director General Personnel shall be the prescribed officer referred to therein.

(5) The service of an officer on the Permanent Force Reserve shall, subject to [section 83](#) and

[86](#) of the Act, be terminated-

- (a) as soon as he reaches the age of 65 years;
- (b) if, prior to reaching that age, he is declared by the Surgeon General to be medically unfit for continued service in the said Reserve.

## **25A. Voluntary Training or Service in the Reserve**

- (1) Voluntary training or service undergone or rendered by a member of the Reserve in terms of [section 52A](#) of the Act, shall in peace time be completed in a continuous period of service not exceeding 90 days in a calendar year or in periods of service which in total do not exceed 90 days in any calendar year.
- (2) A member of the Reserve who has, in terms of [section 52A](#) of the Act, been permitted voluntarily to render service, performs the duties attached to the post or task for which he is called up and receives the appropriate salary, pay and allowances applicable to his rank as recommended in terms of [section 82bis](#) of the Act.
- (3) Whilst a member serving in the Permanent Force Reserve is undergoing training or rendering service in terms of [section 52A](#) of the Act, these regulations, excluding the regulations relating to retirement with pension and the regulations relating to medical treatment for an officer and his family, shall be applicable to him as though he is a member of the Permanent Force: Provided that regulation 15 of Chapter XV of these regulations shall determine the medical benefits of such member.

[Reg. 25A inserted by GN R585/91]

## **26. Service in the Citizen Force or Commando Reserve**

- (1) Any officer who has served in the Citizen Force or the commandos and is medically fit may, in accordance with [section 48](#) or [48A](#) of the Act, be transferred to the Citizen Force Reserve or Commando Reserve, respectively, with effect from the day following upon that on which his service in the Citizen Force or commandos is terminated and shall serve therein until the last day of December of his 65th year: Provided that his services in the said Reserve may be terminated if prior to reaching that age, he is declared to be medically unfit for continued service in the said Reserves.
- (2) Every officer of the Citizen Force Reserve or Commando Reserve shall during June of each year report, in writing, to the Director General Personnel, and shall advise the Director General Personnel of any change in his permanent address within 14 days after such change has occurred.
- (3) Subject to [section 17](#), [21](#), [35](#) and [146B](#) of the Act, any citizen who has served as an officer in the Citizen Force or commandos, may on resignation of his commission-

(a) if he resigns whilst still serving in the Citizen Force or commandos, be transferred to the Citizen Force Reserve or Commando Reserve, respectively, as an other rank;

(b) if he resigns whilst he is a member of the Citizen Force or Commando Reserve, be required to complete his period of service therein as an other rank.

(4) A member of the Citizen Force Reserve or Commando Reserve shall, whilst performing service in terms of [section 51](#) or Chapter X of the Act, be deemed, for the purpose of these regulations, to be a member of the Citizen Force or commandos as the case may be.

## **27. Suspension of service in the Reserves**

The service and substantive rank of a member serving in terms of regulation 25 or 26 in the Permanent Force Reserve, the Citizen Force Reserve or the Commando Reserve shall be suspended with effect from the date on which such member is temporarily appointed for service in the Permanent Force in terms of [section 10](#) of the Act: Provided that such member may, on the authority of the Commandant General, SADF, be permitted to wear the badges of rank of the substantive rank he held in the Reserve concerned.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SA DEFENCE FORCE AND THE RESERVE

### CHAPTER IV

Published under Government Notice R274 in *Government Gazette* 3002 of 26 February 1971 and amended by:

GN R2211	GG 3718	1/12/72
GN R261	GG 3786	23/2/73
GN R918	GG 4705	9/5/75
GN R314	GG 4992	27/2/76
GN R832	GG 5996	21/4/78
GN R2203	GG 10494	24/10/86
GN R2172	GG 12742	14/9/90
GN R585	GG 13077	22/3/91
GN R949	GG 18139	18/7/97
GN R913	GG 20299	23/7/99
GN R178	GG 20900	25/2/2000
GN R565	GG 21245	9/6/2000
GN R880	GG 21523	8/9/2000

The State President has in terms of [section 87](#)(1) of the Defence Act, 1957 (Act 44 of 1957), made the following General Regulations for the SA Defence Force and the Reserve.

### CHAPTER IV

#### OTHER RANKS (INCLUDING FEMALE OTHER RANKS)

*Rank, Precedence, Enrolment, Promotion, Termination of Service and Reserve Liabilities*

- [1. Ranks and precedence](#)
- [2. Musterings in the Permanent Force](#)
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- [21A. Conditions for Discharge by Purchase](#)
- [22. Discharge of an other rank of the Citizen Force or the Commandos](#)
- [23. Discharge certificate](#)
- [24. Place of retirement - Members of the Permanent Force](#)
- [25. Service in the Permanent Force Reserve](#)
- [25A Voluntary Training or Service in the Reserve](#)
- [26. Service in the Citizen Force or Commando Reserve](#)

### FIRST SCHEDULE TO CHAPTER IV

#### 1. Ranks and precedence

(1) The ranks set out in the table hereunder may, subject to the other provisions of this regulation, be conferred on other ranks of the SA Defence Force: Provided that-

- (a) all those ranks take precedence after commissioned rank;
- (b) each such rank takes precedence after the rank which precedes it in the relative column of the table;
- (c) each such rank in each column is equivalent to the rank in every other column of the table which corresponds with it in order of precedence:

<i>S.A. Army</i>	<i>S.A. Air Force</i>	<i>S.A. Navy</i>	
		<i>Male</i>	<i>Female</i>
Warrant Officer Class 1	Warrant Officer Class 1	Warrant Officer Class 1	Warrant Officer Class 1
Warrant Officer Class 2	Warrant Officer Class 2	Warrant Officer Class 2	Warrant Officer Class 2
Staff Sergeant	Flight Sergeant	Chief Petty Officer	Chief Petty Officer
Sergeant	Sergeant	Petty Officer	Petty Officer
Corporal	Corporal	Leading Seaman	Leading Swan
Lance Corporal	Lance Corporal	Able Seaman	Able Swan
Private	Private	Seaman	Swan

[Para (c) substituted by GN R314/76]

(2) Each rank referred to in sub-regulation (1) shall also include every other alternative nomenclature of such rank which may, with regard to military tradition be used in respect of a particular arm of the Force or corps of the SA Defence Force: Provided that the rank of nursing assistant or of enrolled auxiliary nurse, as the case may be, may be conferred on a member of the SAMNS who is not a nursing officer.

(3) Wherever any rank is referred to in these regulations such reference shall, unless the context



otherwise indicates, also include such ranks as are equivalent thereto in terms of this regulation.

- (4) The additional other rank's rank of candidate officer may be conferred on a member of the SA Army or S.A. Air Force and that of midshipman on a member of the S.A. Navy who has been designated for training as an officer.
- (5) The rank candidate officer or midshipman shall, for disciplinary purposes, be equivalent to the rank of private: Provided that a candidate officer or midshipman may in the course of his training or the execution of his duties be placed in a position of authority over any other rank: Provided further that a candidate officer or midshipman who has been so placed in authority shall, whilst he exercises such authority, be deemed in relation to any other rank over whom he exercises such authority, to hold the rank of Warrant Officer Class 1.
- (6) An other rank of the Permanent Force holding any rank whether in substantive or temporary capacity, shall, irrespective of the date of his appointment in or promotion to such rank, be the senior of any other rank of the Citizen Force, the commandos and the Reserve holding the same or equivalent rank.
- (7) A member who is a medical officer, a nursing officer or a member of the SA Medical Service shall exercise over a patient, irrespective of his rank, such authority as may be necessary for his medical treatment or for the discipline of any hospital or other institution established for the care of the sick, injured or wounded.

[Subreg. (7) substituted by GN R832/78]

- (8) .....

[Subreg. (8) deleted by GN R314/76]

## **2. Musterings in the Permanent Force**

- (1) Every mustering in the Permanent Force shall be classified either as a technical mustering or a non-technical mustering.
- (2) The Commandant General, SADF, may, subject to the recommendation of the Public Service Commission, where necessary, determine the classification of every such technical mustering as an artificer, artisan or operative mustering and-
- (a) the standard of technical education;
  - (b) the standard of theoretical knowledge and skill; and
  - (c) in the case of an apprentice or learner operative trained in the Force, the period of apprenticeship or learnership, which shall be required for the classification or reclassification of an other rank as an artificer, an artisan or an operative in every such technical mustering.
- (3) The classification of each technical mustering and the requirements for classification or reclassification of members determined in terms of sub-regulation (2) shall be published in a SADF Trade Code promulgated in the Orders of the SA Defence Force.

## **3. Eligibility for enrolment in the Permanent Force**

(1) No person shall, subject to sub-regulation (2), be eligible for enrolment as an other rank in the Permanent Force in a permanent or temporary capacity unless such person-

(a) in the case of-

(i) a female person, is not less than 16 years old;

(ii) a male person enrolled for training as an apprentice or a learner operative, is not less than 16 years old; and

(iii) any other male person, is not less than 18 years old;

(b) has passed the Standard VI or an equivalent examination;

(c) has satisfied the standard of medical fitness determined by the Surgeon General for the mustering, service or duties concerned;

(d) has the other attributes and qualifications required for his training or necessary for the execution of the duties or service which he may be required to perform;

(e) being a minor, has submitted the written consent of his parent or guardian or being a married woman, the written consent of her husband to his or her enrolment in the Permanent Force,

and a person, who is not a citizen, shall not be eligible for enrolment in a permanent capacity.

(2) The Commandant General SADF shall assess the eligibility of every applicant for enrolment in the Permanent Force, and, may, in the interests of the Permanent Force, in special cases, when making such assessment, relax the requirements concerning age and medical fitness prescribed in sub-regulation (1) (a) and (c) and the educational requirements prescribed in sub-regulation (1) (b) for permanent or temporary enrolment in the Permanent Force: Provided that he shall relax such requirement in respect of medical fitness only after consultation, in each case, with the Surgeon General and with due allowance for the extent to which the physical defect or degree of unfitness of the person concerned may restrict the scope of his employment.

[Subreg. (2) substituted by GN R2211/72]

#### **4. Enrolment in the Permanent Force**

(1) No person, assessed in terms of regulation 3 of this chapter to be eligible, shall be accepted for enrolment in the Permanent Force (whether on engagement or re-engagement), except where-

(a) in the case of a person who is not a citizen, the Minister has so directed; or

[Para. (a) substituted by GN R800/2000]

(b) in any other case, the acceptance of the person concerned has been, approved by the Commandant General, SADF.

(2) The Commandant General, SADF-

- (a) shall, with due regard to qualifications, appropriate experience, previous military service and age of an applicant for enrolment, and subject to paragraph (b) determine the classification, mustering and rank in which such applicant may be enrolled;
  - (b) shall, in respect of the enrolment of a technical other rank determine the classification and mustering of the applicant concerned on the recommendation, made by a Trade Test Board according to the standards provided for in the Trades Code; and
  - (c) may, on the recommendation of such Trade Test Board, grant such remission of a learnership or apprenticeship period as may from time to time be provided for in the SADF Trades Code.
- (3) A person accepted for enrolment in terms of this regulation may, on the authority of the Commandant General, SADF be permitted to engage or re-engage to serve in the Permanent Force either-
- (a) in a permanent capacity until he has attained .the prescribed age of retirement; or
  - (b) in a temporary capacity for such period as the Commandant General, SADF shall, subject to [section 10](#) of the Act determine.

## 5. Voluntary enrolment in terms of section 19 or 36 of the Act

- (1) Any person-
- (a) who is older than 16 years; or
  - (b) whose service in terms of [section 19](#), [21](#), [35](#) or [36](#) of the Act has been completed;
  - (c) who, in the case of enrolment in a commando, is resident in the recruiting area of the commando concerned, may,

subject to his medical fitness in terms of Chapter XV of these regulations and provided he complies with the requirements of engagement, be engaged or re-engaged for service in terms of [section 19](#) or [36](#) of the Act on the authority of the Chief of the Arm of the Force or Head of Section concerned or an officer authorised thereto by him.

- (2) .....

[Subreg. (2) deleted by GN R314/76]

## 6. Voluntary whole-time service in terms of section 20 of the Act

A citizen may be enrolled in terms of [section 20](#) of the Act for whole-time service against a suitable vacancy in, or supernumary to the fixed establishment of the Permanent Force on authority of the Chief of the Arm of the Force or Head of Section concerned, if-

- (a) he is older than 17 years;

- (b) he has passed the standard VI or equivalent examination;
- (c) he complies with the standard of medical fitness which the Surgeon General has determined for the mustering, service or duties in the Permanent Force;
- (d) he has the other attributes and qualifications required for his training or necessary for the execution of the duties which he may be required to perform;
- (e) he, being a minor, has submitted the written consent of his parent or guardian to such enrolment.

## **7. Serving personnel in the Permanent Force**

(1) An other rank who on the third day of December 1965, was serving in the Permanent Force on an engagement to serve-

- (a) in a permanent capacity until he is due to be retired on attainment of the prescribed pensionable age, that is to say for "long service"; or
- (b) for a specified period, whether or not in a permanent capacity,

shall continue to serve in accordance with his said engagement and shall be deemed to have been enrolled for service in the Permanent Force in terms of this sub-regulation.

(2) An other rank may, on the expiration of an engagement referred to in sub-regulation (1) (b), subject to his eligibility, be accepted in terms of regulation 4 for enrolment, without a break, for service in the Permanent Force in a permanent capacity.

(3) Sub-regulation (2) shall not be construed as prohibiting, the enrolment in a temporary capacity of a person discharged on the expiration of an engagement referred to in sub-regulation (1) (b).

## **8. ....**

[Reg. 8 repealed by GN R178/2000]

## **9. Reclassifications and remusterings in the Permanent. Force**

(1) The Commandant General, SADF, may, subject to sub-regulations (2) and (3) authorise the classification, reclassification or remustering of any other rank of the Permanent Force who he deems suitable to be so classified, reclassified or remustered.

(2) No person shall be classified or reclassified as an artificer or within any technical mustering as an artificer, an artisan or an operative or be remustered from one technical mustering to another, unless he complies with the requirements determined for the mustering or remustering concerned in terms of regulation 2 of this chapter and has passed an appropriate trade test.

(3) No technical other rank shall be reclassified as a non-technical other rank and no apprentice or learner operative shall be remustered in any non-technical mustering unless such technical other rank, apprentice or learner operative has, in writing consented to such reclassification or remustering.

## 10. Postings, transfers and moves

- (1) Any person who-
  - (a) has been allotted for service to the Citizen Force or is a member of the Citizen Force, may at any time, on such conditions as the Commandant General, SADF may determine, be re-allotted or transferred to the commandos;
  - (b) has been allotted for service to the commandos or is a member of the commandos, may at any time, on such conditions as the Commandant General, SADF, may determine be re-allotted or transferred to the commandos.
- (2) Any other rank may at any time subject to [sections 95](#) and [138](#) of the Act and regulation 9 of this chapter, be-
  - (a) posted to any post in the SADF;
  - (b) transferred from any post or from one Arm of the Force, corps or unit to another post, Arm of the Force, corps or unit;
  - (c) temporarily attached to any unit, depot, training or other establishment of the SADF for service or training; or
  - (d) be moved from any place to any other place.

## 11. Seniority of other ranks

- (1) Except as otherwise provided in this regulation the seniority of any other rank in any substantive or temporary rank, in relation to other ranks of the same or equivalent substantive or temporary rank, shall be determined by the date of his enrolment in or promotion to such substantive or temporary rank: Provided that any other rank holding substantive rank shall be senior to all other ranks holding temporary rank of the same or equivalent grade.
- (2) If two or more other ranks are enrolled in the same rank on the same day the order of their seniority shall be determined by the Commandant General, SADF: Provided that if the date for the determination of seniority accorded to any other rank serving in a temporary capacity coincides with such date accorded to an other rank serving in a permanent capacity in the same rank, the other rank serving in a permanent capacity shall be the senior.
- (3) If two or more other ranks are promoted, to the same substantive or temporary rank on the prior to such promotion: Provided that if two or more other ranks holding any specific rank and whose seniority dates are the same, are reclassified from non-technical to operative, artisan or artificer mustering on the same date their mutual seniority shall be determined in accordance with the order of merit they obtained at the completion of their period of apprenticeship or training course, on a basis indicated by the Chief of the Arm of the Force or Head of Section concerned, and shall date from the date on which their period of apprenticeship or training course terminated.

(4) The seniority of an other rank who, after having served in the Permanent Force in a temporary capacity, is without a break in service enrolled in any rank in a permanent capacity, shall be determined by the date on which he was enrolled in that rank for temporary service or promoted thereto while serving in a temporary capacity.

(5) The seniority of an other rank who after having served in the Citizen Force or the commandos in any capacity, is without a break in service re-enrolled in any rank, shall be determined by the date on which he was previously enrolled in that rank for service or promoted thereto whilst thus serving.

(6) Any other rank who is transferred or remustered in the interests of the SADF from any Arm of the Force, corps or mustering to any other Arm of the Force, corps or mustering shall not as a result thereof forfeit seniority: Provided that if any other rank applies to be so transferred or remustered, the Commandant General, SADF, may, with due regard to the age, military and educational qualifications and experience of such other rank and as a condition of such transfer or remustering require such other rank to accept a lower position on the seniority roll.

(7) Any other rank of the Permanent Force who holds any substantive or temporary rank shall, notwithstanding the date of his enrolment in or promotion to such rank, be senior to all other ranks of the Citizen Force, a commando or the Reserve holding the same or equivalent rank: Provided that any other rank of the Permanent Force Reserve called out for service under [section 52](#) (3) or (5) *bis* or Chapter X of the Act or any other rank of the Citizen Force or a commando attached to the Force for service, shall assume seniority from the date of reporting for duty pursuant to such call out or attachment unless the Commandant General, SADF, with due regard to the age and previous military service and qualifications of such other rank, otherwise determines.

(8) Subject to the provisions of [section 12](#)(1)(g)(i) and (ii) and (h) of the Military Discipline Supplementary Measures Act, 1999, when an other rank is sentenced by the Military court to-

(a) reduction to any lower rank, non-commissioned rank or the ranks such other rank shall take the most junior position on the seniority list of the rank to which he or she was reduced, and that other rank's pay shall be reduced according to that which appertains to that new rank;

(b) When an other rank is sentenced to reversion from any temporary or acting rank to his or her substantive rank, that other rank's pay shall be reduced according to that which appertains to his or her substantive rank; and

(c) reduction in seniority in rank such other rank shall take the date on which such sentence has been imposed as seniority date on the seniority list of that rank, provided that he or she will take the junior position of all the other ranks promoted to or appointed in that rank on that date.

[Subreg. (8) inserted by GN R913/99 and substituted by GN R178/2000]

## 12. Promotion - Members of the Permanent Force

(1) The Minister or an officer authorised thereto by him or her may subject to the other provisions of this regulation and provided that a suitable vacancy exists, promote any other rank on grounds of his or her efficiency, qualifications and seniority.

[Subreg. (1) substituted by GN R178/2000]



- (2) No other rank shall be considered for promotion unless he has, by examination or in such other manner as may be determined with the approval of the Commandant General, SADF, shown that he has attained the standard of competence determined from time to time on the authority of the Commandant General, SADF, for the rank concerned in his Arm of the Force, classification and mustering.
- (3) An apprentice shall not be promoted during his apprenticeship: Provided that the Commandant General, SADF, may, in exceptional circumstances, depart from this provision.
- (4) A learner operative may during his learnership, be promoted to a rank not higher than that of corporal.
- (5) Every other rank promoted substantively to warrant rank shall receive a warrant of appointment by the Minister.
- (6) The Minister may notwithstanding the provisions of this regulation, in exceptional circumstances, on the recommendation of the Commandant General, SADF, promote any other rank to any non-commissioned or warrant rank, provided a suitable vacancy exists.

### **13. Promotion - Members of the Citizen Force and the Commandos**

- (1) The Chief of the Arm of the Force or the Head of Section concerned or an officer authorised thereto by him for the purpose, may promote an other rank on the basis of his qualifications, proficiency and seniority on condition that he has complied with the requirements relating to military knowledge and proficiency determined for the purpose by the chief of the arm of the force or head of section concerned in terms of Chapter VII of these regulations, and a suitable vacancy exists.
- (2) A warrant of appointment, signed by the Minister shall be issued to a member substantively promoted to warrant rank.
- (3) An other rank may not refuse promotion to non-commissioned rank in the Citizen Force or the commandos without the approval of the chief of the arm of the force or head of section concerned or an officer authorised thereto by him.

### **14. Temporary grant of higher rank**

- (1) The chief of the arm of the force or head of section concerned or an officer authorised thereto by him may temporarily grant higher rank to an other rank who-
  - (a) is posted to any post to which a higher rank attaches than that held by such other rank; and
  - (b) is charged with duties of a more important nature than those normally allotted to an other rank of his rank.
- (2) The officer commanding any unit of the Citizen Force, a commando or a commando squadron may, on the authority of the chief of the arm of the force or head of section concerned or an officer designated by him for the purpose, in constraining circumstances where, in his opinion, a higher rank is necessary, temporarily grant the appropriate higher rank to any other rank.



## 15. Reversion in rank

- (1) A warrant or non-commissioned officer may, at his written request, with the approval of the Commandant General, SADF, be permitted to revert to any lower rank: Provided that no such member shall be permitted so to revert for the purpose of avoiding any disciplinary action or action under [section 105](#) of the Act.
- (2) A non-commissioned officer of the Permanent Force designated to undergo a course of flying or navigation with a view to his selection for, or a warrant officer or any other such non-commissioned officer who has been selected for admission to the Military Academy, may at the direction of the chief of the Arm of the Force or Head of Section concerned be reverted to the rank of private, candidate officer or midshipman for the duration of such course or his training at the said academy: Provided that-
- (a) for the duration of his reversion he shall, notwithstanding the provisions of regulation 11 of Chapter V of the Regulations for the Permanent Force be paid as if he had not thus been reverted;
- (b) subject to paragraph (c), he shall on the date of the termination of such course or training or on the date of the earlier termination, for any reason, of his attendance thereof, whichever may be the earlier date, again resume a rank which is not lower than the non-commissioned rank which he held prior to his reversion in terms of this regulation;
- (c) if-
- (i) his attendance of such course or training is terminated while he is serving a sentence of detention;
- (ii) after the termination of his attendance of such course or training he is due to be tried by a military court for an offence committed during such course or training; or
- (iii) he has been sentenced to detention by the court referred to in subparagraph (ii)-

he shall not resume the non-commissioned rank concerned before the date on which the proceedings referred to in subparagraph (ii) have been completed or he has served the sentence referred to in subparagraph (i) or (iii), whichever may be the later date.

## 16. Change of address

- (1) Another rank of the Citizen Force or of the commandos shall, in terms of [sections 29](#) and [34](#) of the Act, give notice in writing of any change in his permanent address within 14 days of such change-
- (a) in the case of an other rank on the establishment of any unit of the Citizen Force, a commando or a commando squadron, to the officer commanding such unit, commando or commando squadron,
- (b) in the case of an other rank whose name appears on the unattached list to the Chief of the Arm of the Force or Head of Section concerned or the designated officer referred to in regulation 17 (2) of this Chapter.

(2) Notwithstanding sub-regulation (1) each other rank of the Citizen Force or the commandos shall during June of each year notify the officers referred to in sub-regulation 1 (a) or (b), as the case may be, in writing, of his existing address.

## 17. Unattached list

- (1) An officer designated for the purpose by the Chief of the Arm of the Force or Head of Section concerned, shall maintain an Unattached List in which shall be included the name of any other rank, other than an other rank serving in terms of [section 20](#) of the Act, who for any reason approved by the Chief of the Arm of the Force or Head of Section or such designated officer, is temporarily not serving in an approved post on the establishment of the Citizen Force or the commandos.
- (2) The Chief of the Arm of the Force or Head of Section concerned or an officer designated by him for the purpose shall be deemed to be the commanding officer of an other rank whose name is included in the Unattached List and such commander may require the other rank concerned to render any service in terms of [section 22](#) or [35](#) of the Act read with Chapter VII of these regulations, and may attach him for such service to any unit of the SA Defence Force.
- (3) the name of an other rank-
- (a) shall be removed from the Unattached List when he is posted to a post on the establishment of the Citizen Force or the commandos or when his service is terminated for any reason; and
- (b) may be removed from the Unattached List-
- (i) in the case of an other rank serving voluntarily in the Citizen Force or the commandos in terms of [section 19](#) or [36](#) of the Act after his period of engagement, as determined by regulation 5 of this chapter, has expired; and
- (ii) in the case of an other rank serving in terms of [section 21](#) or [35](#) of the Act after the period which he is thus liable to serve has expired, and such removal of an other rank's name in terms of paragraph (b) shall terminate the service of the other rank concerned in the Citizen Force or the commandos.

## 18. Retirement on pension of other ranks of the Permanent Force

- (1) Subject to the provisions of this Chapter an other rank serving in the Permanent Force, except an other rank who has enrolled in the said Force for a specified term of service, shall have the right to retire on pension and shall be so on the date when he or she attains the age of 60 years: Provided that if such other rank attains the said age after the first day of a month, he or she shall be deemed to have attained it on the first day of the following month.
- (2) Notwithstanding the provisions of sub-regulations (1) and (3), an other rank of the Permanent Force, except an other rank who has enrolled for a specified term of service in the said Force, shall have the right to retire on the date of which he or she attains the age of 55 years, or on any date after that date but not later than the date contemplated in sub-regulation (1).

(3) Notwithstanding the provisions of sub-regulation (1), an other rank of the Permanent Force, except an other rank who has enrolled for a specified term of service in the said force, who contributed in terms of a law towards a pension fund with effect from a date prior to 1 October 1993 and which law is repealed by Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), shall, in accordance with section 212 (7) (b) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), have the right to retire from the Permanent Force at or at any time after the retirement age applicable to such other rank as at 1, October 1993, and that retirement age shall not be changed without his or her consent.

(4) An other rank who has the right to an earlier retirement age in terms of sub-regulation (2) or (3), and who wishes to be so retired, shall give written notification to the Chief of the South African National Defence Force of his or her wish to be so retired, and he or she shall-

(a) if that notification is given, at least three calendar months prior to the date on which he or she attains the retirement age applicable to him or her in terms of sub-regulation (2) or (3), be so retired on the date on which he or she attains the age or, if he or she attains it after the first day of a month, on the first day of the following month; or,

(b) if that notification is not given at least three calendar months prior to the date on which he or she attains the said age, be so retired on the first day of the fourth month after the month in which the notification is received.

(5) Subject to [section 85](#) of the Defence Act, 1957, the Minister may under [section 12](#) (1) (f) of the Act, discharge an other rank from the Permanent Force-

(a) on account of ill-health not occasioned by his or her own fault;

(b) owing to the abolition of his or her post or reorganisation of the Permanent Force or of any headquarters, arm of the service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;

(c) on grounds that his or her discharge shall promote efficiency in the Permanent Force or of any headquarters, arm of the service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;

(d) on account of his or her incapability to carry out his or her duties efficiently excluding cases where such incapability and inefficiency result in such person being discharged on grounds of misconduct; or

(e) as a result of injury or ill-health not occasioned by his or her own fault, arising out of and in the course of his or her employment in the Permanent Force.

(6) The Minister may, at the request of an other rank who has reached the age of 45 years, and subject to a recommendation of the Chief of South African National Defence Force, notwithstanding the absence of any reasons for discharge in terms of the sub-regulation (5), allow such other rank to retire from the Permanent Force, if in the opinion of the Minister a sufficient reason exists therefor, and the retirement

will be to the advantage of the South African National Defence Force.

(7) If an other rank is allowed to retire from the Permanent Force in terms of sub-regulation (5) or (6), he or she shall be entitled to the pension benefits which are payable in terms of the Rules of the Government Employees Pension Fund.

(8) To an other rank who is discharged in terms of the provisions of sub-regulation (5) or (6), three months notice must be given in writing.

[Reg. 18 substituted by GN R949/97]

## 19. Maximum age limit for temporary service in the Permanent Force

An other rank may serve in a temporary capacity in the Permanent Force until he attains the age of 65 years.

## 20. Age of retirement -- Citizen Force and the commandos

An other rank serving in the Citizen Force or the Commando's shall be retired on the date he or she attains the age 65 years with the proviso that the Chief of the SA National Defence Force or an officer authorised thereto by him or her may extend the date of retirement of such other rank, with his or her consent, but at most until such other rank reaches the age of 75 years.

[Reg. 20 substituted by GN R314/76, amended by GN R2203/86 and substituted by GN R913/99 and GN R178/2000]

## 21. Discharge of an other rank of the Permanent Force

(1) Subject to the provisions of [sections 12](#) (1), [85](#) and [96](#) of the Act, the Minister may, under [section 12](#) (1)(f) of the Act, discharge an other rank of the Permanent Force-

(a) on account of misconduct where-

(i) he or she has been absent from duty, without leave for an unbroken period of three months or more;

(ii) he or she has, while serving, been convicted by a military or civil court of an offence which in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, render his or her continued service in the Permanent Force undesirable;

(iii) before or since his or her appointment he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually would not justify or did not lead to his or her discharge on account of misconduct, but considered collectively, render his or her continued employment in the Permanent Force undesirable;

(iv) owing to his or her recurrent conviction over a period by military courts of offences, he or she is considered not to be amenable to military discipline.

[Para. (a) substituted by GN R178/2000]

(b) if, he or she at any time during the first year of his or her service, proves to be unsuitable for military service;

- (c) on account of unfitness for his or her duties or incapacity to carry them out efficiently;
- (d) on the grounds of the material misrepresentation of his or her position as regards to a condition for his or her appointment at the time of such appointment, to any rank or post in the Permanent Force;
- (e) if his or her continued employment constitutes a real or potential security risk to the Department of Defence.
- (f) if he or she, at any time during his or her basic training or specialised training in the corps or mustering he or she has been appointed, proves to be unsuitable for such training and is not regarded suitable to be remustered for employment in any other corps or mustering in the Permanent Force;
- (g) if he or she, after he or she has been instructed in terms of [section 144bis](#) of the Act to submit himself or herself to immunisation and prophylaxis, has refused to do so;
- (h) if he or she is transferred to another state department or an institution or a body established by or under any law, and which obtains its funds directly, entirely or in part from the National Income Fund;
- (i) if he or she accepts nomination for election as member of Parliament or of the Provincial Legislature;
- (j) if the President appoints him or her in the public interest under any law to an office to which the provisions of the Defence Act, 1957 (Act No. 44 of 1957), do not apply;
- (k) due to pregnancy, has given notice not to continue with her service in the Permanent Force; and
- (l) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct.
- (m) Notwithstanding the provisions in subparagraph (a) (i) and (iv), if the member has been convicted of contravening section 14 (a) of the [First Schedule](#) of the Defence Act, 1957 (Act No. 44 of 1957), for five times or more during a period of 24 months of continuous service.

[Para. (m) inserted by GN R565/2000]

(2) In the application of regulation 21 (1) (a)-

- (a) an other rank can be discharge in absentia in terms of subparagraph (i), and his or her discharge will be effective from the first day following the day on which he or she was last on duty at his or her place of word; and
- (b) an other rank who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which his or her sentence has been imposed.

(3) An other rank, who has been discharged in terms of sub-regulation (1), is not exempted from any service or training for which he or she is liable under the Act and must be allotted to the Citizen Force or the Commando's to complete the unexpired period of such service or training.

[Reg. 21 amended by GN R261/73, GN R918/75, GN R2172/90 and GN R949/97, substituted by GN R913/99 and amended by GN R178/200]

## 21A. Conditions for Discharge by Purchase

An other rank shall not be discharged by purchase in terms of [section 12](#) (1) (b) of the Act-

- (a) prior to the expiry of a period of notice of three months or a lesser period which the Minister or an officer acting under his or her authority may in exceptional circumstances approve;
- (b) before the payment of the amount determined in accordance with the scale indicated below on the last day of his or her service-

Years of Service and nature of appointment	Purchase money payable	Special conditions
a	b	c
(i) During the first and second year of service in either the short-term or the medium term or the long-term system	R10	
(ii) During the third and ensuing years of continuous service.	R5	This amount is only payable by a member who is transferred from the short-term system to the medium term system and from the medium term system to the long-term system without interruption in service.

- (c) while disciplinary action against the other rank concerned is contemplated, in progress or he or she is serving a sentence of detention; or
- (d) if such other rank is a minor, until his or her parent's or guardian's written consent has been submitted.

[Reg. 21A inserted by GN R913/99]

## 22. Discharge of an other rank of the Citizen Force or the Commandos

(1) An other rank of the Citizen Force and the Commandos (hereafter referred to as the Reserve Force) shall be discharged from the said component-

- (a) with effect from the date upon which he or she attains the age contemplated in regulation 20;
- (b) upon expiration of the period of service for which he or she is liable to serve in terms of [section 22](#) or [35](#) of the Act: Provided that the other rank concerned has not re-engaged for further service on a voluntary basis in the Reserve Force;



- (c) upon expiration of an engagement for a specified period, and he or she has not re-engaged for a further period of service in terms of [section 20](#), [24](#) or [36](#) of the Act;
  - (d) subject to any liability incurred in terms of [section 2](#) (3) and (4) of the Act, upon satisfactory proof of the termination of his or her South African Citizenship or, if he or she is not a South African Citizen, upon satisfactory proof of termination of his or her domicile in the Republic;
  - (e) when an exemption board has, in terms of the Act, granted him or her total exemption of service in the Reserve Force;
  - (f) on appointment in the Permanent Force, the South African Police Service or the Department of Correctional Services prior to the expiration of the period of service he or she is liable to serve in the Reserve Force in terms of the Act; and
  - (g) owing to his or her resignation: Provided that he or she has given at least three months written notice of his or her intention to resign to his or her officer commanding.
- (2) Subject to the provisions of [section 30](#) (1), [45](#) (1), [85](#), [86](#) and [96](#) of the Act, the Minister may, under [section 30](#) (2) or [45](#) (2) of the Act, terminate the service of an other rank of the Reserve Force-
- (a) on account of misconduct where-
    - (i) he or she has, while serving, been convicted by a military or civil court of an offence which, in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his or her continued service in the Reserve Force undesirable;
    - (ii) before, or since his or her appointment, he or she has been convicted by a civil or military court on more than one occasion of offences which, considered individually, would not justify or did not lead to his discharge on account of misconduct, but considered collectively, renders his or her continued employment in the Reserve Force, undesirable;
    - (iii) owing to his or her recurrent conviction over a period by military courts of offences, he or she is considered not to be amenable to military discipline;
  - (b) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct; or
  - (c) on the grounds of the material misrepresentation of his or her position as regards a condition for his or her appointment to any rank or post in the Reserve Force;
  - (d) if his or her continued employment constitutes a real or potential security risk to the Department of Defence;
  - (e) if he or she, at any time during his or her training or specialised training in the corps or



mustering he or she has been enrolled, proves to be unsuitable for such training and is not regarded suitable to be remustered for employment in any other corps or mustering in the Reserve Force;

(f) if he or she, after he or she has been instructed in terms of [section 144bis](#) of the Act to submit himself or herself to immunisation and prophylaxis, has refused to do so;

(g) if the President appoints him or her in the public interest under any law to an office to which the provisions of the Defence Act, 1957 (Act No. 44 of 1957), do not apply;

(h) if he or she is elected as a member of Parliament or of the Provincial Legislature;

(i) on account of ill-health;

(j) owing to the abolition of his or her post or the reorganization of the Reserve Force or of any headquarters, Service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;

(k) on the grounds that his or her discharge shall promote efficiency in the Reserve Force or at any headquarters, Service, formation, unit, personnel mustering or a part, branch or section thereof in which he or she is employed;

(l) on account of his or her incapability to perform his or her duties efficiently, excluding cases in which such incapability and inefficiency result in his or her discharge on the grounds of misconduct.

(3) In the application of sub-regulation (2)(a)(i) an other rank who has been sentenced by a civil court to imprisonment and is serving such sentence may be discharged with effect from the date on which his or her sentence has been imposed.

[Subreg. (3) substituted by GN R178/2000]

[Reg. 22 amended by GN R2211/72 and GN R314/76, substituted by GN R913/99 and amended by GN R178/2000]

## 23. Discharge certificate

(1) A discharge certificate in a form compiled by the Commandant General, SADF shall, on discharge, be issued to an other rank and such certificate-

(a) shall make provision for the Force number, identity card number, rank on discharge, full names, dates of enrolment and discharge, mustering and special qualifications of the other rank concerned and particulars of the decorations and medals which he is entitled to wear as well as of his mention in despatches or commendation; and

(b) may be specially endorsed by his unit commander in recognition of outstanding merit in the performance of his duties, or exemplary or good conduct or character in accordance with instructions promulgated from time to time in the orders of the South African Defence Force.

(2) An official testimonial or a duplicate of a discharge certificate shall not be issued to any person, but a certificate of service, containing the particulars referred to in sub-regulation (1) may be issued on request.

## 24. Place of retirement - Members of the Permanent Force

The place of retirement shall be the last permanent station of the other rank concerned.

## 25. Service in the Permanent Force Reserve

- (1) An other rank may on the termination of his service in the Permanent Force, and provided he complies with a standard of medical fitness which the Surgeon General may determine, be required, subject to [section 47](#) of the Act, to serve in the Permanent Force Reserve in the substantive rank which he held immediately before such termination of service, until he attains the age of 65 years or is otherwise relieved of this obligation in terms of the Act or these regulations.
- (2) An other rank shall, whilst serving in the Permanent Force Reserve, other than during periods in which he performs any service or undergoes any training referred to in sub-regulation (3) report himself in writing to the Commandant General, SADF annually during June and shall notify the Commandant General, SADF in writing of-
  - (a) any change in his permanent address within 14 days of such change; and
  - (b) the particulars of his intended absence from the Republic including the duration of such absence.
- (3) These regulations, with the exception of the regulations relating to retirement on pension and the regulations relating to the medical treatment of an other rank and his family, shall be applicable to an other rank on the Permanent Force Reserve who undergoes training or renders service in the Permanent Force in terms of the Act and Regulation 15 of Chapter XV of these regulations determines the medical benefits of such other rank.
- (4) In the application of [section 52](#) of the Act the Commandant General, SADF shall be the prescribed officer referred to therein.
- (5) The service of an other rank on the Permanent Force Reserve shall be terminated-
  - (a) as soon as he attains the age of 65 years, or
  - (b) if he, before attaining that age, is declared by the Surgeon General to be medically unfit for continued service in the said Reserve.

## 25A. Voluntary Training or Service in the Reserve

- (1) Voluntary training or service undergone or rendered by a member of the Reserve in terms of [section 52A](#) of the Act, shall in peace time be completed in a continuous period of service not exceeding 90 days in a calendar year or in periods of service which in total do not exceed 90 days in any calendar year.
- (2) A member of the Reserve who has, in terms of [section 52A](#) of the Act, been permitted voluntarily to render service, performs the duties attached to the post or task for which he is called up and receives

the appropriate salary, pay and allowances applicable to his rank as recommended in terms of [section 82bis](#) of the Act.

(3) Whilst a member serving in the Permanent Force Reserve is undergoing training or rendering service in terms of [section 52A](#) of the Act, these regulations, excluding the regulations relating to retirement with pension and the regulations relating to medical treatment for an other rank and his family, shall be applicable to him as though he is a member of the Permanent Force: Provided that regulation 15 of Chapter XV of these regulations shall determine the medical benefits of such member.

[Reg. 25A inserted by GN R585/91]

## **26. Service in the Citizen Force or Commando Reserve**

(1) Any other rank who has served in the Citizen Force or the Commandos and is medically fit may, in terms of [section 48](#) or [48A](#) of the Act, be transferred to the Citizen Force Reserve or the Commando Reserve with effect from the day following upon that on which his service in the Citizen Force or the Commandos is terminated and shall, if thus transferred, serve therein until the last day of December of his sixty-fifth year or until he is declared permanently medically unfit by the Surgeon General for service in the said Reserve.

(2) Every other rank of the Citizen Force or Commando Reserve shall during June of each year report in writing to the Commandant General, SADF and shall advise him of any change in his permanent address within 14 days after such change has occurred.

(3) A member of the Citizen Force or Commando Reserve shall, for the purposes of these regulations, be deemed to be a member of the Citizen Force or the Commandos whilst performing service in terms of [section 51](#) or Chapter X of the Act.

### **FIRST SCHEDULE TO CHAPTER IV GENERAL REGULATIONS FOR THE SA DEFENCE FORCE AND THE RESERVE.-PURCHASE MONEY**

[First Schedule substituted by GN R261/73 and GN R918/75 and deleted by GN R2172/90]

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE.

### CHAPTER V

Published under Government Notice R678 in *Government Gazette* 4260 of 26 April 1974 and amended by:

GN R1365	GG 4354	9/8/74
GN R314	GG 4992	27/2/76
GN R623	GG 5081	9/4/76
GN R1387	GG 5249	13/8/76
GN R1708	GG 11474	26/8/88
GN R1723	GG 13424	26/7/91
GN R38	GG 15423	14/1/94
GN R951	GG 18139	18/7/97
GN R882	GG 21523	8/9/2000

The State President has in terms of [sections 9](#) (2) and (3), [20](#), [26](#), [36](#), [39](#), [40](#), [41](#), [42](#) and [87](#) (1) (p) and (s) of the Defence Act, 1957 (Act 44 of 1957), made the following general regulations for the SA Defence Force and the Reserve:

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## 1. Definitions

In this chapter, unless the context otherwise indicates-

- (i) **“abroad”**, means any country or territory outside the borders of the Republic, South-West Africa and the Caprivi-Zipfel; (i)
- (ii) **“calender month”** means a period extending from a particular day in any month up to and including the day which precedes the day in the following month which corresponds numerically to that day; (vi)
- (iii) **“headquarters”**, means the city, town, place or ship where the member performs or has to perform his principal duties or which has been indicated by the Director General Personnel as his headquarters; (iv)
- (iv) **“household”** means-
  - (a) the wife of a member;
  - (b) the husband of a married female member who is necessarily the only breadwinner of her family, on account of her spouse’s -
    - (i) permanent medical disablement preventing his remunerative

employment; and

(ii) income, from any source, not exceeding the amount contemplated in paragraph (d);

(c) a necessarily dependant child of a member who is *bona fide* resident with the member: Provided that if such child studies at an institution for post-school education, excluding a non-resident educational institution, whether intramurally or extramurally, he may be deemed to be a member of the household, but only -

(i) if he did not take up any permanent full-time employment (including any type of vocational training to which remuneration is attached) after leaving school, excluding initial military service which he had to undergo after leaving school, as well as training or service in terms of Chapter X of these regulations and voluntary full-time military service which he rendered in a temporary capacity up to a maximum of 12 months without a break after his initial military service and/or work during vacations or temporary full-time employment which he had taken up between -

(aa) leaving school and the commencement of the academic year; or

(bb) leaving school and the commencement of such military service; and/or

(cc) the completion of such military service and the commencement of the academic year,

and had commenced his studies at such an institution at the commencement of the academic year following the completion of his schooling or military service; and

(ii) until -

(aa) he attains the minimum post-school qualification (or minimum combination of post-school qualifications which may include a post-graduate course up to a maximum of one year) at one or more residential post-school educational institutions which will enable him to take up employment in the field of study for which he originally intended to qualify himself; or



(bb) the normal duration of the course, as prescribed by the institution concerned, plus one academic year, expires, if it takes him longer than such prescribed period to attain the relevant qualification as a result of poor academic performance; or

(cc) he discontinues the relevant course of study; or

(dd) he changes his course of study and his total duration of study exceeds the normal duration of study contemplated in subparagraph (bb), plus one academic year,

whichever of the abovementioned events occurs first: Provided that if he during course of study contemplated in subparagraph (bb) has to interrupt his studies temporarily on account of medical reasons beyond his control with a view of resuming it later, he may with the authorisation of the Chief of the SA Defence Force (CSP) again be acknowledged as a dependant in respect of the remaining portion of his course of study as contemplated in the said subparagraph; or

(d) a relative of a member who is permanently resident with and necessarily dependent of him and whose income, *from any source*, does not exceed the sum of -

(i) the appropriate maximum *basic* social pension as prescribed by regulations promulgated in terms of -

(aa) the Social Pensions Act, 1973 (Act No. 37 of 1973), by-

the Minister of Health, Welfare and Pensions in respect of Whites; or

the Minister of Internal Affairs in respect of Indians; or

the Minister of Co-operation and Development in respect of Blacks; or

(bb) the various Acts on Social Pensions by the Minister of Health, Welfare and Pensions in respect of Coloureds; *plus*

(ii) the maximum allowance for a war veteran to whom a social pension has been awarded; *plus*

(iii) the maximum allowance paid to a person as a result of a late application

for a social pension.

and if the relative concerned is a social pensioner, then any allowances other than those mentioned in subparagraphs (ii) and (iii) above, which he may receive in terms of the relevant regulations referred to above, eg. an attendant's allowance, should be ignored for the purposes of this paragraph: Provided that where two relatives so reside with him and are dependent on him and where the one relative would normally have been a dependant of the other relative, for instance a father and a mother, both such relatives may be regarded as members of his household only if half of their joint income, from any source, does not exceed the sum of the maximum *basic* social pension in question and the allowances contemplated in paragraphs (i) to (iii) above; and

(e) not more than two servants (including nursemaids) employed in a full-time capacity by the member.

[Definition of "household" substituted by GN R1723/91]

(v) **"member"**, means a member of the SA Defence Force; (vii)

(vi) **"pay"**, means the annual salary of a member including pensionable allowances;  
(ix)

(vii) **"personal effects"**, means the movable property of a member and that of his household which is normally applied to personal use including vehicles but excluding livestock, domestic animals and pets; (viii)

(viii) **"the Act"**, means the Defence Act, 1957 (Act 44 of 1957); (iii)

(ix) **"the territory"**, means the territory of South-West Africa and also the port and settlement of Walvis Bay and the Caprivi-Zipfel. (ii)

## Gratuities

### Gratuity to members who have been enrolled in terms of Regulation 3 (2) of Chapter III or Regulation 4 (3) (b) of Chapter IV

2. ....

[Reg. 2 substituted by GN R623/76 and repealed by GN R882/2000]

**2A.** A gratuity, the value of which may from time to time be approved by the Minister, may be paid to members who are bound to service in a contractual capacity and to which

contract gratuities are provided for.

[Reg. 2A inserted by GN R882/2000]

3. ....

[Reg. 3 amended by GN R623/76 and repealed by GN R882/2000]

4. ....

[Reg. 4 repealed by GN R882/2000]

### **5. Service gratuity to members rendering temporary whole-time service in terms of section 20 of the Act**

A service gratuity to an amount and on the conditions determined from time to time by the Treasury on the recommendation of the Public Service Commission, may be paid to a member who after he has rendered the service referred to in [section 22](#) (3) (a) of the Act at the end of such service, without a break in service, renders temporary whole-time service in the Citizen Force in terms of [section 20](#) of the Act for a period of 12 months which may be extended without a break in service for a further period of not more than 12 months.

### **5A. Service gratuity to a member voluntarily rendering extended service in terms of section 22 (6A) or 44 (5A) of the Act**

(1) A service gratuity to an amount determined from time to time by the Treasury on the recommendation of the Public Service Commission may be paid to a member who has bound himself to render the continuous extended service referred to in regulation 7 (9) of Chapter VII of these regulations on the completion of the said continuous extended service.

(2) No service gratuity shall be paid to a member who has bound himself for 18 or 24 months continuous service, whose service is terminated at his request or by reason of his misconduct before he has completed the said service.

(3) Notwithstanding sub-regulation (2) a member who has bound himself for 24 months continuous extended service and whose service is terminated at his request or by reason of his misconduct before he has completed the said service but after he has completed at least 18 months thereof, shall be paid the service gratuity which is, in accordance with Treasury authority, payable to a member who has bound himself for 18 months continuous extended service and has completed it.

(4) Subject to sub-regulations (2) and (3) a member who has bound himself for 24

months continuous service and whose services are terminated for any other reason or by reason of his attestation or appointment in the Permanent Force before he has completed the said service, may be paid an amount calculated on the basis of one-twelfth of the service gratuity in respect of each completed month of service in excess of 12 months, and a member who has bound himself for 18 months continuous service and whose services are also terminated for any other reason or by reason of his attestation or appointment in the Permanent Force before he has completed the said service, may be paid an amount calculated on the basis of one-sixth of the service gratuity in respect of each completed month of service in excess of 12 months.

(5) If the service of a member is terminated by his death after he has rendered at least 12 months continuous service, an amount determined in accordance with the basis laid down in sub-regulation (4), may be paid to his widow or if he has no widow, to his estate.

(6) The service gratuity payable in terms of Treasury approval and the provisions of this regulation, shall be reduced by 50 per cent in the case of an officer or employee of the State by virtue of the Public Service Act, 1957 (Act 54 of 1957), who has bound himself for continuously extended service and who has completed it.

[Reg. 5A inserted by GN R1365/74]

## **6. Subsidies to members of the commandos**

(1) A subsidy to an amount and on the conditions determined from time to time by the Treasury on the recommendation of the Public Service Commission, may be granted to members of a mounted section of any commando in respect of the use or purchase and maintenance of-

(a) horses;

(b) motor-cycles.

(2) An allowance to an amount and on the conditions determined from time to time by the Treasury on the recommendation of the Public Service Commission, may be paid to dog handlers.

## **7. Unit Expenses Grant**

(1) A grant, the amount of which may be determined by the Chief of the Arm of the Force concerned, may, subject to the instructions and directives of the Chief of the

SADF, be allotted annually to units of the Citizen Force and the commandos-

- (a) to meet expenses, other than expenses for which financial provision has otherwise been made, incurred in connection with the training of members and the promotion of their efficiency, morale and *esprit-de-corps*;
  - (b) to reimburse a commanding officer for personal expenses incurred by him in the discharge and execution of his duties and functions.
- (2) In the application of sub-regulation (1) members undergoing their initial period of continuous training, shall not be deemed to be members of the Citizen Force or the commandos.

## 8. Grant for Clerical Assistance

An annual grant in accordance with a scale approved from time to time by the Treasury on the recommendation of the Public Service Commission for the payment of a clerical assistant, may be made to a unit of the Citizen Force or to a commando that does not have the free clerical services of a member of the Permanent Force or of a civilian engaged against a vacancy on the establishment of the Permanent Force.

## 9. Rations

- (1) An unmarried member and any other member living in a mess for his own convenience, shall, subject to sub-regulation (2), pay for any rations supplied to him at the monthly tariff approved from time to time by the Treasury on the recommendation of the Public Service Commission.
- (2) Rations, which must be partaken of in a club or mess or is prepared and served by a club or mess in the field or at a workshop, are supplied at public expense to -
- (a) a married member, or a divorced or widowed member with dependent children and who maintains a *bona fide* household, as well as an unmarried member who has permission to live out, whilst the member -
    - (i) serves on board a sea-going ship of the South African Navy as a complement of that ship; or
    - (ii) attends a course or performs temporary duty at or away from the member's headquarters and is detailed to live in a club or mess;

- (b) a National Serviceman whilst undergoing his initial period of training, or a member of the Citizen Force or a Commando whilst he is undergoing continuous training or performs duty to which he is called-up: Provided that where rations cannot be supplied cost effectively, compensation in an amount approved from time to time by the Treasury on the recommendation of the Commission for Administration may be paid to the member concerned;
- (c) the following members, if admitted to a military medical institution-
- (i) a member of the Permanent Force or the Auxiliary Service and the dependants of such a member;
  - (ii) a National Serviceman;
  - (iii) a member of the Citizen Force or of a Commando who was admitted as a result of an injury or illness contracted whilst rendering service;
  - (iv) a member of the Permanent Force Medical Continuation Fund;
  - (v) a civilian admitted as a result of a disaster or a state of emergency under the circumstances as prescribed by the appropriate regulations;
- (d) a medical staff member executing an emergency operation during the night time, as well as a staff member performing after hours duty such as an officer off duty, a guard on duty, night flight exercises, including a chef;
- (e) a prisoner of war or any other person detained by the South African Defence Force;
- (f) a member in custody or detention, excluding a member to whom rations are normally supplied on a repay system and who does not forfeit his pay for the period in custody;
- (g) any member of the South African Defence Force performing duty in a declared operational area: Provided that a member to whom married quarters are supplied at public expense is excluded unless official duty is rendered away from the member's headquarters, in which case the member is entitled to free rations if he is brought on strength;

- (h) a National Serviceman requested by the South African Defence Force to live out: Provided that meals are partaken of in a mess or that meals are supplied by the mess at working places;
- (i) a cadet taking part in an official course;
- (j) a supervising member of a club or mess appointed in writing by the officer commanding for that purpose and who is normally a living-out member, when the member partakes of meals in that mess;
- (k) a member of the South African Defence Force attending a formal dinner which qualifies as a place of parade: Provided that the number of formal dinners in respect of which rations are supplied at public expense, are limited to two formal dinners per financial year per unit: Provided further that the cost of any further formal dinners in the same financial year are paid by the members attending;
- (l) a member transferred in the interests of the South African Defence Force, and the dependants of such member who are living in a club or mess for a period of seven days awaiting the arrival of their furniture in accordance with the appropriate transfer policy directives;
- (m) a member or employee of the South African Defence Force on detached duty performing duty away from the member's or employee's route form shall serve as authority to take him on strength at the club or mess at their destination in which case only additional club or mess fees is payable, which fees may be claimed back at the arrival at the member's or employee's station or headquarters.

[Subreg. (2) substituted by GN R1708/88]

### **Uniform and Accessories**

#### **10. Approval of uniform and accessories, etc.**

- (1) The design of each article of uniform and accessories as well as insignia and badges of rank for members of the SA Defence Force and the Reserve and the material from which such article of uniform, accessories, insignia and badges of rank shall be manufactured, shall be approved by the Minister.
- (2) Nobody will be allowed to wear any article of uniform or accessories of an other design or manufactured of other material as that approved by the Minister in terms of sub-regulation (1).



## 11. Dress Instructions

(1) The Chief of Staff Logistics shall, in consultation with the chief of the arm of the service, staff division or supporting Service concerned, issue instructions concerning-

- (a) the scales of issue of articles of uniform, including-
  - (i) ceremonial dress;
  - (ii) service dress, also known as “step-out dress”;
  - (iii) office dress;
  - (iv) mess dress;
  - (v) field dress, as well as overalls;
  - (vi) dress for chefs; and
  - (vii) dress for physical training and sport,

as well as the and equipment thereto and the manner of wearing thereof, by members of the South African National Defence Force and the reserve who have been called up or ordered to render service, as the case may be;

- (b) the articles of uniform and equipment which, subject to sub-regulation (3), shall be in the possession of a member at all times; and
- (c) all other matters related thereto.

(2) Such instruction shall be known as the dress instructions and shall be published from time to time in force orders or in logistics pamphlets of the South African National Defence Force.

(3) Articles of uniform and equipment, excluding rank and corps insignia, issued to a member of the reserve prior to such member’s transfer to the reserve, shall, from the time upon which such person is transferred to the reserve, be regarded not to be part of his or her uniform or equipment, as contemplated in [section 55](#) (1) of the Act.

(4) A member of the Reserve who on 18 July 1997, is in possession of any of the articles of uniform or equipment referred to in sub-regulation (3)-

(a) may, subject to paragraph (b), return it to any unit of the South African National Defence Force, who may dispose of it as the Minister may determine in terms of [section 76](#) (2) (e) of the Act; and

(b) shall return all rank and corps insignia, contemplated in sub-regulation (3), issued to him or her by the South African National Defence Force, without delay to any unit of the said force.

(5) A member of the South African National Defence Force or the reserve may return any article of uniform or equipment (including rank or corps insignia) which, as a result of an amendment, repeal or substitution of a dress instruction, is no longer deemed to be an article of uniform or equipment of the said force, to any unit of the said force, who may dispose of it as the Minister may determine in terms of [section 76](#) (2) (e) of the Act.

(6) A member of the reserve, who has been issued with articles of uniform and equipment in terms of sub-regulation (1) (b), shall maintain such articles of uniform and equipment in good order: Provided that-

(a) if such member is no longer a member of the reserve, such articles of uniform or equipment may be returned to any unit of the South African National Defence, who may dispose of it as the Minister may determine in terms of [section 76](#) (2) (e) of the Act;

(b) such articles of uniform or equipment may be replaced, by way of exchange, if such articles of uniform or equipment no longer fit a member or have become unserviceable as a result of wear and tear or a change in the design or material used for the manufacturing of such articles or equipment; or

(c) if such articles of uniform or equipment are stolen, such articles of uniform or equipment may be replaced in accordance with the dress instructions referred to in sub-regulation (1) (a), provided that he or she submits an affidavit, providing full details of the theft, as well as the details of the articles of uniform or equipment that have been stolen.

[Reg. 11 substituted by GN R951/97]

## 12. Uniform and accessories for other ranks of the Permanent Force

(1) Another rank shall on enrolment in the Permanent Force be provided at Government expense with articles of uniform and accessories in accordance with the scale determined in the instructions for dress and, subject to regulation 15, he will be obliged to maintain for the whole of his service in the Permanent Force, the articles of uniform and accessories in accordance with the appropriate scale of the instructions for dress.

(2) No articles of uniform or accessories shall be issued to an other rank who within 12 months of a previous period of service in the Permanent Force, is again enrolled in such Force: Provided that the Director General Personnel may, if in his opinion circumstances justify it, grant authority for the issue at Government expense to such member of articles of uniform or accessories within the scale referred to in sub-regulation (1).

### **13. Change of uniform or accessories of other ranks**

The Quartermaster General may authorise the issue at Government expense, either by way of exchange or as a free issue, of any article of uniform or accessories to any other rank of the SA Defence Force who-

- (a) pursuant to the relative instructions for dress and as a result of his transfer from one unit, corps or arm of the Force to another unit, corps or arm of the Force;
- (b) owing to an alteration in the relative instructions for dress or as a result of his promotion;

is required to replace or alter any article of uniform or to acquire any additional article of uniform or accessories.

### **14. Retention of uniform on discharge**

(1) An other rank of the Permanent Force who is discharged prior to the completion of three years service and who is under the age of 25 years on the date of such discharge, shall keep the clothing and accessories issued to him in terms of regulation 12 available for use in the Citizen Force or the commandos if he is due to be allotted to the Citizen Force or the commandos in terms of [section 67](#) (2) (c) of the Act: Provided that an other rank who is not thus due to be allotted and who-

- (a) is discharged from the Permanent Force prior to the completion of one year's service shall return the clothing and accessories issued to him in terms of regulation

12, excluding items which the Chief of the SADF, may determine from time to time;

(b) is discharged from the Permanent Force after completion of one year's service may retain the clothing and accessories issued to him in terms of regulation 12.

(2) An other rank shall be discharged only after he has returned equipment issued to him on loan or has made good any shortages.

## **15. Protective clothing and professional clothing**

Members who are frequently employed on duties of a nature which render their clothing liable to damage, or who owing to the nature of their profession have to wear special designed clothing and accessories, shall be provided at Government expense or on loan with overalls and such clothing and accessories in accordance with a scale determined from time to time by the Quartermaster General in consultation with the Chief of the Arm of the Force or Head of Section concerned.

## **16. Uniform and accessories for other ranks of the Citizen Force and the commandos**

(1) An other rank who is liable to serve in the Citizen Force or the commandos in terms of [section 21](#) or [35](#) of the Act or who has engaged himself to serve voluntarily in the Citizen Force or the commandos in terms of [section 19](#) or [36](#) of the Act, may be provided at Government expense with articles of uniform and accessories in accordance with a scale determined from time to time by the Quartermaster General in consultation with the Chief of the Arm of the Force or Head of Section concerned and such other rank shall at his own expense maintain such items of uniform or accessories: Provided that while an other rank so serves, monies appropriated by Parliament for the purpose may be applied in respect of such member to-

(a) the resoling of two pairs of shoes or boots;

(b) replacement, by means of exchange, of any item of uniform or accessories which, in the opinion of his officer commanding or an officer authorised thereto by him, has been outgrown by such other rank or has become unserviceable as a result of fair wear and tear.

[Subreg. (1) substituted by GN R314/76]

(2) if an other rank who is rendering his initial period of service in terms of [section 21](#)

or [35](#) of the Act, is discharged before he has completed such period, he shall return the articles of uniform and accessories issued to him in terms of sub-regulation (1) to his officer commanding.

(3) An other rank enrolled in terms of [section 20](#) of the Act for temporary whole-time service in the Citizen Force, may, for the first year of his service, be provided at Government expense with articles of uniform and accessories in accordance with a scale determined from time to time by the Quartermaster General in consultation with the Chief of the Arm of the Force or Head of Section concerned and such member shall maintain such articles of uniform and accessories at his own expense for the whole period of his service.

[Subreg. (3) deleted and Subreg. (4) renumbered to (3) by GN R314/76]

## **17. Loss of or damage to clothing, etc, on duty**

(1) Where an article of military clothing or accessories of a member of the SA Defence Force has, as a direct result of the performance of military service, been lost or damaged, such article or accessories shall be replaced on the authority of the Chief of the SADF at Government expense: Provided that-

(a) this sub-regulation shall apply only to the articles of uniform and accessories which the member concerned is required to possess in terms of the instructions for dress;

(b) replacement shall be considered only where the officer commanding the command or group concerned has certified-

(i) that with due observance of the nature of the military duty that had to be rendered, every possible precaution was taken to avoid loss or damage;

(ii) that such loss or damage is not the result of fair wear and tear.

(2) The unit commander concerned may authorise the issue on loan of any article of clothing or accessories required for the efficient performance of military duty by a member who has lost or damaged a similar article or accessories in the circumstances referred to in sub-regulation (1) pending a decision by the Chief of the SADF in respect of the replacement thereof.

(3) The Chief of the SADF, may authorise the payment from Government Funds of the amount determined by him as compensation for the loss of or damage to an article

of clothing or other personal effects of a member, except military clothing or accessories, in the circumstances referred to in sub-regulations (1): Provided that-

- (a) this sub-regulation shall apply only to an article of clothing or personal effects which, in the opinion of the Chief of the SADF, had, by virtue of the military duty of the member concerned, necessarily to be worn by the member or to be in his possession at the time of such loss or damage;
  - (b) no compensation shall be paid in respect of jewellery other than one watch per member.
- (4) For the purposes of sub-regulation (3) “personal effects” shall include spectacles, contact lenses, false teeth, hearing aids or other similar aids.

### **Arms, Ammunition Other Loan Equipment**

#### **18. Issue of loan equipment**

Loan equipment consisting of arms, ammunition, webb equipment and the other accessories and apparel determined by the Chief of the SADF, may be issued to a member against his personal account.

#### **19. Care and custody of loan equipment**

Loan equipment remains the property of the State and a member to whom such equipment has been issued in terms of regulation 18 of this chapter, shall-

- (a) at all times keep it in his personal possession or in safe custody and if it is lost, report the loss forthwith to his officer commanding and the SA Police;
- (b) maintain it in good order and condition and shall make no structural alterations to it, without the authority of the Chief of the Arm of the Force concerned;
- (c) use it only for military purposes and in the case of a member the Citizen Force or the commandos bring it with him when reporting for training, inspection or any other duty;
- (d) return it if his services are terminated or when he is ordered to do so by his superior officer.

## 20. Purchase of rifles

(1) Subject to [section 40](#) of the Act a member of the commandos enrolled in terms of [section 36](#) of the Act, may be allowed to purchase a rifle from available Government stores at a price determined by the Comptroller, SADF, in consultation with the Treasury, provided-

(a) he applies therefor in writing through his officer commanding and at the same time acknowledges that he is conversant with the conditions of purchase of a rifle in terms of [section 40](#) of the Act and these regulations;

(b) he acknowledges that he is aware of the fact that, while he is a member of a commando he may not sell, barter, pledge or otherwise dispose of the rifle without the permission of the officer commanding the command concerned and before he at any time sells, barter, pledges or otherwise disposes of the rifle, any customs duties payable in respect thereof, shall be paid to the Commissioner of Customs and Excise;

(c) he complies with the conditions stipulated in paragraphs (a), (b) and (c) of regulation 19 of this chapter until such time as the certificate referred to in subsection (5) of section 40 of the Act has been issued to him.

(2) Any power, duty or function conferred or imposed by any provision of [section 40](#) of the Act upon a prescribed authority or a prescribed officer, shall be exercised or discharged by the officer commanding the command concerned.

### 20A. Inspection of rifles, ammunition and accountments

For the purpose of [section 41](#) of the Act, the officer commanding of a commando is the prescribed officer referred to in the aforementioned section and as such has the power to call up members of his commando for the inspection as contemplated by the aforementioned section 41.

[Reg. 20A inserted by GN R38/94]

## 21. Grants in Respect of Rifle Ranges

Each financial year an amount shall, with the approval of the Treasury, be placed on the Defence Budget to defray the costs of the construction and maintenance of rifle ranges normally used by the commandos, the erection of targets, the provision of material and range stores, transport and payment of incidental expenses but not for the fees of a market



or recorder.

## **Official Travelling and Transport**

### **22. Economy and control**

- (1) All official journeys shall be approved by the Chief of the SADF, who shall ensure that they are necessary and in the interests of the SA Defence Force.
- (2) A member shall travel by the most economical means, as expeditiously as circumstances permit, and, subject to regulation 24 of this chapter, by the shortest route.
- (3) If a member has without proper authority, travelled by means of transport other than the official approved transport, and as a result thereof involves greater expenditure on transport, the amount payable to him in reimbursement of his travelling costs shall be limited to what it would have cost had he observed the provisions of sub-regulation (2), and if he has so travelled on a Government order or by means of Government-owned transport, he shall refund the expenditure unnecessarily incurred.

### **23. Transport expenses**

Subject to regulations 22 to 28 of this chapter, a member who is required to travel on official duty shall be reimbursed the cost of conveying himself and his necessary personal luggage as well as all reasonable expenditure incurred in connection with taxi hire (where Defence, Government or contract transport is not available), portorage, landing or shipping fees and other incidental services.

### **24. Means of transport to be used**

- (1) A member who is required to travel on official duty in the Republic or the territory shall, except if Defence transport is used, perform his journey by train or railway bus (including a luxury railway bus if a more economical means of transport is not available) and if the journey cannot be performed by train or railway bus, the member shall travel by the cheapest public transport available.
- (2) Subject to the instructions which may be issued by the Treasury on the recommendation of the Public Service Commission, the Chief of the SADF may, if he is satisfied that the public interest will thereby be better served, irrespective of whether it is possible to undertake the journey by another means of transport, authorise a member to undertake an official journey by air within the borders of the Republic, the territory,

Lesotho, Botswana and Swaziland: Provided that the Chief of the SADF and an officer with a salary equal to or higher than the notch of R12 000 per year may at his own discretion travel by aeroplane if the public interest is thereby better served.

**25.** Subject to the provisions of regulation 23, official journeys to, from, between places and in places outside the Republic or the territory, shall, with due regard to the salary and any allowance payable to the member during the period of the journey as well as any other expenditure, be undertaken by the cheapest means of public transport available, including transport by aeroplane.

**26.** The Chief of the SADF may authorise a member to make an official journey by means of private transport if he is satisfied that the public interest will be better served thereby, irrespective of whether it is possible to make the journey by means of Defence, Government, Public or contract transport.

**27.** Notwithstanding anything to the contrary contained in these regulations-

(a) the Chief of the SADF may, if he deems it expedient, requisition on a Government Garage or a person having a transport contract with the Government for such transport as he may require to make an official journey, or, alternatively, use his privately owned transport; and

(b) a member may, at his own discretion, use privately-owned transport to make an official journey: Provided that-

(i) he shall travel by such transport at his own risk in so far as this provision is not in conflict with the provisions of the Workmen's Compensation Act, 1941 (Act 30 of 1941), as amended; and

(ii) such transport shall not be used on official duty instead of locally available Defence transport.

**28.** Where a member uses privately-owned motor transport to make an official journey, he may be paid-

(a) in the case of motor transport used in terms of regulation 26 or 27 (a) of this chapter, such mileage and passenger allowances as may be approved by Treasury on the recommendation of the Secretary for Transport;

(b) in the case of motor transport used in terms of regulation 27 (b) of this chapter, an

amount equal to what it would have cost at Government rate, where applicable, had the member and any official passenger accompanying him travelled over the most economical route by train, railway bus or any other public transport (including the expenditure which would have been defrayed from public funds to convey such member and his passenger to and from the railway station, bus stop, port or airport at the points of departure and arrival) or in the absence of such public transport, by any other means but subject to regulation 22 (1) of this chapter: Provided that-

- (i) reimbursement for the use of such privately-owned transport shall not exceed the approved mileage and where applicable, passenger allowances referred to in paragraph (a);
- (ii) expenditure incidental to journeys by public transport such as portorage et cetera, be disregarded for the purposes of this paragraph;
- (c) in the case of other transport, an amount recommended by the Public Service Commission and approved by Treasury.

## **29. Class in which members are entitled to travel**

All members travelling by train in the Republic, the territory, Rhodesia, Mocambique, Malawi, Lesotho, Botswana or Zambia, shall travel in the first class: Provided that if accommodation is available for him in the second class, a coloured member of the rank of corporal or of a lower rank shall travel by that class.

**30.** When the Chief of the SADF or an officer with a salary of R12 000 per year or higher is travelling on official duty, he may, at his own discretion, use any rail service provided by the South African Railways, and if he is entitled to take his family with him at Government expense, his wife and children, including adopted children, but no other persons of his household, may use the same train service as he does irrespective of whether or not the wife and children are accompanied by him: Provided that where the children travel unaccompanied by either of the parents, the expenditure payable from Government funds in respect of the children shall be limited to that which would have been incurred had they travelled by first class.

**31.** A member travelling by train in countries or territories other than those referred to in regulation 29, will travel in the class which in the opinion of the Chief of the SADF is in keeping with such member's status with due regard to the Class by which persons having a comparable status travel in the country or territory concerned.

**32.** Subject to regulations 33, 34 and 35, an officer and a white warrant officer travelling by ship will travel in the first class and an other rank in the second class.

**33.** If accommodation in a class on a ship is divided into various grades, the member shall travel in the cheapest accommodation in the class prescribed: Provided that -

(a) if it is justified by the circumstances, the Chief of the SADF may authorise the member to travel in a more expensive grade;

(b) the Chief of the SADF may, at his own discretion, travel in any grade.

**34.** If a member, who has to travel in the second class, is required to travel by ship which has only first class and cabin or first class and tourist class accommodation available, such member shall travel in the cabin class or tourist class, as the case may be: Provided that where only first class accommodation is available, the member may travel in the first class.

**35.** A junior member travelling on official duty with a senior member or high ranking personage may, at the discretion of the Chief of the SADF be permitted to travel in the same class as the senior member or personage.

**36. Transport at Government expense for members of the Citizen Force and the commandos**

(1) A member of the Citizen Force or the commandos who permanently or temporarily resides or who intends taking up residence more than one mile from the place at which-

(a) he is required to report for any training camp, course, training exercise or special duty or service in terms of Chapter X of the Act; or

(b) he may, in the course of his duty, be when such camp, course, exercise or duty or service ends, or when he is released, exempted or discharged therefrom;

shall, subject to the other provisions of this regulation, be required to travel to any such place or to return therefrom to his place of residence by public or Government transport, the cost of which shall be defrayed from Government funds: Provided that-

(i) such member shall, in respect of any journey to be undertaken in terms of this regulation designate the place of residence from and to which he required to be conveyed;

(ii) no place beyond the borders of the Republic may be designated unless the member concerned is physically present there at the time of such nomination or has travelled from such place when reporting for such camp, course, exercise, duty or training.

(2) Where a member to whom leave of absence has been granted in terms of Chapter VI of these regulations, makes use of public or Government transport to proceed from or to return to his place of training, duty or service, the cost of such transport shall not be met from Government funds, except where-

(a) he proceeds on or returns from -

(i) compassionate leave granted in terms of regulation 26 (1) (a) of Chapter VI of these regulations;

(ii) leave granted in terms of regulation 29 of Chapter VI of these regulations;

(iii) vacation leave exceeding seven days;

(iv) service leave;

(v) undetermined leave without pay granted to him not at his own request;

(vi) any period of absence authorised in terms of regulation 27 or 43 of Chapter VI of these regulations;

(vii) special leave for isolation purposes in respect of which he is required to travel between such place of isolation and a place of training, duty or service;

(b) he is granted leave without pay for a determined period during any period of training, any course or special duty to which he is not required to return at the termination of such leave.

(3) The cost incurred in respect of such journey shall, except on the authority of the Director General Personnel, not exceed the cost of any first class single or return ticket by public or Government transport, as the case may be, between such place of training or duty and the normal place of residence of the member concerned or in the case of compassionate or service leave, the residence of his next-to-kin: Provided that the cost

incurred for any journey to or from a place of isolation shall be met in full from Government funds.

(4) A member of the Citizen Force or the commandos referred to in sub-regulation (1) or (2) who, owing to the non-availability of public or Government transport from his residence to the nearest railway station or other public transport point is required to make use of a private motor vehicle, shall be compensated for the use of such vehicle at the mileage rate referred to in regulation 28 (a).

(5) Subject to sub-regulation (6), a member of the Citizen Force or the commandos who is entitled to use public or Government transport in terms of sub-regulation (1) or (2) may instead of using such transport travel to or from any place referred to in that sub-regulations by private motor vehicle and shall, if he has so travelled be paid an allowance not exceeding the cost to the Government of the said public or Government transport and the allowance which may in terms of sub-regulation (4) be due to him.

(6) Where a troop train or other Government transport has been made available specially for the transportation of members of the Citizen Force or the commandos to or from any place referred to in sub-regulation (1) or (2) and any member for whom such transport has been made available has used a private motor vehicle to travel to or from such place, he shall not be paid any compensation except such allowance as would have been payable to him in terms of sub-regulation (4) had he used such troop train or other Government transport.

(7) The cost incurred in connection with any member of the Citizen Force or the commandos who, in terms of sub-regulation (1) or (2), is required to travel by rail, shall not exceed-

(a) in the case of an officer or a warrant officer, the first class rail fare payable by the State; and

(b) in the case of other members, the second class rail fare payable by the State.

(8) Any member of the Citizen Force or the commandos who in terms of sub-regulation (4) or (5) makes use of a private motor vehicle to travel to or from any place referred to in sub-regulation (1), (2), (3) or (4), and conveys as a passenger in such vehicle any other member who is required to travel to or from such place and for whom no other official travel arrangements have been made, shall in respect of such passenger, be paid an allowance at the rate approved by the Treasury on the recommendation of the Secretary for Transport in respect of other officials or employees of the State: Provided



that no such allowance shall be payable in respect of more than three such passengers.

(9) Notwithstanding the other provisions of this regulation an officer granting leave of absence in terms of regulation 27 (1) of Chapter VI of these regulations or granting leave of absence for more than seven days in terms of regulation 26, 27 (2), 47 or 48 of Chapter VI of these regulations, may authorise the member concerned to travel to and from his destination as if on duty with full pay: Provided that the travelling time so authorised shall be limited to the shortest time which will necessarily be spent in travelling by Government or public transport.

### **37. Transport on appointment to commissioned rank**

Subject to the provisions of these regulations relating to means of transport and class of travel, a person who is not already a member of the Permanent Force and who-

(a) resides in the Republic or the territory and is appointed to commissioned rank in the Permanent Force, may be granted free transport from his place of residence to the place at which he has been instructed to assume duty;

(b) resides outside the territory and is appointed to commissioned rank in the Permanent Force in a post in the territory may, in addition to the free transport referred to in paragraph (a), be granted free transport for his household and personal effects from De Aar to his designation on the basis determined in regulations 40 and 42 (3) (a), (b), (c), (d), (e), (f) and (g) of this chapter.

### **38. Transport for candidates for attestation**

(1) Subject to sub-regulation (2), a candidate for attestation may be granted free transport within the Republic or the territory for himself first class by rail or by railway bus from his place of residence to the place where he is instructed to report: Provided that if such candidate refuses or fails to attest (except for reasons beyond his control) he shall be liable to refund the cost of such transport at public rates.

(2) Where a candidate referred to in sub-regulation (1) is not attested for reasons beyond his control, free transport as determined in sub-regulation (1) may be granted to him from the place where he was instructed to report to his place of residence.

### **39. Transport for other ranks who are minors on discharge**

The Chief of the Arm of the Force or Head of Section concerned may provide an other rank



who-

- (a) is a minor;
- (b) is discharged from the Permanent Force for any reason whatsoever; and
- (c) has no means wherewith to defray the cost himself;

with free transport in the Republic and the territory for himself, second class by rail or by railway bus from the place of his discharge to the place his parent or guardian is resident.

### **Transfer Expenditure and Transport Facilities**

**40.** .....

[Reg. 40 repealed by GN R882/2000]

**41.** .....

[Reg. 41 repealed by GN R882/2000]

**42.** (1) If a member is transferred at Government expense, it is deemed that he is travelling on official duty and he may be-

- (a) granted the privileges prescribed in this chapter: Provided that members of such member's household may be deemed to be official passengers;
- (b) paid subsistence allowance at a rate recommended from time to time by the Public Service Commission in terms of [section 82bis](#) of the Act and approved by Treasury;
- (c) paid subsistence allowance at the full rate applicable to him in respect of each member of his household who is 11 years old or older, and at half such rate in respect of each other member, for the period in travelling from one headquarters to another: Provided that only the reasonable living expenses actually and necessarily incurred in respect of a servant may be refunded to him.

(2) The household and personal effects of a member transferred at Government expense, shall be transferred within two calendar months of the date on which his services at his old headquarters terminated: Provided that the Chief of the SADF may defer the transfer of such household and personal effects.

(3) .....

[Subreg. (3) repealed by GN R882/2000]

(4) .....

[Subreg. (4) repealed by GN R882/2000]

(5) .....

[Subreg. (5) substituted by GN R1387/76 and repealed by GN R882/2000]

**43.** .....

[Reg. 43 repealed by GN R882/2000]

**44.** .....

[Reg. 44 repealed by GN R882/2000]

**45.** .....

[Reg. 45 repealed by GN R882/2000]

**46.** .....

[Reg. 46 repealed by GN R882/2000]

**47.** Notwithstanding the provisions of regulation 46 of this chapter, the Chief of the SADF may grant the transfer privileges prescribed in regulation 43 to a member (or his household in the event of his death) who is stationed abroad and who qualifies for the benefits in regulation 46 of this chapter on termination of services or death: Provided that the expenditure be limited to the cost of a transfer to the previous headquarters of the member in the Republic or the territory and that the benefits prescribed in regulation 46 may be granted afterwards, if necessary.

## **48. Military Funerals**

(1) The remains of a member of the Permanent Force and a member of the Citizen Force or the commandos who dies as a result of or during the performance of military service, may, subject to the other provisions of this regulation, be transported and buried at Government expense within the Republic and the territory.

(2) The remains of-

(a) a member of the Permanent Force who dies while performing service away from his headquarters, may be transported to such headquarters for burial;

- (b) a member of the Permanent Force who dies under circumstances other than that referred to in paragraph (a), may be transported at Government expense for burial in a cemetery at the place of death or if there is no cemetery at such place, to the nearest cemetery;
- (c) a member of the Citizen Force or the commandos who dies as a result of or during the performance of military service, may be transported at Government expense for burial at any place in the Republic or the territory indicated by the next-of-kin.
- (3) Where the remains of a member of the SA Defence Force have to be transported at Government expense, transport by rail shall be used: Provided that where no rail facilities, are available for the whole or any part of the journey and where military transport cannot be readily made available for that purpose, the remains may, subject to sub-regulation (4), be transported by a Government contractor or a funeral contractor which is in the best position to perform the service.
- (4) The funeral expenses of a member referred to in sub-regulation (3), shall not exceed the contract price payable by the State to a Government contractor for the burial of a person of the same race and military or social rank as the deceased: Provided that where any service relating to the transportation of the remains to, or at the place of burial, is required and no Government contractor has been appointed at such place, the expenses pertaining to such service shall be restricted to the amount which would have been payable to a contractor to render the service to the best advantage at the said place.
- (5) For the purposes of sub-regulation (2), a member of the Permanent Force shall be deemed to be on official duty also when he is away from his headquarters for the purposes of medical or dental treatment.

#### **49. Exceptional Circumstances**

If circumstances arise which in the opinion of the Chief of the SADF justify a departure from any provision of this Chapter, he may on the recommendation of the Public Service Commission, where necessary, and subject to Treasury approval where expense to the State is involved, authorise such departure.

**50.** The Minister may, if he deems it expedient for the efficient administration of the SA Defence Force, delegate any power, duty or function which has in terms of this chapter been conferred or imposed upon or entrusted to him, to an officer of the Permanent Force

on such conditions as he may determine.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS CHAPTER VI

Published under General Notice 597 in *Government Gazette* 24964 of 7 March 2003.

The Minister of Defence has, under [section 87](#)(1)(f) of the Defence Act, No 44 of 1957, made the regulations set out in this Chapter, with effect from 1 January 2003.

EXPLANATORY NOTE: This Regulation, replaces the General Regulations Chapter VI, as promulgated in 2000. A new set of regulations is issued in order to accommodate new changes and instructions within the SANDF.

### CHAPTER VI

#### LEAVE OF ABSENCE

##### PART I: GENERAL MEASURES

1. [Application](#)
2.
3. [Regulating Leave of Absence](#)
4. [Leave and Leave Gratuity](#)
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10. [Vacation Leave with Full Pay in Excess of Annual Entitlement](#)
11. [Vacation Leave without Pay](#)
12. [Transfer of Leave Credit and Recognition of Other Service](#)
13. [Leave Granted to Chief of the SANDF](#)
14. [Discounting of Leave](#)

#### 1. Application

The regulations relating to leave of absence are applicable to members of the Permanent Force (hereinafter referred to as the Regular Force) and the Citizen Force and Commandos

(hereinafter referred to as the Reserve Force).

2. The regulations relating to leave of absence for members of the Regular Force are, subject to the necessary changes or amendments, also applicable to members of the Reserve Force rendering temporary whole-time service in the South African National Defence Force.

### 3. **Regulating Leave of Absence**

The processes and procedures for regulating the leave of absence for the Regular Force and the Reserve Force (including the proper recording and accounting thereof) shall be prescribed in Departmental Instructions and such Administrative Operating and Technical Policies as may be required.

### 4. **Leave and Leave Gratuity**

Members are entitled to vacation leave with full pay during each annual leave cycle of 12 months commencing on 1 January of any year and ending 31 December of the same year, but may be refused such leave if the exigencies of service in the South African National Defence Force, which may include military operations, exercises and training (as an integral part of operations or exercises), do not permit the absence of a member from duty. If for such reasons leave was refused, provision shall be made to compensate a member either through the rescheduling of such leave or if that is not possible, a cash payout.

5. No member is entitled, on the termination of his or her service owing to any offence in terms of the Military Disciplinary Code (MDC), or dismissal from the South African National Defence Force due to a sentence of imprisonment passed by a competent court, to claim any payment in respect of the cash value of leave standing to his or her credit.

6. With effect from 1 April 2002 annual vacation leave will not be allowed to accrue. Leave accrued prior to this date will be capped with provisions to pay out such leave as a gratuity under specified circumstances. (However, all members of the Reserve Force are excluded from this provision).

7. A member who enrolls for a determined period of time and subsequently terminates his or her contract (in terms of such enrolment) before the expiration date thereof, will forfeit the leave to his or her credit and this leave will not be paid out

8. Taking into consideration service delivery imperatives, supervisors shall ensure that members utilise at least 10 compulsory, consecutive working days leave period per annual

leave cycle. Any remaining days must be utilised not later than six months after the expiration date of the relevant leave cycle, where after unused leave days will fall away.

9. Supervisors shall, when approving leave, at all times ensure that legitimate leave application forms are correctly completed.

## 10. **Vacation Leave with Full Pay in Excess of Annual Entitlement**

No member shall be granted leave with full pay in excess of that to which he or she is annually entitled, plus any capped leave he or she may have. When capped leave is applied for, the approval thereof shall depend on service delivery requirements.

## 11. **Vacation Leave without Pay**

A member's annual leave entitlement shall be reduced by one-twelfth for every fifteen days leave taken without pay, with the further provision that service delivery requirements shall determine the approval of such vacation leave without pay.

## 12. **Transfer of Leave Credit and Recognition of Other Service**

The previous service and any accumulated leave of a person who was in full-time employment of-

- (1) a State-aided school or training institution;
- (2) a State Department established by an Act of Parliament other than the Defence Act, 1957;
- (3) a body specifically established by an Act of Parliament or
- (4) any armed and statutory force as defined in section 1 of the Transitional Executive Council Act, 1993 (Act No 151 of 1993), and

who is appointed or enrolled without any break in service, is taken into account for leave purposes.

## 13. **Leave Granted to Chief of the SANDF**

The granting of leave to the Chief of the SANDF is subject to approval of the Minister, and the Minister may at any time cancel or convert any such leave already granted.



## 14. Discounting of Leave

Provision for the discounting of leave using the formula hereunder shall be made:

$$\frac{X}{260.714} \text{ multiplied by R}$$

where X is the number of days being discounted, R is the salary of the member at the time he or she qualified for such discounting, and 260.714 relates to the number of work days in a calendar year.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

Published under Government Notice R1983 in *Government Gazette* 2922 of 13 November 1970 and amended by:

GN R1365	GG 4354	9/8/74
GN R314	GG 4992	27/2/76

The State President has in terms of [section 87](#) (1) of the Defence Act, 1957 (Act 44 of 1957) made the following General Regulations for the South African Defence Force and the Reserve:

### CHAPTER VII

#### TRAINING

- [1. Training of Members](#)
- [2. Arrangement and Planning of Training](#)
- [3. Nature and Place of Training](#)
- [4. Detailing and Reporting for Duty](#)
- [5. Training on Sundays and Public Holidays](#)
- [6. Voluntary Additional Service](#)
- [7. Service of Members of the Citizen Force and the Commandos Enrolled in terms of Sections 21 and 35 of the Act](#)
- [8. Service Liability and Training of Members of the Citizen Force Enrolled in terms of Section 19 of the Act](#)
- [9. Service Liability of Members of the Commandos Enrolled in terms of Section 36 of the Act](#)
- [10. Specialised Training in the Citizen Force](#)
- [11. Training of the Permanent Force Reserve](#)
- [12. Trade Training and Testing](#)
- [13. Delegation of Powers, Functions and Duties](#)

#### 1. Training of Members

A member of the SADF or of any Reserve referred to in [section 51](#) of the Act, may be trained in the organisation, duties, functions and procedure applicable in time of peace or

war in respect of any Arm of the Force or Section of the South African Defence Force and any branch or corps of such Arm of the Force or Section and in any rank, appointment, classification or mustering in which such member may be required to serve in terms of [section 3](#) read with Chapter X of the Act, including-

- (a) command technique and staff duties;
- (b) training including training in the Cadet Corps;
- (c) the tactical employment and co-operation of armed forces;
- (d) intelligence;
- (e) irregular warfare.,
- (f) military administration, including management technique, provisioning, accounting procedures and military law;
- (g) technical and maintenance procedures;
- (h) physical training and recreational requirements;
- (i) instructional duties in any classification or mustering;
- (j) civil defence as envisaged by the Civil Defence Act, 1966 (Act 39 of 1966);
- (k) other military, academical and technical subjects as may in the opinion of an officer referred to in regulation 2 of this chapter, be necessary to qualify such member for any military or other duty which he may be required to perform.

## **2. Arrangement and Planning of Training**

(1) The Chief of every Arm of the Force or any Head of Section authorised thereto, shall arrange instruction courses and draw up syllabuses on the authority and in accordance with policy approved by the Commandant General, SADF, for members of his Arm of the Force or Section or for members in the appointments, classifications or musterings of the SADF which the Commandant General, SADF, may designate specifically or in general.

(2) Subject to subregulation (1), the Chief of every Arm of the Force or Head of

Section concerned, shall arrange in accordance with the provisions of regulation 1 of this chapter, in consultation with the Head of Section concerned, where necessary, and in accordance with the instructions of the Commandant General, SADF, the training of members allotted to and posted to his Arm of the Force or Section and in addition thereto, he is responsible to make arrangements for-

- (a) the necessary classes, courses and exercises in his arm of the Force or Section;
- (b) the determination of standards of efficiency;
- (c) the manner in and the conditions under which members shall be examined against such standards;
- (d) the equipping of training camps;
- (e) the determination within the limits of this chapter and [section 22](#) or [44](#) of the Act, of the nature and duration of the periods of service in any category or type which a member shall attend in every calendar year;
- (f) the determination of the additional service a member may be permitted to perform, with a view to his training and experience;
- (g) any other steps which in his opinion are necessary for the efficient training of members of his Arm of the Force or Section:

Provided that training, which involves the employment of more than one Arm of the Force or includes co-operation between Arms of the Force or with other Government Departments or training which the Commandant General, SADF, may specially designate for the purpose, may be executed on the instructions of and in the manner indicated by the Commandant General, SADF.

(3) The officer commanding a unit of the Citizen Force or the commandos shall submit, in accordance with the directives of the Chief of the Arm of the Force or Head of Section concerned, before the last day of December of every year, a training programme for his unit for the following year to the officer commanding the command or group concerned, for approval.

(4) The training programme referred to in subregulation (3), shall, subject to regulation 3 (1)-

- (a) reflect the date, nature, duration and place of every period of service during the year concerned;
- (b) with due regard to the training camps and courses which members of the unit concerned must attend on the instructions of the Chief of the Arm of the Force or Head of Section concerned, provide adequately for the continuous and non-continuous training to which every member of such unit may be liable during periods of service in terms of regulation 7 of this Chapter.

### **3. Nature and Place of Training**

(1) The training referred to in regulations 1 and 2 shall be conducted within SADF context according to the directions of the officer responsible therefor in terms of regulation 2 and shall take place during a period of service which may take the form of a training camp, a course, a training exercise, a period of instruction, a class, a shooting, tactical or administrative exercise, drill or other parade, or guard, administrative or other duty.

(2) Training in terms of this chapter may take place at a members unit or any training institution or other unit of the South African Defence Force or at any other institution in the Republic designated by the Commandant General, SADF, in consultation with the Treasury, where necessary: Provided that, with the approval of the Treasury, training of selected members may be arranged-

- (a) at any academic, technical or other civilian educational institution abroad;
- (b) with the armed forces of any other country.

(3) Training material including equipment, items of clothing and other necessities of any nature whatsoever may, in accordance with the directives and instruction of the Commandant General, SADF, be provided at Government expense to any part, formation, unit or training institution of the South African Defence Force or a member thereof.

### **4. Detailing and Reporting for Duty**

(1) The Chief of the Arm of the Force or Head of Section concerned shall detail a member of his Arm of the Force or Section to attend a period of service referred to in regulation 3 (1).

(2) A detailing order in terms of this regulation shall be in writing or in any other manner deemed expedient and shall reach the member concerned within a reasonable time before the date of commencement of the period of service to which it refers and shall at least reflect the date of commencement, place, duration and nature of the period of service.

[Subreg. (2) substituted by GN R314/76]

(3) If the date, place or duration of a period of service for which a member has been detailed, is changed, he shall, as far as possible, be notified of such change in writing.

(4) Unless the Chief of the Arm of the Force or Head of Section concerned otherwise directs, a member who has been detailed to attend a training camp, course or training exercise shall report on the day prior to the date of commencement thereof at the place appointed therefor.

## **5. Training on Sundays and Public Holidays**

With the exception of church and commemorative parades, no training of any nature whatsoever and no organised sports meeting shall take place on a Sunday or on Christmas Day, the Day of the Covenant, Good Friday or Ascension Day and no training to which a member may be liable in terms of the Act shall be conducted in peacetime on any public holiday.

## **6. Voluntary Additional Service**

(1) Members of the Citizen Force or the Commandos may be permitted to render voluntary additional service in terms of these regulations during a period of service referred to in regulation 3 (1) of this chapter.

(2) The Chief of the Arm of the Force or Section concerned may authorise members of the Citizen Force or commandos to attend a conference which he has arranged in the interests of Administration, training or discipline and the attendance of such conference is deemed to be voluntary additional service.

## **7. Service of Members of the Citizen Force and the Commandos Enrolled in terms of Sections 21 and 35 of the Act**

(1) The service to which a member of the Citizen Force is liable in terms of [section 22](#) (3) of the Act and a member of the commandos is liable in terms of [section 44](#) (3) of the Act, shall be rendered during a period of service referred to in regulation 3 (1).

(2) Service in terms of [section 3](#) (2) of the Act shall be rendered for such periods and at such places and in accordance with such directions and orders as may be determined from time to time by the Chief of the South African Defence Force.

(3) If the Chief of the Arm of the Force concerned is satisfied that, due to the civilian duties and commitments of a considerable number of members of a Citizen Force unit or a commando or for any other reason which he deems sufficient, it is impracticable to arrange a course of a training exercise for that unit or commando, he may instruct that continuous service in the form of a course or training exercise be dispensed with and that non-continuous service be rendered in lieu thereof.

(4) The officer commanding a unit of the Citizen Force or the commandos shall in January of each year report to the Chief of the Arm of the Force or head of section concerned on any member who has failed to render the service to which he is liable by virtue of [sections 22](#) (3) and [44](#) (3) of the Act.

(5) The service liability of a member shall be reduced by the period for which he has received exemption from service in terms of the Act and Chapter XIV of these regulations.

(6) A training camp, course or training exercises and any period of service which commences on one day, continues over midnight and ends on an ensuing day, shall be reckoned as service for the number of days on which it was rendered without a break, and any other period of service shall count as non-continuous service.

(7) Non-continuous service of-

- (a) eight hours duration on one day;
- (b) four hours duration on each of two days;
- (c) three hours duration on each of three days;
- (d) one and a half hours duration on each of six days,

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

(8) Service in terms of [section 38](#) of the Act or regulation 32A of the Cadet Corps Regulations rendered in connection with the Cadet Corps, shall be reckoned as service



to which a member of a commando is liable in terms of these regulations.

(9) Notwithstanding anything to the contrary in this regulation, a person liable to serve in the Citizen Force or the commandos in terms of [section 21](#) or [35](#) of the Act, may in terms of [section 22](#) (6A) or [44](#) (5A) of the Act, as the case may be, bind himself to render the service liability referred to in [section 22](#) (3) or [44](#) (3) of the Act in the Citizen Force or the commandos in one continuous period of service of not less than 18 months or not exceeding 24 months, on completion of which he cannot be compelled to render any further service by virtue of the said [section 21](#) or [35](#) of the Act.

(10) The service to which a member may be liable in terms of subregulation (9) shall be as prescribed in this chapter.

(11) A member who has bound himself in terms of subregulation (9) for continuous extended service, shall be released from his service engagement at the discretion of the Minister or a person acting under his authority, in which event he may be compelled to render the service referred to in [section 22](#) (3) or [44](#) (3) of the Act or so much thereof as the Minister or a person so acting may determine.

[Reg. 7 substituted by GN R1365/74]

## **8. Service Liability and Training of Members of the Citizen Force Enrolled in terms of Section 19 of the Act**

A member of the Citizen Force enrolled in terms of [section 19](#) of the Act, may be liable to undergo the training and render the service prescribed by this chapter and to render a period of continuous or non-continuous service not exceeding 19 days each year.

[Reg. 8 substituted by GN R1365/74]

## **9. Service Liability of Members of the Commandos Enrolled in terms of Section 36 of the Act**

(1) A member of the commandos, excluding a member of a commando squadron, enrolled in terms of [section 36](#) of the Act shall subject to [section 44](#) (2) and regulation 6 of this chapter be liable to render a period of continuous or non-continuous service not exceeding 19 days each year, and such member may be permitted to render the voluntary additional service referred to in regulation 2 (2) (f).

[Subreg. (1) substituted by GN R1365/74]

(2) A member of a commando squadron enrolled in terms of [section 36](#) of the Act, shall be deemed to have complied with the provisions of [section 44](#) (2) of the Act if he has rendered at least nine days service in one or more continuous periods in any

calendar year, excluding any additional service referred to in paragraph (f) of regulation 2 (2).

(3) An officer enrolled in terms of regulation 43 of the Cadet Corps Regulations shall not be liable, in addition to service in connection with the Cadet Corps, to render any service in terms of this regulation other than service which the Chief of the Army may deem necessary in connection with his training for promotion.

## 10. Specialised Training in the Citizen Force

(1) A citizen who-

- (a) has attained the age of 17 years and is not older than 25 years;
- (b) has obtained the certificate of the Joint Matriculation Board or any equivalent Certificate including English, Afrikaans and Mathematics as subjects;
- (c) is medically fit in accordance with the standard determined by the Surgeon General; and
- (d) resides at or near the place where he is to undergo his part-time training,

may apply to be enrolled in terms of [section 24](#) of the Act for the specialised training prescribed in subregulations (2) and (3).

(2) Such citizen may, if he is accepted for training, on enrolment in accordance with a special contract in terms of [section 24](#) of the Act, be appointed as a pupil pilot for service in the Force as a military pilot for a period not exceeding four years.

(3) The specialised training referred to in subregulation (2), shall include at least 200 hours flying training and at least 180 hours ground training which shall include the following-

- (a) weapons;
- (b) navigation;
- (c) aerodynamics;
- (d) meteorology;

- (e) aircraft instruments;
- (f) flying safety;
- (g) aircraft engines and engine handling; or
- (h) such other subjects as the Commandant General, SADF, may deem necessary for qualification as a military pilot,

and the citizen concerned may, subject to the provisions of the contract referred to in subregulation (2), in addition to at least two periods of continuous training, each not exceeding 30, days, be required by the Commandant General, SADF to undergo any part of his training as a pupil pilot on a part-time basis subject *mutatis mutandis* to the conditions applicable to non-continuous training referred to in [section 22](#) of the Act.

(4) Any citizen appointed in terms of this regulation shall, if he fails or refuses to comply with any provision of this regulation which he is liable to comply with, be guilty of an offence and, notwithstanding the consequences of the termination of the contract concerned, on conviction be punishable with a fine not exceeding R100 or imprisonment not exceeding six months.

## **11. Training of the Permanent Force Reserve**

The Commandant General, SADF, may, subject to the provisions of [section 51](#) of the Act and the other provisions of this chapter, after written notice of at least 30 days, require of a member of the Permanent Force Reserve to undergo the training referred to in regulation 1.

## **12. Trade Training and Testing**

(1) An apprentice or a learner operative or a technical other rank who has been designated for remustering, shall be trained in accordance with the directives issued from time to time on the authority of the Commandant General, SADF, to determine the standard of technical tuition, theoretical knowledge and proficiency to be attained that is required in terms of regulation 2 of Chapter IV of the Regulations for the Permanent Force for his reclassification as an artificer, artisan or operative in the trade concerned and he may be required to attend technical or educational classes on the conditions determined by the Commandant General, SADF

(2) No person shall be classified, reclassified or remustered in a technical mustering

as an artificer, an artisan or an operative unless he has proved through a trade test by a Trade Test Board that he has attained the standard referred to in subregulation (1).

### **13. Delegation of Powers, Functions and Duties**

Any power, function or duty which has, in terms of this chapter, been conferred or entrusted or imposed upon the Commandant General, SADF, a Chief of an Arm of the Force or a Head of a Section, respectively, may, if it is deemed expedient, be delegated by the Commandant General, or the said Chief of the Arm of the Force or Head of Section to an officer or official over whom he exercises command or authority on such conditions as he may determine.

# DEFENCE ACT 42 OF 2002

## AMENDMENT OF THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN NATIONAL DEFENCE FORCE

Published under Government Notice 481 in *Government Gazette* 28859 of 26 May 2006

I, Mosiuoa Gerard Patrick Lekota, Minister of Defence, hereby under [Section 82](#) of the Defence Act, 2002 (Act No. 42 of 2002), with the approval of the Minister of Finance, make the regulations in the Schedule.

### SCHEDULE

Chapter VIII of the General Regulations of the South African National Defence Force, promulgated under Government Notice No. R.1114 of 10 November 2000, as amended by Government Notice No. R.23978 of 1 November 2002, are hereby amended by the substitution for that Chapter of the following Chapter:

### CHAPTER VIII

#### GROUP LIFE INSURANCE SCHEME FOR THE DEPARTMENT OF DEFENCE

##### PART I

##### PRELIMINARY

- [1. Definitions](#)
- [2. Scope of Application](#)

##### PART II

##### ESTABLISHMENT OF SCHEME

- [3. Establishment of the Scheme](#)
- [4. Registered office of the Scheme](#)
- [5. Purpose of the Scheme](#)

##### PART III

##### MANAGEMENT OF THE SCHEME

- [6. Institution of a Board](#)

- [7. Management Committee of the Board](#)
- [8. Duties and Powers of the Board](#)
- [9. Appointment of principal officer](#)
- [10. Functions of the manager](#)
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- [12. Meetings and Decisions of the Board](#)
- [13. Legal capacity](#)
- [14. Special meetings of Board](#)
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#### **PART IV**

### **MEMBERSHIP**

- [16. Membership of Scheme](#)
- [17. Premiums Payable by Members](#)
- [18. Termination of membership](#)

#### **PART V**

### **BENEFITS**

- [19. Benefits payable by the Scheme](#)
- [20.](#)
- [21. Currency of payment](#)

#### **PART VI**

### **ADMINISTRATION**

- [22. Duty to keep records](#)
- [23. Copy of insurance policy](#)
- [24. Financing of the Scheme](#)
- [25. Actuarial valuation](#)
- [26. Accounting procedures](#)
- [27. Resolution of Disputes](#)
- [28. Amendment of the Insurance Policy](#)

#### **PART VII**

### **TERMINATION OF SCHEME**

[29. Termination of Scheme](#)[30.](#)[31. Investment of surplus funds on termination](#)**PART I****PRELIMINARY****1. Definitions**

In this Chapter any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context otherwise indicates-

**“actuary”** means a fellow of an institute, faculty or society of actuaries approved by the Minister of Finance;

**“beneficiary”** means in respect of a member of the Scheme -

- (a) the dependant or dependants, as the case may be, of the member;
- (b) if there is no dependant, the person or persons, as the case may be, identified by the member in his or her last will and testament; or
- (c) if no person has been identified as contemplated in paragraph (b), the person or persons, as the case may be, entitled to claim in accordance with the Intestate Succession Act, 1987 (Act No. 81 of 1987)

**“Board”** means the Group Life Insurance Scheme Management Board contemplated in [Regulation 6](#);

**“bodily injury and illness”** means permanent impairment of a member’s health status due to injury or illness;

**“business account”** means an account established for daily transactions in terms of a written agreement with the institution;

**“calendar month”** means a period extending from the first day of a month to the last day of that same month, both days being inclusive;



**“child”** means, in relation to a member of the Scheme, any-

- (a) legitimate child of a member through-
  - (i) a marriage recognised as a valid marriage in terms of the Marriage Act, 1961 (Act No.25 of 1961) or the laws of any country other than the Republic of South Africa or a customary marriage in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998)
  - (ii) the application of [section 4](#) of the Children’s Status Act, 1987 (Act No. 82 of 1987) or
  - (iii) a legally recognised adoption in terms of [section 18](#) of the Child Care Act, 1983(Act No. 74 of 1983) or a law of a foreign country and
- (b) any other biological child of a member who has a right of maintenance against that member, regardless whether that right has been exercised; but does not include a foster child placed in the care of the member or his or her spouse.

**“dependant”** means-

- (a) the spouse or spouses of a member of the Scheme as the case may be; or
- (b) if there is no spouse of a member of the Scheme, the minor child or children as the case may be of that member;

**“deployment”** means any activity, situation or action, but excluding service in defence of the Republic, inside or outside the borders of the Republic contemplated in [section 201](#)(2) (b) of the Constitution, where the action is authorised by the issuing of an Operations order by the Chief of the South African National Defence Force, including but not restricted to-

- (a) service in co-operation with the police service as contemplated in [Section 201](#)(2) (a) of the Constitution;
- (b) service in fulfilment of an international obligation as contemplated in [Section 201](#) (2)(c) of the Constitution;
- (c) the travelling of members of the Reserve Force who voluntarily perform, or are called up for military service, over the shortest route from their usual place of residence to the reporting point and back;

- (d) service in the preservation of life, health or property, including emergency and rescue operations and the provision or maintenance of essential services; and
- (e) service in support of any state department for the purpose of socio-economic upliftment;

**“financial year”** means a period extending from 1 April of a specific year until 31 March of the following year;

**“head of department”** means a person designated as such in [section 1](#) of the Public Service Act, 1994(Proclamation No. 103 of 1994)

**“impairment”** means an impairment or disability, as the case may be as provided for in the Insurance Policy issued by the insurer;

**“insurer”** means an authorised financial service provider appointed as such under [regulation 8\(j\)](#);

**“manager”** means an authorised financial service provider appointed as such under [regulation 8\(i\)](#)

**“member of the Board”** means a person appointed as such under [regulation 6\(1\)](#);

**“member of the Scheme”** means a person contemplated in [regulation 16](#);

**“NBC Occurrences”** means death or disability occurring as a direct or indirect consequence of-

- (a) the use of nuclear, biological or chemical weapons, or any radioactive contamination; or
- (b) attacks on or sabotage of facilities (including but not limited to, nuclear power plants, reprocessing plants, final repository sites, and nuclear research reactors) and storage depots, which lead to the release of radioactive or nuclear, biological or chemical warfare agents;

**“operational risk reserve account”** means an investment account established for the purpose of payment of benefits for injury and death excluded under the Insurance Policy and other administrative expenses approved by the Board;

**“portfolio manager”** means the portfolio manager contemplated in [regulation 8\(l\)](#);

**“premium”** means an amount determined by the Board in accordance with a member’s status as determined by the Insurance Policy;

**“principal officer”** means the person appointed as such in terms of [regulation 9](#);

**“scheme anniversary”** means the first day of April of each year;

**“scheme year”** means a period of 12 months, which commences on the scheme anniversary and ends on the day before the next scheme anniversary;

**“service in defence of the Republic”** means service in defence of the Republic as contemplated in [Section 201\(2\)\(b\)](#) of the Constitution, including but not limited to active participation in or in connection with war, invasion, acts of foreign enemies, hostilities, warlike operations (whether war be declared or not), civil war, rebellion, revolution, insurrection, civil commotion assuming proportions of or amounting to an uprising, military or usurped power;

**“spouse”** means

(a) a person who is married to a member and which marriage is recognised as a valid marriage in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998); or the Marriage Act, 1961 (Act No. 25 of 1961), or

(b) a person who is married to a member or beneficiary and which marriage is recognised as a valid marriage in terms of the laws of any country other than the Republic of South Africa provided that such marriage is legally registered in terms of the relevant laws of that country and -

- i) a notarised copy of the Certificate of Registration, if any, is submitted; or
- ii) written proof of the registration of the marriage given under the hand of a person duly authorised in terms of the laws of that other country, is submitted; or

(c) a life partner, the partnership being either heterosexual or homosexual, but specifically excluding parents and other family members, in a permanent life partnership, if such a partnership is -

- (i) contained in a duly signed notarial agreement prepared and executed by a notary public with a protocol number; or
- (ii) registered in terms of any specific legislation regarding life-partnerships.

**“Surgeon-General”** means the Surgeon-General of the Defence Force or a medical officer delegated by him or by her;

**“the Act”** means the Defence Act, 2002 (Act No. 42 of 2002);

**“the Insurance Policy”** means the Policy of the Scheme held in the name of the Department of Defence as contemplated in [regulation 8\(j\)](#);

**“the Scheme”** means the Group Life Insurance Scheme established by [regulation 3](#);

## 2. Scope of Application

This Chapter applies to all members of the Defence Force, and employees whilst deployed as referred to in [Section 56](#) of the Act.

## PART II

### ESTABLISHMENT OF SCHEME

## 3. Establishment of the Scheme

The “Group Life Insurance Scheme for the Department of Defence” is hereby established.

## 4. Registered office of the Scheme

The Scheme shall maintain a registered office which address shall be published in the Insurance Policy.

## 5. Purpose of the Scheme

The purpose of the Scheme is to compensate its members or their dependants or beneficiaries, as the case may be, within the framework of these Regulations and the Insurance Policy in respect of bodily injuries, disablement or death occurring in the course of military service.

## PART III

### MANAGEMENT OF THE SCHEME

#### 6. Institution of a Board

- (1) The Scheme shall be managed by a board which shall-
  - (a) be known as the Group Life Insurance Scheme Management Board;
  - (b) be appointed in writing and consist of -
    - (i) a chairperson, who shall be a serving member or employee of the Department of Defence, appointed by the Minister;
    - (ii) (aa) a member appointed by the Head of Department;
    - (bb) one member appointed by each of the Chiefs of Services;
    - (cc) and one member appointed by each of the Chiefs of Finance, Policy and Planning, Defence Reserves and Chief of Human Resources;
  - (iii) the Sergeant-Major of the Defence Force; and
  - (iv) four members from the ranks of registered Military Trade Unions, provided that no Military Trade Union shall have more than two members at any given time.
- (2) A member appointed in terms of [Regulation 6\(1\)\(b\)\(ii\)](#) shall serve on the Board until his or her appointment is withdrawn by the holder of the relevant post contemplated in sub-regulation (1)(b)(ii);
- (3) Secundi who are instructed to attend meetings of the Board, shall participate in the proceedings thereof in the absence of the member he or she represents, and have the right to cast a vote at such a meeting.
- (4) In the absence of the Chairperson, the Board shall designate a chairperson from the members present at a meeting of the Board to act as chairperson at that meeting.
- (5) The Board may at any time co-opt a person or persons to assist the Board in a

specialist advisory capacity: Provided the following specialist staffs shall be co-opted on a permanent basis:

- (a) A registered medical practitioner nominated by the Surgeon-General;
  - (b) a medico-legal officer from the Medico-Legal Services of the South African Military Health Services nominated by the Surgeon-General; and
  - (c) a Human Resource service systems specialist from the Department.
- (6) The Chairperson may request the Head of Department or the Chiefs of Services or Divisions or the National Secretary of a Military Trade Union to replace their member on the Board, if such a member-
- (a) becomes incapable of acting lawfully; or
  - (b) becomes incapacitated; or
  - (c) his or her estate is sequestrated; or
  - (d) he or she is found guilty by a competent court of a criminal offence; or
  - (e) he or she is discharged by a competent court from a position of trust on the grounds of misconduct.

## **7. Management Committee of the Board**

- (1) The Board may appoint a management committee, which shall consist of at least four members of the Board.
- (2) The Management Committee may include co-opted members of the Board contemplated in [regulation 6\(5\)](#) and shall include, where possible, at least one member of the members contemplated in [regulation 6\(1\)\(b\)\(iv\)](#).
- (3) The Management Committee may take decisions on behalf of the Board in circumstances determined by the Board when such decisions cannot be postponed until a full sitting of the Board can be convened.
- (4) Subject to sub-regulation (5), any decision made or action taken by the Management Committee must be ratified by the Board at an ensuing meeting.

(5) If the Board does not ratify a decision made or an action taken by the Management Committee, the Board shall, with due consideration of the effect that the decision or action of the Committee will have, determine measures to amend the decision accordingly.

## **8. Duties and Powers of the Board**

The Board shall, individually and collectively-

- (a) be responsible for the sound management of the Scheme and shall exercise the fiduciary duties, that may be required or prescribed by law to ensure the financial viability of the Scheme;
- (b) take all reasonable steps to ensure that the interests of all members of the Scheme are protected at all times;
- (c) act with due care, diligence and good faith;
- (d) avoid conflict of interest;
- (e) act with impartiality in respect of all members, dependants and beneficiaries;
- (f) ensure that proper registers, books and records of the operation of the Scheme are kept, including the minuting of decisions made by the Board;
- (g) ensure that proper control systems are employed by or on behalf of the Board;
- (h) take all reasonable steps to ensure that contributions are paid timeously to the Scheme by the employer, and that benefits are paid timeously to members or their dependants as the case may be: Provided that neither the manager nor the insurer be required to pay benefits where all required acceptable documentary proof has not been provided by the employer;
- (i) obtain proposals from authorised financial service providers and appoint a suitable authorised financial service providers on contract as the manager of the Scheme who shall be responsible for the administration, financial management, and control of the Scheme including management, investment, actuarial and secretarial services;
- (j) obtain proposals from authorised financial service provider registered or deemed



- to be registered as long term insurers under the Long Term Insurance Act, 1998 (Act No. 52 of 1998), and appoint a suitable authorised financial service provider as the insurer who shall be responsible for the underwriting of the Scheme;
- (k) in consultation with the manager, establish and maintain contracts for the management, administration and control of the Scheme;
- (l) in consultation with the manager appoint a portfolio manager for the Scheme, who shall be a member of a stock exchange as defined in section 1(1) of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), and authorised as contemplated in section 4(1) of that Act;
- (m) enter into an agreement with the manager regarding the services to be rendered and the remuneration payable for the rendering of such services;
- (n) in consultation with the manager procure a fidelity guarantee and professional indemnity for the Scheme;
- (o) ensure that the manager, portfolio manager and the insurer procure and maintain a fidelity guarantee and professional indemnity: Provided that the cost of such fidelity guarantee and professional indemnity shall not be borne by the Scheme or the Department of Defence;
- (p) in consultation with the manager, determine the monthly premiums payable by members of the Scheme and the benefits provided by the Scheme;
- (q) in consultation with the Secretary for Defence, and in terms of [Section 2](#) of the Consolidation Act on Finance Acts, 1992 (Act No. 78 of 1992), obtain a written agreement, in terms of which the Minister binds the Government of the Republic to indemnify the Scheme against losses sustained under the Scheme on the terms and conditions set out in these regulations;
- (r) authorise persons, from time to time, to sign any contract or any other document in respect of the functioning of the Scheme or any document empowering any action on behalf of the Scheme on the conditions that may be determined by the Board from time to time, and
- (s) regularly review its application of the provisions of this regulation.

## **9. Appointment of principal officer**

- (1) The Secretary of Defence shall appoint a principal officer to be responsible for liaison with the authorised financial service provider. This liaison shall facilitate:
  - (a) The flow of correspondence between the Department and the authorised financial service provider.
  - (b) The collation of and replies to enquiries relating to the Scheme including responses with respect to the status of specific claims.
  - (c) The maintenance of all records relating to claims submitted by or on behalf of members as well as benefits paid in each instance.
  - (d) The timely submission of correctly completed claims to the authorised financial service provider.
  - (e) Appropriate feedback to the Department via the principal officer.
  - (f) The attendance of all meetings and work groups of the Board and the provision of detailed feedback as specified by the Board.
- (2) The Board may advise the Secretary of Defence on the names and appointment of a suitable person as the principal officer.

## **10. Functions of the manager**

The functions and duties of the manager shall include the provision of administrative, advisory, consulting, secretarial and actuarial services to the Board, the detail of which shall be stipulated in a written agreement between the Board and the authorised financial service provider, as may be amended from time to time.

## **11. Appointment of auditor**

- (1) The Department may appoint an auditor at its sole discretion, who shall have unrestricted access to all books, accounts and other documents of the Scheme.
- (2) The cost of the audit contemplated in sub-regulation (1) shall be borne by the Department.

## **12. Meetings and Decisions of the Board**

- (1) The Board shall convene as often as the Chairperson deems necessary, but at least twice every financial year.
- (2) A two thirds attendance of the full number of the Board members constitutes a quorum for a meeting of the Board.
- (3) Subject thereto that a quorum is present at the vote a decision of the Board shall be reached by a majority vote of the members of the Board attending the meeting and, in the event of an equality of votes, the Chairperson of the meeting shall have a casting vote.
- (4) The Board shall not make a decision on matters requiring referral to the Military Bargaining Council, unless there is consensus and agreement by all members of the Board, including members representing registered Military Trade Unions that this restriction may be waived.
- (5) Subject thereto that a quorum is present at the vote, a two- thirds majority of votes of the members of the Board attending a meeting shall be required for setting aside a decision of the Board.
- (6) A secretary designated by the Chairperson shall minute the minutes of every meeting of the Board the minutes of the previous meeting shall, after approval, and after being signed by the Chairperson, the principal officer and any other member, serve as prima facie proof that the business, as minuted, was indeed the business of the previous meeting.
- (7) A deed, contract, power of attorney, or any other similar document shall be deemed to have been executed on behalf of the Board or the Scheme, if it has been signed by a person who is duly authorised thereto by the Board.
- (8) Decisions by the Board have legal standing and shall constitute an agreement and contract between the Board and the institution.
- (9) Decisions of the Board shall, for the preserve of good order and discipline, be conveyed to the Secretary for Defence and the Chief of the Defence Force by the Chairperson.
- (10) The Minister has the ultimate responsibility for the Scheme, and may overturn any decision by the Board.

### **13. Legal capacity**

- (1) The Scheme is a legal person independent of its members, is the owner of its assets and is competent to procure rights and incur liabilities in its own name and to act as claimant and defendant in litigation.
- (2) Notwithstanding sub-regulation (1), the Minister of Defence accepts full responsibility and accountability for the Scheme and its sound management and financial viability.

### **14. Special meetings of Board**

- (1) Any member of the Board may request the Chairperson, in a fully motivated application in writing, to convene a special meeting of the Board to discuss the matters raised by the request, and the Chairperson shall, without delay, inform the other members of the Board of such a request.
- (2) The Chairperson shall convene a special meeting of the Board within 30 days after having received such a request.
- (3) If the Chairperson fails to convene a meeting contemplated in sub- regulation (1) within 30 days, the members of the Board may, after informing the Chairperson, convene a meeting themselves.
- (4) If a quorum is present at such a meeting contemplated in sub- regulation (3), the decision of the majority of members of the Board present at such meeting, subject to the provisions in [regulation 12](#)(4), shall be binding.

### **15. Work processes of Board**

The Board may implement any additional measures regarding their method of work: Provided that such measures are not in conflict with the provisions contained in these regulations.

## **PART IV**

### **MEMBERSHIP**

### **16. Membership of Scheme**

Every-

- (a) member of the Regular Force;
- (b) member of the Reserve Force component rendering remunerated service in terms of the Act, including the time spent travelling over the shortest route from their usual place of residence to the reporting point and back;
- (c) employee of the Department of Defence deployed as provided for in [Section 56](#) of the Act, from the date of reporting to a mobilisation centre to the day of demobilisation, and
- (d) member of the Auxiliary Service

qualifies for membership of the Scheme with effect from the date that he or she reported for service in the Defence Force, Department of Defence, the Auxiliary Service or during deployment.

## 17. Premiums Payable by Members

- (1) Every member of the Scheme shall pay the premium determined by the Board as described in the Insurance Policy and accepted and approved by the Board, subject to the provisions of [regulation 17\(2\)](#) of this Chapter.
- (2) The premium and the benefits payable in terms of the Insurance Policy may be adjusted from time to time by the Board; on condition that the Secretary for Defence and the Chief of the Defence Force be informed of all increases in premiums and benefits, prior to their implementation.
- (3) Any premium referred to in sub-regulation (2) shall be deducted from such a member's salary, wage or allowance by the Department, and shall be deposited into the operating account of the Scheme.
- (4) Subject to sub-regulation (5) any change in the personal circumstances of a member of the Scheme that may affect the premiums payable, shall be reported in writing to the Department of Defence by the member when reporting for duty.
- (5) That failure to report a change in personal circumstances by a member shall not oblige the Scheme or the Department of Defence to pay any benefit other than in

accordance with the prior declared personal circumstances of the member.

(6) The premiums payable by members of the Scheme shall be paid over from the business account to the insurer within the time frames stipulated in the Long Term Insurance Act, 1998 (Act No. 52 of 1998), the Public Finance Management Act, 1999 (Act No. 1 of 1999) and the Insurance Policy.

## **18. Termination of membership**

(1) Membership of the Scheme shall terminate when a member-

(a) of the Reserve Force arrives at his or her place of residence using the shortest direct route, after having completed a period of service, deployment or training as the case may be in or with the Defence Force;

(b) whose health or physical fitness is adversely affected by his or her own misconduct: Provided that such a person has been found guilty of such an offence as provided for in Military Discipline Supplementary Measures Act, 1999 (Act No. 16 of 1999);

(c) passes away;

(d) resigns from the Defence Force or the Department of Defence; or

(e) is discharged from the Defence Force or the Department of Defence.

(2) Membership of the Scheme shall terminate when an employee who has been deployed with the Defence Force as provided for in Section 56 of the Act is demobilised and has left the demobilisation area.

(3) Any premiums paid by a member of the Scheme in terms of [regulation 17](#), are not refundable to such member, should his or her membership of the Scheme be terminated for the reasons contemplated in sub-regulation (1), or if the Scheme is terminated in terms of [Part VII](#) of these General Regulations.

(4) Membership of the Scheme is terminated upon dissolution of the Scheme in terms of these Regulations.

## **PART V**

## BENEFITS

### 19. Benefits payable by the Scheme

- (1) The death benefits payable shall be negotiated by the Board with the insurer, shall be described in the Insurance Policy, and shall be subject to annual revision by the Board.
- (2) The disability benefits payable to a member in the case of disablement shall be prescribed in the Insurance Policy shall be negotiated by the Board with the insurer and shall be subject to annual revision by the Board.
- (3) The Board may, without negating the generality of the Insurance Policy, set aside any restrictions on the payment of claims as prescribed in the Insurance Policy: Provided that such claims be paid from the operational risk reserve account and does not create an unmanageable precedent.
- (4) Claims paid from the operational risk reserve account shall not exceed the lower of book or market value of the operational risk reserve account: Provided that the Scheme shall continue the payment of such claims should the Department of Defence place funds at the disposal of the Scheme to meet such claims.
- (5) All claims for the payment of a benefit in terms of the Scheme-
  - (a) shall be submitted to the Scheme within six months from the date of death or from the date of the incident which may have caused or has resulted in a disability, or six months from the date of confirmation of a medical board convened by the Surgeon-General in terms of these regulations whichever occurs last: Provided that where a member has been hospitalised for a period in excess of six months the period is extended to two months from the date of discharge from hospital;
  - (b) that result from bodily injuries, disabilities or deaths that occurred prior to the effective date of these regulations shall be assessed in terms of the Regulations that prevailed immediately prior to such commencement;
  - (c) shall be submitted on the forms and according to the instructions laid down by the Board from time to time;
  - (d) resulting from service in defence of the Republic, shall be administered and recorded separately from all other claims;



(e) resulting from deployment or training shall be administered and recorded separately from all other claims;

(f) shall be recorded in a proper register which may be on an approved electronic medium;

(g) shall be assessed by the Surgeon-General, where the claim is submitted by a member of the Defence Force, or an authorised patient as provided for in [Chapter XV](#) of the General Regulations, in terms of the Insurance Policy;

(h) shall be submitted to the insurer for approval and payment.

(6) When a claim is considered for the payment of a benefit, the premium paid by the claimant at the date of injury or death shall determine the amount payable, provided that premiums are paid up to date.

(7) The benefits shall be payable as prescribed in the Insurance Policy.

(8) The Board may require satisfactory proof of age in respect of any minor beneficiary before a benefit is paid to or in respect of that beneficiary or member.

**20.** (1) Notwithstanding anything to the contrary, any benefit payable by the Scheme on the death of a member shall not generally form part of the assets in the estate of a member, but shall be dealt with in the following manner:

(a) The benefit in accordance with the premium paid by the member shall be paid to the spouse or spouses of a member in equal parts' or,

(b) if there is no spouse, the benefit shall be payable to the minor child or children as the case may be of the member in equal parts, to be paid over to the Guardian Fund, until attainment of such minor child or children, as the case may be, of the age of 21, or where an *inter vivos* trust already exists, or a *mortis causa* trust is to be formed by virtue of a provision in the will of the deceased into such trust, or,

(c) if there are no minor children, the benefits shall then be payable to a person or persons as the case may be identified by the member of the Scheme in his or her last will and testament as the beneficiary or, if no such person or persons has been identified, to a person or persons as the case may be, entitled to claim in

accordance with the Intestate Succession Act, 1987 (Act No. 81 of 1987) provided that such a claim shall be submitted in writing to the Scheme within twelve months of the date of death.

(2) Should no claim be submitted to the Scheme within twelve months of the date of death, such a benefit shall revert to the Scheme

(3) Benefits paid in terms of sub-regulation (1) to beneficiaries shall not be encumbered and may not be ceded.

## **21. Currency of payment**

(1) Premiums and benefits shall be payable only in the currency of the Republic of South Africa.

(2) Benefits paid to holders of accounts outside the Republic of South Africa will be liable for all costs associated in the payment of such benefits to an account outside of the Republic of South Africa: Provided that the cost of transfer shall be deducted from the value of the benefit.

## **PART VI**

### **ADMINISTRATION**

## **22. Duty to keep records**

(1) The Scheme shall keep such records as it deems necessary, and as directed by the Board to ensure that the Scheme is administered in a proper and accountable manner.

(2) The institution shall submit the following to the Board within six months after the financial year end:

(a) all financial statements reflecting the assets, liabilities, income and expenditure of the Scheme for the year concerned; and

(b) a report on the performance of functions for the period concerned, as well as the aims and planning in respect of the future activities of the Scheme.

## **23. Copy of insurance policy**

- (1) A copy of the Insurance Policy shall, if so requested in writing by a member of the Scheme, or an employee of the Department of Defence, be made available to such a member or employee at a fee as determined by the Board from time to time.
- (2) The administrative processes of the Scheme shall be specified in the Insurance Policy: Provided that the Insurance Policy shall be made available to all officers and officials who require the Insurance Policy in the execution of their duties.

## **24. Financing of the Scheme**

- (1) Notwithstanding the provisions relating to the payment of premiums by members of the Scheme, the State may provide a contribution or contributions to the Scheme for the exclusive funding of the operational risk reserve account.
- (2) Should financial circumstances so dictate, funds from the operational risk reserve account may be utilised for the maintenance of the financial viability of the Scheme: Provided that the Board shall ratify such utilisation.
- (3) The operational risk reserve account may be funded by the State through the Department, as determined from time to time, and is set up with the exclusive aim of-
  - (a) Payment of benefits to members and their dependants for claims arising from a qualifying incident that occurred on or before 31 January 1999: Provided that any such claim shall be registered in writing with the Scheme on or before 31 March 2006;
  - (b) providing the means of the Scheme for the payment of approved costs incurred in the administration and management of the Scheme;
  - (c) providing a risk reserve for the payment of claims arising on or after 1 February 1999 in terms of the exclusion clauses in the Insurance Policy relating to service in defence of the Republic;
  - (d) providing a risk reserve for the payment of claims arising on or after 01 May 2004 for employees deployed as provided for in Section 56 of the Act;
  - (e) providing a risk reserve for the payment to the insurer of an amount, determined by an actuary, due to the Scheme experiencing a higher than annual average claims experience arising directly from deployment and training during any Scheme year.

(4) In terms of [Section 2](#) of the Finance Acts Consolidation Act, 1992 (Act No. 78 of 1992) the Department of Defence shall maintain the financial viability of the operational risk reserve account by refunding, on an annual basis to such account, of the gross value of benefits paid by the Scheme for claims arising from service in defence of the Republic, claims arising from deployment or training not paid by the insurer.

## **25. Actuarial valuation**

The operational risk reserve account shall be subject to actuarial valuation on a basis determined by the Board. Provided that the cost of such valuation be for the account of the Scheme.

## **26. Accounting procedures**

- (1) The Scheme shall keep and execute its financial responsibilities in accordance with generally recognised accounting principles.
- (2) The Scheme shall open and maintain a banking account at a registered commercial bank within the boundaries of the RSA.
- (3) The Scheme is responsible for the payment of all costs arising from the management of the Scheme including investment, actuarial, auditing and mediating costs.

## **27. Resolution of Disputes**

- (1) Any dispute that may arise in respect of a claim in terms of these Regulations and the interpretation thereof, shall be resolved by the Board: Provided that if any party to the dispute is dissatisfied with the outcome, the Board may, with the approval of such party, refer the dispute for arbitration.
- (2) The arbitrator for the arbitration contemplated in sub-regulation (1) shall be appointed by mutual agreement between the parties concerned.
- (3) The arbitrator's decision shall be binding on the parties concerned.

## **28. Amendment of the Insurance Policy**

The Insurance Policy may be amended by the insurer at any time in consultation with the

manager as contemplated in [regulation 8\(i\)](#), as provided for in the Insurance Policy: Provided that the Board is immediately informed in writing of such amendment and the reasons for the amendment.

## **PART VII**

### **TERMINATION OF SCHEME**

#### **29. Termination of Scheme**

The Minister may for valid reasons or upon the recommendation of the Board, terminate the continuation of the Scheme.

**30.** Upon the termination of the Scheme, the Board shall, in consultation with the institution and the Chief Financial Officer ensure that-

- (a) all outstanding premiums and any other moneys payable to the Scheme are collected;
- (b) all outstanding claims and any other moneys payable by the Scheme are settled: Provided that any credit balance shall be paid into the operational risk reserve account of the Scheme;
- (c) final closing financial statements are prepared and submitted to the Chief Financial Officer; and
- (d) a final closing audit of the Scheme is performed as instructed by the Chief Financial Officer.

#### **31. Investment of surplus funds on termination**

Upon the termination of the Scheme, the Minister has the sole authority to invest or utilise any surplus funds that may be in the operational risk reserve account of the Scheme.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

### CHAPTER X

#### AMENDMENT OF THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

Published under Government Notice R1300 in *Government Gazette* 7077 of 20 June 1980.

The State President has been pleased in terms of [section 87](#) (1) (s) of the Defence Act, 1957 (Act 44 of 1957), to substitute the regulations as contained in the Schedule for Chapter X of the General Regulations for the South African Defence Force and the Reserve promulgated under Government Notice R. 341 of 24 February 1978.

### SCHEDULE

#### CHAPTER X

##### VOLUNTARY ENGAGEMENT FOR SERVICE IN TERMS OF THE SECOND PROVISO TO SECTION 2 (1) OF THE DEFENCE ACT, 1957 (ACT 44 OF 1957)

1. [Definitions](#)
2. [Engagement for service](#)
3. [Conditions for engagement for service](#)
4. [Periods of service](#)
5. [Training and service](#)
6. [Pay and allowances](#)
7. [Accommodation and rations](#)
8. [Medical and dental treatment](#)
9. [Compassionate leave with pay](#)
10. [Vacation leave with pay](#)
11. [Leave without pay](#)
12. [Leave for re-examination purposes](#)
13. [Recuperative leave](#)
14. [Special leave with pay](#)

- [15. Travelling time](#)
- [16. Transport facilities](#)
- [17. Uniform and accessories](#)
- [18. Arms, ammunition and other loan equipment](#)
- [19. Discipline](#)
- [20. Discharge](#)
- [21. Transfer to the Reserve](#)
- [22. Funerals](#)
- [23. General](#)

## 1. Definitions

In this Chapter unless the context otherwise indicates -

“**calendar year**” means a period extending from 1 January up to and including 31 December of any year;

“**member**” means a person who has voluntarily engaged for service in the SA Defence Force in terms of the second proviso to [section 2](#) (1) of the Act;

“**month**” means a period extending from the first day up to and including the last day of any one of the 12 months of the year;

“**person**” means any person referred to in [section 2](#) (1) (b) of the Act;

“**the Act**” means the Defence Act, 1057 (Act 44 of 1957).

## 2. Engagement for service

A person who voluntarily engages for service in the SA Defence Force in terms of the second proviso to [section 2](#) (1) of the Act, shall be engaged in the Citizen Force or the Commandos in the capacity determined by the Chief of the SA Defence Force.

## 3. Conditions for engagement for service

- (1) A person may be accepted for engagement for service if such person-
  - (a) is unmarried;



- (b) is at least 16 years of age; .
- (c) has obtained at least the Standard V or an equivalent certificate;
- (d) meets the standard of medical fitness determined by the Surgeon-General;
- (e) being a minor, has submitted the written consent of his parent or legal guardian to such engagement for service;
- (f) has been recommended for such acceptance by a selection board appointed by or on the authority of the Chief of the SA Defence Force.

(2) The Chief of the SA Defence Force may when circumstances so require, relax the requirements in respect of matrimonial status, age, educational qualifications or medical fitness: Provided that he shall relax such requirement in respect of medical fitness only after consultation in all cases with the Surgeon-General and with due allowance for the extent to which the physical defect or degree of disability of the person concerned may restrict the scope of his service.

#### **4. Periods of service**

A member shall complete an initial continuous period of service not exceeding 24 months.

#### **5. Training and service**

Regulations 1 up to and including 6 of [Chapter VII](#) of these regulations shall apply *mutatis mutandis* to a member.

#### **6. Pay and allowances**

A member shall receive the pay and allowances approved from time to time by the Treasury on the recommendation of the Public Service Commission.

#### **7. Accommodation and rations**

Free accommodation and rations shall be supplied to a member while he is undergoing training or performing service.

#### **8. Medical and dental treatment**

A member shall be entitled to the medical and dental treatment as set out in regulation 15 of Chapter XV of these regulations.

## **9. Compassionate leave with pay**

(1) Compassionate leave with pay not exceeding 20 days in any single period of continuous service but not more than 10 days in a calendar year, may, subject to the other provisions of this regulation, be granted to a member, where his personal attention and presence are essential in connection with -

(a) the death or serious illness of the member's wife, relative by consanguinity or of affinity in the first or second degree or of any other person who is such member's foster parent, legal guardian or designated next-of-kin;

(b) any other circumstances which the officer granting such leave may deem sufficient.

(2) Compassionate leave shall not be granted unless the existence of the grounds for any application for such leave has been independently confirmed, to the satisfaction of the officer granting such leave.

(3) Where the officer concerned is satisfied that leave granted in terms of subregulation (1) is inadequate to meet the requirements of any case, he may on the written application of the member in addition grant leave in terms of regulation 10 or 11 of this Chapter.

(4) Compassionate leave shall not be granted to a member performing any service or attending any course for a continuous period less than 30 days.

## **10. Vacation leave with pay**

(1) Vacation leave with pay may be granted to a member performing a period of continuous service not exceeding 24 months on the basis of-

(a) seven days during the first period of continuous service of 12 months;

(b) 14 days during the second period of continuous service of 12 months:

Provided that such leave may be granted only once during the period of continuous service concerned.

(2) The vacation leave referred to in subregulation (1) which accrued in any period of continuous service and not taken shall lapse on the commencement of the ensuing period of continuous service, and all such leave shall lapse on enrolment in the Permanent Force.

### **11. Leave without pay**

Leave without pay for not exceeding 20 days may be granted to a member performing continuous service (other than service in terms of Chapter X of the Act) when sufficient other leave of absence cannot be granted to him in terms of these regulations if, in the opinion of the officer authorised to consider such member's application, the circumstances of the case warrant such absence: Provided that not more than 10 days of such leave may be granted in any calendar year.

### **12. Leave for re-examination purposes**

The provisions of regulation 29 of Chapter VI of these regulations shall apply *mutatis mutandis* to a member.

### **13. Recuperative leave**

The provisions of regulation 43 of Chapter VI of these regulations shall apply to a member.

### **14. Special leave with pay**

Special leave with pay may be granted to a member in the circumstances and under the conditions prescribed in regulations 44 (1) and (2), 46 and 47 (2) of Chapter VI of these regulations and to any member who desires to sit for any examination or test in terms of the Apprenticeship Act, 1944 (Act 37 of 1944).

### **15. Travelling time**

An officer granting leave of absence in terms of regulation 10 of this Chapter or granting leave of absence for more than seven days in terms of regulation 9 or 14 of this Chapter, may authorise the member concerned to travel to and from his destination as if he were on duty with full pay: Provided that the travelling time so authorised shall be limited to the shortest time which will necessarily be spent in travelling by Government or public transport.

**16. Transport facilities**

Regulations 36, 38 and 39 of [Chapter V](#) of these regulations shall apply *mutatis mutandis* to a member.

**17. Uniform and accessories**

Regulations 16 (1), 16 (2) and 17 of [Chapter V](#) of these regulations shall apply *mutatis mutandis* to a member.

**18. Arms, ammunition and other loan equipment**

Regulations 18 and 19 of [Chapter V](#) of these regulations shall apply to a member.

**19. Discipline**

A member shall be subject to the Military Discipline Code in terms of [section 104](#) of the Act.

**20. Discharge**

A member shall be discharged -

- (a) after completion of the period for which he thus engaged for service;
- (b) owing to his resignation after he has given at least three months' written notice of his intention to resign to his officer commanding, and paid over an amount of R50 to the credit of the Consolidated Revenue Account: Provided that the chief of the combat service concerned may accept a shorter period of notice: Provided further that such an amount shall not be accepted -
  - (i) before the expiry of such period of notice;
  - (ii) while disciplinary action against the member concerned is contemplated or in progress or he is serving a sentence of detention;
  - (iii) if such member is a minor, until his parent's or guardian's written consent to his discharge by resignation has been submitted to his officer commanding;
- (c) where any fact which would have rendered such member ineligible or unacceptable. for engagement for service comes to the attention of the chief of the

combat service concerned after his engagement, regardless of whether or not the engagement authority was misled by a false declaration or wilful suppression of such fact by the member concerned;

- (d) if the continued employment of such member constitutes a security risk;
- (e) if he is declared medically unfit;
- (f) where such member on reorganisation has become redundant on account of any reduction of establishment or reorganisation of the Citizen Force or the Commandos or any component part thereof
- (g) if he at any time during his first 12 months of continuous service proves to be unsuitable for military service, excluding medical unfitness;
- (h) if, for reasons other than his own unfitness, incapacity or misconduct, his discharge will be in the interests of the Citizen Force or the Commando or in the public interests.
- (i) Where he, while serving, has been convicted by a military or civil court of an offence which in the light of its nature or gravity considered in conjunction with the nature of the sentence imposed, renders his continued employment in the Citizen Force or the Commandos undesirable;
- (j) where before or since his engagement for service he has been convicted by a civil or military court on more than one occasion or offences which, considered individually, would not justify or would not have led to his discharge on account of misconduct, but, considered collectively, render his continued employment in the Citizen Force or the Commandos undesirable;
- (k) where his reprehensible conduct has rendered his continued employment in the Citizen Force or the Commandos undesirable irrespective of whether such conduct has led to criminal or disciplinary proceedings or to his conviction as a result of such conduct;
- (l) if he, owing to his recurrent conviction over a period by military courts of offences which, considered individually, may not be serious, he is considered not to be amenable to military discipline;
- (m) when he has been sentenced to discharge with ignomy from the SA Defence

Force or has been sentenced to imprisonment without the option of a fine by a competent court;

(n) if he enrolls as a member of the Permanent Force;

(o) if he has been absent without leave for a period of more than three months.

## **21. Transfer to the Reserve**

(1) A member shall after completion of his period of service referred to in regulation 4, and subject to his medical fitness, be transferred to the Citizen Force Reserve or the Commando Reserve, and if thus transferred, shall serve therein until the last day of December of his 65th year or until he is declared permanently medically unfit by the Surgeon-General for service in the said Reserve.

(2) Every member of the Citizen Force Reserve or the Commando Reserve shall during June of each year report in writing to the Chief of the South African Defence Force and shall advise him of any change in his permanent address within 14 days after such change has occurred.

(3) A member of the Citizen Force or Commando Reserve shall, for the purposes of these regulations, be deemed to be a member of the Citizen Force or the Commandos whilst performing service in terms of [section 51](#) of Chapter X of the Act.

## **22. Funerals**

The provisions of regulation 48 of [Chapter V](#) of regulations relating to members of the Citizen or the Commandos shall apply to a member.

## **23. General**

If circumstances arise or cases occur which are provided for in this Chapter, the provisions of the other Chapters of these regulations which apply to members of the Citizen Force or the Commandos shall apply.

# DEFENCE ACT 44 OF 1957

## AMENDMENT TO THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN NATIONAL DEFENCE FORCE AND THE RESERVE

Published under Government Notice R1413 in *Government Gazette* 18387 of 31 October 1997.

The Minister of Defence has, under [section 87](#) (1) (s) of the Defence Act, 1957 (Act No. 44 of 1957), made the regulations in the Schedule.

### SCHEDULE

#### CHAPTER XI

#### PERFORMANCE OF POLICE FUNCTIONS BY MILITARY POLICE OFFICIALS

- [1. Definition](#)
- [2. Police functions of military police officials](#)
- [3. Powers and duties of military police officials](#)
- [4.](#)
- [5. Admissibility of statements to military police officials](#)

#### CHAPTER XI

#### PERFORMANCE OF POLICE FUNCTIONS BY MILITARY POLICE OFFICIALS

##### 1. Definition

In this Chapter, unless the context otherwise indicates, 'military police official' means a member of the South African National Defence Force authorised thereto by the Chief of the South African National Defence Force or by any officer designated by him or her, to perform the police functions intended in regulation 2.

##### 2. Police functions of military police officials

A military police official may at any time perform police functions which include-

- (a) the maintenance of law and order;



- (b) the investigation of any offence or alleged offence; and
- (c) the prevention of crime, for the purpose of enforcing any provision of the Defence Act, 1957 (Act No. 44 of 1957), or any other law, in so far as it applies in respect of the South African National Defence Force or any member or any property thereof or any land or premises under its control.

### **3. Powers and duties of military police officials**

A military police official may in the performance of any police function referred to in regulation 2 for purpose mentioned in that regulation, exercise any power or execute any duty which may be exercised or executed in connection with such function by-

- (a) a member of the South African Police Service established under the South African Police Service Act, 1995 (Act No. 68 of 1995); or
- (b) any functionary who in terms of a definition in the applicable law is or includes a member of the South African Police Service, in terms of any law, including-
  - (i) [section 13](#) (4) of the South African Police Service Act, 1995 (Act No. 68 of 1995);
  - (ii) sections 76, 77 and 78 of the Forest Act, 1984 (Act No. 122 of 1984);
  - (iii) [section 41](#) of the Arms and Ammunition Act, 1969 (Act No. 75 of 1969);
  - (iv) [section 11](#) of the Drug and Drug Trafficking Act, 1992 (Act No. 140 of 1992);
  - (v) section 53 of the Sea Fishery Act, 1988 (Act No. 12 of 1988);
  - (vi) the Criminal Procedure Act, 1977 (Act No. 51 of 1977); and
  - (vii) the Road Traffic Act, 1989 (Act No. 29 of 1989).

- 4. (a) No person shall in any manner obstruct, hinder or impede a military police official in the performance, exercise or execution by such an official of a function, power or duty referred to in regulation 3; and
- (b) any person who contravenes a provision or regulation 4 (a) shall be guilty of an

offence, and liable on conviction to a fine or to imprisonment for a period not exceeding six months.

## **5. Admissibility of statements to military police officials**

The provisions of [section 217](#) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), in relation to a statement made to a peace officer (other than a magistrate, a justice of the peace or a peace officer referred to in [section 334](#) of the Act), shall apply *mutatis mutandis* to a statement made to a military police official in the discharge or execution of a duty or power implied in regulation 2.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE.

Published under Government Notice R325 in *Government Gazette* 9071 of 24 February 1984.

The State President has in terms of [section 87](#) (1) (rB) read with [section 72E](#) (a) (ii) and (b) of the Defence Act, 1957 (Act 44 of 1957) made the following General Regulations for the South African Defence Force and the Reserve:

### CHAPTER XII

#### SERVICE BY PERSONS CLASSIFIED IN TERMS OF SECTION 72D (1) (a) (ii) OF THE DEFENCE ACT, 1957, AS A RELIGIOUS OBJECTOR

#### [1. Definitions](#)

#### [2. Service](#)

#### [3. Clothing](#)

#### [4.](#)

### 1. Definitions

In this chapter, unless the context otherwise indicates-

- (i) **“combat purposes”**, means purposes intended for operations against or for the planning and promotion of operations against an enemy during service in defence of the Republic as defined in [section 1](#) (1) of the Act, or in the prevention or suppression of internal disorder in the Republic or of terrorism;
- (ii) **“maintenance tasks”**, means tasks which are performed for the purpose of the upkeep, the conservation, the preservation and the perpetuation of matters referred to in regulation 2 (2) and not tasks performed for the purpose of the building, the erection, the manufacture, the laying, the laying out, the planting or the developing of such matter;
- (iii) **“service”**, shall include training necessary to be able to perform a particular maintenance task;

(iv) “**the Act**”, means the Defence Act, 1957 (Act 44 of 1957).

## 2. Service

(1) Subject to the provisions of [section 72E](#) (2) (a) of the Act, a person classified in terms of [section 72D](#) (1) (a) (ii) thereof as a religious objector shall not be liable to any service in the Citizen Force, the commandos or the Reserve, other than that provided for in subregulation (2).

(2) A person referred to in subregulation (1), performs maintenance tasks determined by his officer commanding -

(a) to buildings and constructions, the property or under the control of the South African Defence Force and which are not primarily intended for combat purposes;

(b) to military vehicles, vessels, aircraft and equipment not intended primarily for combat purposes;

(c) to facilities and equipment of whatever nature intended for the recreation of members of the South African Defence Force; and

(d) to grounds, sports fields, gardens and other environs of military headquarters, arms of the service, formations and units.

## 3. Clothing

(1) A person referred to in regulation 2 (1) shall upon reporting for service be issued at Government expense with clothing which can not be classified as military uniform, and accessories in accordance with a scale and of a design and colour as determined for such persons by the Chief of Staff Logistics in consultation with the chief of the arm of the service concerned.

(2) The Chief of Staff Logistics shall determine the manner of wearing of the clothing and accessories referred to in subregulation (1), as well as the articles of clothing and accessories which shall be in the possession of such persons at all times.

4. The provisions of regulation 16 and 17 of [Chapter V](#) *are mutatis mutandis* applicable to persons referred to in this regulation.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

### CHAPTER XIII

#### AMENDMENT OF GENERAL REGULATIONS MADE UNDER SECTION 87 OF THE DEFENCE ACT, 1957

Published under Government Notice R2272 in *Government Gazette* 10036 of 13 December 1985.

The State President has, under [section 87](#), read with [section 3](#) (2) (b) and (4) of the Defence Act, 1957 (Act 44 of 1957), made the regulations set out in the Schedule.

### SCHEDULE

#### CHAPTER XIII

##### POLICE FUNCTIONS IN CONNECTION WITH WHICH THE SOUTH AFRICAN DEFENCE FORCE MAY BE USED AND POWERS AND DUTIES OF MEMBERS BEING USED AS SUCH

- [1. Police functions in connection with which the South African Defence Force or any portion or member thereof may be used](#)
- [2. Powers and duties of a member of the South African Defence Force used in connection with police functions](#)

##### **1. Police functions in connection with which the South African Defence Force or any portion or member thereof may be used**

The South African Defence Force or any portion or member thereof may, while employed on any service as contemplated in [section 3](#) (2) (a) of the Defence Act, 1957, be used in connection with any of the following police functions mentioned in section 5 of the Police Act, 1958 (Act 7 of 1958):

- (a) the preservation of the internal security of the Republic;

- (b) the maintenance of law and order; and
- (c) the prevention of crime,

in so far as such preservation, maintenance or prevention is necessary for, or is connected with the service concerned for which the South African Defence Force or that portion or member thereof is being used.

## **2. Powers and duties of a member of the South African Defence Force used in connection with police functions**

A member of the South African Defence Force who is used in connection with any police function mentioned in regulation 1, shall, in the performance of that function, have such powers and duties as are conferred or imposed upon a member of the South African Police Force established under the Police Act, 1958, in terms of the provisions of-

- (a) section 6 (4) and (4A) of the Police Act, 1958;
- (b) [sections 21, 22, 23](#) (a), [25, 27, 29, 30, 31, 32, 33, 34, 35, 36, 39, 40, 41, 44](#) and [47](#) of the Criminal Procedure Act, 1977 (Act 51 of 1977); and
- (c) in the case of a member of the South African Defence Force with the rank of warrant officer or a higher rank, sections 47, 48 and 50 of the Internal Security Act, 1982 (Act 74 of 1982), as if such member were a member of the South African Police or a peace officer, as the case may be.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

### CHAPTER XIV

#### AMENDMENTS TO THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

Published under Government Notice R1299 in *Government Gazette* 7077 of 20 June 1980 and amended by:

GN R1174            GG 7598            29/5/81

The State President has been pleased in terms of the powers vested in him by [section 87](#) (1) (h) and (i) of the Defence Act, 1957 (Act 44 of 1957) to substitute the regulations in the Schedule hereto for Chapter XIV of the General Regulations for the South African Defence Force and the Reserve promulgated under Government Notice R. 1252, dated 18 August 1967.

### SCHEDULE

#### CHAPTER XIV

#### REGISTRATION, SELECTION, ALLOTMENT, POSTING FOR AND APPLICATIONS FOR EXEMPTION FROM OR DEFERMENT OF SERVICE IN THE CITIZEN FORCE AND THE COMMANDOS

1. [Definitions](#)
2. [Registration](#)
3. [Change of address](#)
4. [Medical examination](#)
5. [Selection and allotment](#)
6. [Notification of allotment](#)
7. [Application for deferment of or exemption from service by a member of the Citizen Force or the Commandos who has commenced his service in terms of Section 21 \(1\) or 35 \(1\) of the Act](#)
8. [Deferment of or exemption from service of voluntary members of the Citizen Force and the](#)



## Commandos

### 9. Deferment or exemption on medical grounds

#### 1. Definitions

In these regulations, unless the context otherwise indicates-

**“calendar year”** means any year commencing on the first day of January;

**“exemption board”** means an exemption board appointed in terms of [section 68](#) of the Act;

**“force number”** means a number allotted for purposes of identification to a member of the SA Defence Force or any person who registers or applies for service in any part of the said Force;

**“medical officer”** means, any registered medical practitioner;

**“period of service”** means a period of service referred to in regulation 3 (1) of [Chapter VII](#) of these Regulations;

**“registering officer”** means the officer referred to in [section 62](#) of the Act;

**“selection board”** means a selection board appointed in terms of [section 66A](#) of the Act;

**“the Act”** means the Defence Act, 1957 (Act 44 of 1957).

#### 2. Registration

(1) The registering officer shall allot a separate force number to every person who applies for registration in terms of [section 63](#) or [65](#) of the Act and shall supply to every such person a registration certificate on which shall appear the force number thus allotted.

(2) A citizen or a person who is not a citizen and is domiciled in the Republic, may in terms of [section 65](#) (1) of the Act apply to be appointed or engaged in the Citizen Force or the Commandos if he -

(a) is not older than 25 years; or

(b) is older than 25 years and -

(i) has any military qualification, wherever obtained; or

(ii) has obtained any academic technical, technical or other similar qualification, which in the opinion of the Chief of the SA Defence Force is of value to the SA Defence Force.

### 3. Change of address

(1) The registering officer shall be the prescribed officer in the application of [section 64](#) of the Act.

(2) Any person referred to in regulation 2 of this chapter shall notify the registering officer in writing of any change of his residential address within 14 days after such change has occurred.

### 4. Medical examination

(1) Every citizen registered in terms of [section 63](#), every person accepted for enrolment in terms of [section 65](#) and every citizen instructed thereto in terms of [section 66A](#) of the Act by a selection board shall submit himself to a medical examination at state expense by a medical officer at the time, date and place notified to him by the registering officer or by the chairman of a selection board as the case may be.

(2) A medical officer referred to in subregulation (1) shall report in accordance with the standards of medical fitness determined by the Surgeon-General in terms of the regulations for service in the SA Defence Force and in a form approved by the Surgeon-General, on the medical fitness of the citizen or person for military service and any training to be undergone in the course thereof.

(3) The Surgeon-General or a medical officer designated by him for the purpose, shall on such report determine whether the citizen or person concerned is medically fit for military service in any classification or mustering.

(4) The registering officer shall issue a certificate of exemption from service in terms of [section 63](#) (3) of the Act to every person declared permanently medically unfit for military service in terms of this regulation by the Surgeon-General or an officer authorised thereto by him.

## 5. Selection and allotment

(1) A selection list compiled in terms of [section 66](#) (2) of the Act shall contain the following particulars of every person whose name appears thereon:

- (a) his force number;
- (b) his date of birth;
- (c) his standard of medical fitness; and
- (d) the other information which the registering officer may deem necessary for the guidance of the selection board in the application of [section 66A](#) (5) of the Act.

(2) The registering officer may by means of a written instruction to any person whose name is due to appear or has appeared on a selection list or through the agency of a member of the staff of any school or other educational institution acting at his request and on his authority, arrange for the provision of any information relative to the selection or allotment of the person concerned in terms of [section 66A](#) or [67](#) of the Act.

(3) The registering officer shall submit the selection list for every area determined by the Minister in terms of [section 66](#) (1) of the Act to the chairman of the selection board for such area.

(4) The recommendations of the selection board in terms of [section 66A](#) (5) of the Act shall be lodged with the registering officer who shall, subject to the directions of the Minister and in consultation with the chiefs of the combat services supporting services and staff divisions comply with the provisions of [section 67](#) of the Act and also allot any person accepted for enrolment in terms of [section 65](#) of the Act, to the Citizen Force or the Commandos.

## 6. Notification of allotment

(1) The registering officer shall in writing notify every person allotted in terms of regulation 5, of the name of the unit, the date upon which and the place where he is required to commence his first period of continuous service and the duration of such period.

(2) The registering officer shall furnish the chiefs of combat services, supporting

services and staff divisions with a list of names of persons allotted to the Citizen Force and the Commandos in terms of regulation 5.

(3) The chiefs of combat services, supporting services and staff divisions shall post every person allotted by the registering officer to the Citizen Force or the Commandos in terms of regulation 5, to a particular unit of the Citizen Force or the Commandos and notify every such person of his posting.

## **7. Application for deferment of or exemption from service by a member of the Citizen Force or the Commandos who has commenced his service in terms of Section 21 (1) or 35 (1) of the Act**

A Unit Commander shall refer every application submitted to him in terms of [section 69](#) (1) (b) of the Act, with his comments and recommendation thereon to the chief of the combat service, supporting service or staff division or the officer commanding command or formation concerned or an officer designated by him for the purpose for his comments and recommendation and for submission to an Exemption Board.

## **8. Deferment of or exemption from service of voluntary members of the Citizen Force and the Commandos**

(1) An officer of the Citizen Force or the Commandos who is not liable to serve in terms of [section 21](#) or [35](#) of the Act, and an other rank who is serving in terms of [section 19](#) or [36](#) of the Act, shall apply to his unit commander for deferment of or exemption from any service to which he may be liable in terms of [section 22](#) (4) or [44](#) (2) of the Act and any interested person may on behalf of such officer or other rank with or without his consent but with his knowledge apply for such deferment or exemption.

(2) Such commander may in respect of any period of service other than a period of continuous training, course or bivouac approve deferment of the period of service concerned or, on such grounds as he may deem sufficient, exempt the member concerned from the attendance thereof and he shall refer any other application for deferment or exemption to the chief of the supporting service or staff division or an officer designated by him for the purpose or the officer commanding the command or equivalent commander concerned.

(3) A chief of a supporting service or staff division or an officer designated by him for the purpose or an officer commanding the command or equivalent commander may, on such grounds as he may deem sufficient, defer such service or any part thereof to a later date in the same calendar year or may exempt the member concerned from such

service or any part thereof.

(4) Where an officer commanding a command or equivalent commander does not approve the application, he shall refer the application together with his comments and recommendation to the chief of the arm of the force concerned or an officer designated by him for the purpose who may, on such grounds as he may deem sufficient, defer such service or any part thereof to a later date in the same calendar year or may exempt the member concerned from such service or any part thereof.

[Reg. 8 substituted by GN R1174/81]

## **9. Deferment or exemption on medical grounds**

(1) No person shall on grounds of temporary medical unfitness be exempted from any service in the Citizen Force or the Commandos unless such unfitness had been proved to the satisfaction of the Surgeon General or an officer acting under his authority: Provided that the submission of a medical certificate may be dispensed with in the case of any period of service counting as non-continuous service.

(2) The Commander of a Citizen Force unit or a Commando shall exempt a member from attendance of any period or service counting as non-continuous service, where such member has proved to his satisfaction that he was ill at the time of the period of service concerned.

(3) Deferment from attendance of a bivouac by a member of a Commando may, on medical grounds, be approved in advance, but where a member becomes ill or sustains an injury while he is attending a bivouac, the commander of the commando concerned may, subject to [section 146](#) of the Act, on the recommendation of a medical officer, exempt such member from attendance of the unexpired portion of the bivouac concerned.

(4) If any member of the Citizen Force or a Commando while attending a camp or course of not more than 30 days duration, has become temporarily medically unfit for service owing to any disability, injury or illness, he shall be exempted from the performance of service for the duration of such unfitness and he may, subject to the directions of the chief of the combat service concerned, be exempted from attending the unexpired portion of the camp or course concerned, by the commander of the command, group or equivalent formation in which he is attending such camp or course.

(5) If any member of the Citizen Force or a Commando, while attending a camp or course of more than 30 days duration, has become temporarily medically unfit for

service as a result of any disability, injury, or illness, he shall be exempted from the performance of service for the duration of such unfitness and the chief of the combat service, supporting service or staff division concerned may -

- (a) in the case of a member serving in terms of [section 21](#) or [35](#) (1) of the Act, apply to an Exemption Board for the deferment of attendance by or exemption of the member concerned from the unexpired period of such camp or course; and
- (b) in the case of a member serving in terms of [section 19](#) or [36](#) of the Act, approve the deferment of the unexpired period of such camp or course or any portion thereof or exempt such member from attendance of such period or any portion thereof.

# DEFENCE ACT 42 OF 2002

## AMENDMENT OF THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN NATIONAL DEFENCE FORCE

Published under Government Notice R631 in *Government Gazette* 26365 of 31 May 2004 and amended by:

**GN R902**            **GG 28012**            **16/9/2005**

I, Mosiuoa Gerard Patrick Lekota, Minister of Defence, hereby under [sections 52\(2\)](#), [53\(2\)](#), [82\(1\)](#) and [82\(2\)](#) of the Defence Act, 2002 (Act No. 42 of 2002), with the approval of the Minister of Finance, makes the regulations in the Schedule.

### SCHEDULE

The General Regulations of the South African National Defence Force, promulgated under Government Notice No. R.203 of 13 February 1970, as amended by Government Notices Nos. R. 169 of 12 February 1971, R.1394 of 10 August 1973, R.439 of 7 March 1975, R.905 of 27 April 1990, R. 1060 of 17 May 1991, R.1723 of 26 July 1991, R.1723 of 26 July 1991, R. 1142 of 11 September 1998, R.181 of 26 February 2001 and R.1391 of 21 December 2001, are hereby amended by the substitution for Chapter XV thereof of the following Chapter:

### CHAPTER XV

### MEDICAL MATTERS

#### [1. Definitions](#)

#### [PART I](#)

#### MEDICAL FITNESS

#### [2. Establishment of category of fitness](#)

#### [3. Determination of and employment according to medical fitness](#)

#### [4. Allocation, restriction and alteration to categories of fitness](#)

#### [5. Subjection to medical examination](#)

#### [6. Medical unfitness for retention in service](#)

#### [PART II](#)



## **NATURE, EXTENT AND ADMINISTRATION OF MEDICAL TREATMENT**

- [7. Extent and authorisation of medical treatment](#)
- [8. Dental treatment](#)
- [9. Plastic and reconstructive surgery](#)
- [10. Additional requirements and services](#)
- [11.](#)
- [12. Provision of prosthesis and medical aids](#)
- [13. Defrayment of expenses](#)

### **PART III**

#### **MEDICAL BENEFITS**

- [14. Benefits and obligations: Members of the Regular Force and the Auxiliary Service and their dependants](#)
- [15. Benefits for members of the Reserve Force](#)
- [16. Exceptional circumstances](#)

### **PART IV**

#### **REGULAR FORCE MEDICAL CONTINUATION FUND**

- [17.](#)
- [18. Authority of the Fund](#)
- [19. Establishment of the Management Board](#)
- [20. Duties and powers of the Management Board](#)
- [21. Members of and contributions to the Fund](#)
- [22. Termination of membership](#)
- [23. Inclusion of dependant to participate in benefits of the Fund](#)
- [24. Rights, privileges and duties in respect of the Fund](#)
- [25. Basis for provision of treatment](#)
- [26. Administrative provisions](#)

### **PART V**

#### **MEDICAL FUND B FOR REGULAR FORCE MEMBERS WHO RETIRED ON PENSION BEFORE 7 JANUARY 1964 AND THEIR FAMILIES**

- [27. Establishment of the Fund](#)
- [28. Authority of the Fund](#)
- [29. Establishment of Management Board](#)
- [30. Members of and contributions to the Fund](#)
- [31.](#)
- [32. Termination of Membership](#)
- [33. Rights, privileges and responsibilities of members of the Fund](#)
- [34. Basis for provision of treatment](#)
- [35. Administration provisions](#)

## 1. Definitions

In this Chapter any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context otherwise indicates -

**“accommodation expenses”** means expenses relating to accommodation and meals described in the Department of Defence Instruction on inland accommodation expenditure, but does not include the cost of travel;

**“administrator”** means the person contemplated in regulation 19(4)(a)(i);

**“allotted category”** means a category of fitness allotted to a person in terms of regulation 3;

**“authorised patient”** means a specific patient who has been approved by the Department of State Expenditure or its delegatee in writing;

**“beneficiary”** means any beneficiary contemplated in regulation 21 or 31;

**“Board”** means the Management Board contemplated in regulation 19(1) and 29(1);

**“category of fitness”** means a standard of physical and mental fitness determined and described in terms of regulation 2;

**“child”** means any-

- (a) natural child of a member or beneficiary, including the natural child of an unmarried member or beneficiary born outside of marriage;
- (b) natural child of a member or beneficiary born out of wedlock and later

legitimised by the subsequent marriage of the member or beneficiary with the other natural parent as contemplated in [section 4](#) of the Children’s Status Act, 1987 (Act No. 82 of 1987);

(c) adopted child of a member or beneficiary as defined in [section 1](#) of the Child Care Act, 1983 (Act No. 74 of 1983);

(d) natural or adopted child for whose health care a member or beneficiary is legally responsible or liable in terms of a divorce or maintenance court order;

(e) minor step child of a member or beneficiary, which child is not a beneficiary of a registered medical scheme to which the natural or the legal father or mother is a contributor, but excluding any child who is in foster care of the member or beneficiary or his or her spouse: Provided that when the relevant marriage is terminated, the child is no longer regarded as a child with regard to this Chapter, except if the child lives with the member or beneficiary on a permanent and continuous basis; and

(f) a child born from a child referred to in paragraphs (a), (b), (c), (d) and (e), but only until such time as the child born from the child is discharged for the first time from the health care facility where the child was born;

**“compelled to demilitarise”** means when a military post must be converted to that of a grading in terms of the Public Service Act, 1994 (Act No. 103 of 1994) and a South African National Defence Force member in a military post consented to be a Department of Defence employee serving in terms of the aforementioned Public Service Act;

**“dependant”** means -

(a) the spouse or spouses of a member of the Regular Force or of any Auxiliary Service under the Act (not being the Service Corps) or beneficiary of the Fund, but excluding the spouse of a member serving in the STS or of any member of the said Service Corps: Provided that -

(i) any such spouse is not a member or beneficiary of a registered medical scheme or receives no medical or health support from any other provider;

(ii) where any such spouse is an employee and his or her service conditions and benefits provide that he or she as an employee is compelled to belong to a registered medical scheme designated by his or her employer, such spouse shall not be entitled to any medical or other benefits provided for in this Chapter; and

- (iii) in the case of more than one spouse, the member or beneficiary shall be liable to pay the contribution to the fund that may be set for a second or any additional spouse in terms of regulation 7(1)(c).
- (b) a child who is of necessity non-self-supporting and permanently part of a member's or a beneficiary's household: Provided that such child -
- (i) has not attained the age of 18 years and is still attending school;
- (ii) is 18 years or older but has not yet attained the age of 21 years and is a full-time student studying towards obtaining Grade 12;
- (iii) is 18 years or older and is on account of a mental or a physical defect that occurred during his or her period of dependence as described in subparagraph (i), subparagraph (ii) or paragraph (c), permanently unfit to obtain or perform remunerative employment and the total of any income, earnings, maintenance or compensation for damages of such child from any source, does not exceed the sum of-
- (aa) the appropriate maximum basic social pension that is regulated in terms of a law which is in force in the Republic;
- (bb) the maximum allowance for a war veteran to whom a war veteran's pension has been awarded by/or in terms of a law which is in force in the Republic; and
- (cc) the maximum allowance paid to a person as a result of a late application for social pension or a war veteran's pension;
- (iv) is found permanently medically unfit by the Surgeon-General or his or her delegatee and such finding is irreversible, permanent inclusion on the medical strength of the parent will be granted. Should there be any doubt as to the permanence of the condition, a follow-up medical report will be requested after a period of 12 to 36 months from the Surgeon-General or his or her delegatee;
- (v) is 18 years or older and a registered student at an accredited education, training and development service provider or accepted institution, in the sole opinion of the Chief of the South African National Defence Force, for post-school education, whether intramurally or extramurally, in order to obtain the minimum

qualification in preparation for a career, but only -

- (aa) if such a child is unemployed after leaving school or does not take up any full-time employment, including any type of vocational training to which remuneration is attached, voluntary military service or sabbatical either within or outside the Republic, but excluding work during the vacation between leaving school and the commencement of the academic year immediately following the year of leaving school; until -
- (bb) such child attains the minimum post school qualification which will enable such child to take up employment in his or her chosen field of study; or
- (cc) the minimum recommended duration of the course of study as prescribed by the institution concerned for such course plus a maximum of one academic year, has expired, if it takes such child longer than such prescribed period to obtain the relevant qualification as a result of poor academic performance; or
- (dd) such child discontinues the relevant initial course of study for the second time; or
- (ee) such child changes the direction of study and the total period of study exceeds the minimum normal period of study contemplated in subparagraph (cc) plus one academic year;

whichever of the four events referred to in subparagraph (v) occurs first: Provided that should such child temporarily interrupt such studies due to medical reasons through no fault of the child concerned with the view to recommence such studies, the Chief of the SANDF may recognise such child as a dependant during such interruption and for the remainder of the period of study: Provided that dependant children older than 18, who are students, must submit proof of registration, annually or per semester, as the case may be, to apply for readmission as a dependant;

**“employee of the DOD”** means a person who is employed by the Department of Defence in terms of the Public Service Act, 1994 (Proclamation No. 103 of 1994);

**“Fund”** means the Regular Force Medical Continuation Fund contemplated in regulation 17, or the Regular Force Medical Fund B contemplated in regulation 27, as the case may be;

**“hospital”** includes a medical or nursing institution, a sickbay, a military medical clinic or a private medical nursing institution or any other facility designated as such by the Surgeon-General;

**“manager”** means a person appointed as such under regulation 19(4)(a)(i);

**“marital status”** includes the status or condition of being single, divorced, widowed or in a life-partner relationship, whether with a person of the same or the opposite sex, involving a commitment to reciprocal support in a relationship;

**“medical aid”** means an appliance or apparatus that assists a patient to be self-supporting and increases the functional abilities of the patient;

**“medical officer”** means a person entitled to practise as a medical practitioner in terms of [section 17](#) of the Health Professions Act, 1974 (Act No. 56 of 1974), and who-

- (a) is serving as a medical officer or dental officer or specialist medical or dental officer in the Regular Force;
- (b) is undergoing training or is performing service as a medical officer, dental officer or specialist in the Reserve Force;
- (c) is employed on a whole or part-time basis by the State as an employee of the DOD and holds the post and carries the responsibility of a medical officer or dental officer or medical or dental specialist;
- (d) is employed on a contractual basis by the State and carries the responsibility of a medical officer or dental officer or medical or dental specialist; and
- (e) has, in terms of regulation 11(2)(f), been designated as a medical officer either generally or in relation to a specific patient;

**“medical prosthesis”** means the replacement of part of the body with an artificial apparatus for example, but not restricted to an artificial limb, artificial eye, electronic pacemaker, implant or dentures;

**“member of the Fund”** includes a widow or widower who has, in terms of regulation 21 or regulation 30, become a member of the Fund;

**“patient”** means a “member”, “dependant”, “beneficiary” or an authorised patient;

**“principal officer”** means the person contemplated in regulation 19(4)(a)(iv);

**“registered medical scheme”** means any medical scheme registered under [section 24](#)(1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

**“sabbatical”** means any period between leaving school and the date where the person involved was not in gainful employment or full-time study and includes travel in or outside the Republic for whatever reason, as the case may be, for any period exceeding the period between leaving school and the commencement of the academic year in the year immediately succeeding the final school year;

**“SANDF”** means the South African National Defence Force;

**“spouse”** means -

(a) a person who is married to a member or beneficiary and which marriage is recognised as a valid marriage in terms of the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998); or the Marriage Act, 1961 (Act No. 25 of 1961); or

(b) a person who is married to a member or beneficiary and which marriage is recognised as a valid marriage in terms of the laws of any country other than the Republic of South Africa provided that such marriage is legally registered in terms of the relevant laws of that country and -

(i) a notarised copy of the Certificate of Registration, if any, is submitted; or

(ii) written proof of the registration of the marriage given under the hand of a person duly authorised in terms of the laws of that other country, is submitted.

(c) a life partner, the partnership being either heterosexual or homosexual, but specifically excluding parents and other family members, in a permanent life partnership, if such a partnership is -

(i) contained in a duly signed Notarial Agreement prepared and executed by a Notary Public with a protocol number; or

(ii) registered in terms of any specific legislation regarding life partnerships;

but does not include the spouse of a beneficiary, which beneficiary became the main



beneficiary after the death of his or her former spouse.

[Definition of “spouse” substituted by GN R902/2005]

“**STS**” means a person serving in a temporary capacity in terms of the Short Term Service system in the Regular Force, including a person serving in the Military Skills Development service;

“**Surgeon-General**” includes a medical officer to whom the Surgeon-General has delegated specified functions;

“**temporary category**” means a category of fitness which is temporarily allotted to a member;

“**the Accountant**” means the person contemplated in regulation 19(4)(a)(ii);

“**the Act**” means the Defence Act, 2002 (Act No. 42 of 2002);

“**widow**” means the surviving spouse of a deceased male member of the Regular Force or a beneficiary contemplated in the definition of “dependant”;

“**widower**” means the surviving spouse of a deceased female member of the Regular Force or a beneficiary contemplated in the definition of “dependant”.

## **PART I**

### **MEDICAL FITNESS**

#### **2. Establishment of category of fitness**

The Surgeon-General or a medical officer designated by him or her for that purpose must, from time to time, in consultation with the Chief of the Service or Staff Division or Supporting Service concerned, determine the standard of physical and mental fitness required in peace or war time for the efficient work performance of a member in every Service or Division in each branch, corps or unit thereof and in each mustering, appointment, post or job classification in the SANDF, taking into account requirements laid down by the relevant Code of Remuneration or Personnel Management Code and the Chief of the SANDF, and in so doing -

- (a) fully describe the standards and categories of fitness and classify them in order of stringency;

- (b) designate a suitable category of fitness for each branch, corps, unit, mustering, appointment, post or job classification; and
- (c) promulgate the classification and application of the said categories of fitness in the Orders of the SANDF.

### **3. Determination of and employment according to medical fitness**

- (1) The Surgeon-General is responsible for the determination of the standard of physical and mental fitness of any person who -
  - (a) has applied for appointment or enrolment in any part of the SANDF;
  - (b) is, in terms of the Act, obliged to report for training or to render service in any part of the SANDF; and
  - (c) is serving in any part of the SANDF.
- (2) The Surgeon-General must allocate the category of fitness contemplated in regulation 2 to a person contemplated in regulation 4(1) and must advise the Chief of the Service, Staff Division or Supporting Service concerned of such fitness category and may -
  - (a) restrict the nature, extent and place of that person's employment permanently or temporarily;
  - (b) allocate a temporary fitness category to that person; and
  - (c) at any time alter the allotted category of that person.
- (3) No member shall be appointed, enrolled, mustered or employed in any post or mustering of the SANDF or be required to serve or to undergo training in such post or mustering unless the allotted fitness category of that member equals or exceeds the category designated for that post or mustering in terms of regulation 2(b).
- (4) The Surgeon-General may -
  - (a) with regard to medical facts of a member contemplated in subregulation (3), which are brought to his or her attention by whatever means, if the Surgeon-General has any doubt with regard to that member's medical fitness, appoint a

Medical Board, which must-

- (i) consist of at least three medical officers for an envisaged amendment of an existing category to a category of purely administrative duties or permanently unfit for further service in the SANDF or at least one medical officer and two registered health care professionals with at least three years experience in the South African Military Health Service for an envisaged amendment to a category other than the categories mentioned here above;
- (ii) report about-
  - (aa) the medical condition of that member;
  - (bb) the nature, origin, extent or possible future development of the disability or disease;
  - (cc) the future utilisation or management of the member; and
  - (dd) the nature and extent to which service in the SANDF has caused or aggravated the disability or disease;

(b) with regard to medical facts of a dependant of a member of the Regular Force or of an Auxiliary Service or an employee of the Department of Defence employed in the SANDF or Department of Defence, which are brought to the attention of the Surgeon-General by whatever means, if the Surgeon-General has any doubt with regard to such dependant's medical fitness, and if that dependant enjoys the medical benefits provided by the SANDF, appoint a Medical Board, which must -

- (i) consist of at least one medical officer;
- (ii) report about -
  - (aa) the medical condition of that dependant;
  - (bb) the nature, origin, extent or possible future development of the disability or disease; and
  - (cc) the future management of the dependant.

- (5) The Surgeon-General determines in which format the report referred to in subregulation (4) must be submitted and when and where the medical examination must take place.
- (6) The expenses of a medical examination in terms of subregulation (5), which may include a special medical test which the Surgeon-General has ordered, as well as the expenses of the hospitalisation of the member concerned in a military hospital or other applicable institution for a period not exceeding 21 days, is paid from State funds.
- (7) The accommodation and travel expenses of a member, but excluding dependants, to whom subregulations (4), (5) and (6) are applicable, may be reimbursed in terms of the prescribed tariffs, which are from time to time approved by the Department of State Expenditure on the recommendation of the Chief of the SANDF.
- (8) (a) A member or a dependant of a member who is not satisfied with a determination of the standard of physical and mental fitness contemplated in regulation 3, 4 or 5, may request the Surgeon-General in writing, within 30 days after the notification of the outcome of the Medical Board, to review that classification.
- (b) The Surgeon-General must appoint a review board to investigate a request contemplated in paragraph (a) and to make an appropriate recommendation of upholding or amending the original classification: Provided that such a review board shall consist of the Surgeon-General as chairperson and three medical officers of which at least one shall be a specialist in the applicable discipline.
- (9) A member or dependant who is not satisfied with any decision of a Review Board contemplated in subregulation (8), may approach the Minister for a final decision: Provided that the Minister must elicit professional medical expertise, which may be external to the Department, in making his or her decision.

#### **4. Allocation, restriction and alteration to categories of fitness**

- (1) The category of fitness, allocated in terms of regulation 3(2) to a member who serves in any post of the Regular Force or who has in terms of [section 53](#) of the Act been found medically fit and has been allocated to the Reserve Force but has on the said date not commenced service or training therein, must, in the absence of evidence to the contrary, be regarded to have the category of fitness applicable to the post or mustering in which that member was serving or to which that member was allotted on that date.

- (2) An alteration to the medical category with regard to -
- (a) a member, occurs in terms of regulation 3(4)(a);
  - (b) a post or mustering occurs through negotiations between the Chief of the Service, Staff Division or Supporting Service concerned and the Surgeon-General, and the final decision is made known by the Surgeon-General; and
  - (c) any other case, occurs in terms of regulation 3(4)(b):

Provided that the fitness category of a member or dependant is not altered unless the recommendation is approved by the Surgeon-General.

(3) Where in any case, in the opinion of the Surgeon-General, it is necessary on account of a member's state of health to restrict, temporarily or permanently, the nature or extent of the service or duties in respect of which, or the area or place in which the allocated category of any member shall apply, even though such state of health does not justify the alteration of the member's allocated category or the allocation to such member of a temporary category, the Surgeon-General may define the extent of such restriction and apply it in accordance with subregulation (4) to the member concerned and such restriction shall only be altered or revoked on the authority of the Surgeon-General.

- (4) If a member or a dependant's state of health is of such a nature that -
- (a) the member must be dealt with in terms of regulation 3(4) or subregulation (2) and if the result is that a lower fitness category is temporarily allocated to that member:
    - (i) the Surgeon-General must inform the Chief of the Service and the Officer Commanding concerned, in writing and in layman's terms, of the restriction with regard to the utilisation of the member as well as the nature, extent and duration of the restriction or temporary fitness category, and
    - (ii) the Officer Commanding must inform the member accordingly; and
    - (iii) if a member transfers during such restriction or temporary category, the member's new Officer Commanding must be informed accordingly;
  - (b) the dependant must be dealt with in terms of regulation 3(4)(b) or

subregulation (2), if the result is that a lower fitness category is temporarily allocated to such dependant, the Surgeon- General must inform both the dependant and the employer concerned, in writing and in layman's terms, of the restriction with regards to the utilisation of the dependant as well as the nature, extent and duration of the restriction or temporary fitness category.

(5) If a member or a person, who has in terms of the Act been allotted to the Reserve Force, but who has not commenced serving therein, fails at any time to comply with the requirements of the allocated category because of a disability or disease and the Surgeon-General is of the opinion that the condition of the member or person concerned will after medical treatment improve to such an extent that it will, in time, warrant the reinstatement of that member or person's allocated category, the Surgeon-General may suspend that member or person's allocated category and allocate a temporary category to the member or person concerned for a period -

(a) not exceeding three months in the case of a member serving in terms of [Chapter X](#) of these Regulations or [section 53](#) of the Act;

(b) not exceeding 12 months in the case of any other member or person;

and the Surgeon-General, in consultation with the Chief of the Service, Staff Division or Supporting Service concerned, may, subject to regulation 5(1)(b), extend that period from time to time.

(6) If a Commanding Officer is in doubt whether a member serving or undergoing training is physically fit to perform any duty which may in the course of the member's service or training be performed, that Officer Commanding may prohibit the performance of the duty concerned by that member and shall immediately report the reasons for the prohibition to the medical officer concerned for action in terms of regulation 5(2).

## **5. Subjection to medical examination**

(1) A member must, in accordance with regulation 3 subject himself or herself to a medical examination for the purpose of determining that member's medical fitness for any service, course or category of fitness referred to in this Chapter, prior to -

(a) appointment from the ranks to commissioned rank;

(b) re-appointment or re-enrolment of a member for service or training on the

expiration of a specified period of service, the duration of which has been determined by or in terms of the Act or these Regulations, except when that member has served without a break in service in the Regular Force in a permanent or temporary capacity or served in terms of [section 53](#) of the Act;

- (c) termination of service in any part of the SANDF or in the Reserve Force if the member is appointed or enrolled in any other part of the SANDF;
- (d) transfer to or mustering in any post, branch, classification or mustering in respect of which a higher category of fitness than the member's allotted category has been designated in terms of regulation 2;
- (e) the member being permitted to leave the Republic on duty of any kind or attending a course or any other training opportunity outside the borders of the Republic;
- (f) the member being permitted to attend a course in the Republic designated for the purpose by the Chief of the Service, Staff Division or Supporting Service concerned in consultation with the Surgeon-General, and promulgated in DOD Instructions;
- (g) his or her allotted category, suspended in terms of regulation 4(5), being reinstated or altered; and
- (h) him or her being employed if called up from the Reserve Force for service in terms of [section 53](#) of the Act.

(2) Notwithstanding the provisions of regulation 3(3), 3(4), 4(2) and 5(1), the Surgeon-General may, with regard to a member-

- (a) who performs duties which, in the opinion of the Surgeon-General, require that in the member's own interest and that of the SANDF the member be medically examined periodically to confirm the member's medical fitness to continue performing such duties, direct that such examination be conducted in terms of regulation 3(1);
- (b) whose medical fitness is in doubt, order that such member's medical category be re-evaluated; and
- (c) who has become seriously ill and hospitalised, order that such member's



medical category be re-evaluated.

- (3) No member referred to in subregulation (1) may refuse to undergo a medical examination required in terms of subregulation (2).
- (4) The Surgeon-General may, upon receipt of payment determined by the Department of State Expenditure, perform medical examinations on members and dependants requested by a member of the Regular Force or the Auxiliary Service or a dependant of such a member.
- (5) Any member or employee of the Department of Defence, may be requested by the Surgeon-General or his or her delegatee, to submit and if so required shall submit to undergo a Comprehensive Health Assessment (CHA), or any other health assessment or immunisation or prophylaxis against any communicable, infectious or epidemic illness that may be determined from time to time by a prescribed authority: Provided that -
- (a) any CHA or any other health assessment will be determined by the Surgeon-General in accordance with the requirements for such an evaluation;
  - (b) such immunisation or prophylaxis may be carried out by means of vaccination or injection with or oral administration of the specific antigen or prophylactic medicament determined for the purpose by a medical officer.

## **6. Medical unfitness for retention in service**

- (1) The Surgeon-General must submit a report to the Service or Division concerned with regard to a member of the Reserve Force who has been allotted to the Reserve Force but has not commenced serving therein, to whom a category of fitness has been allotted permanently, which, in terms of regulation 3(3) is incompatible with the employment or continued employment of that member or person in the allotted classification or mustering.
- (2) After the submission of a report contemplated in subregulation (1) -
- (a) the Minister may order the discharge or termination of service of the member concerned in terms of [Chapter III](#) or [Chapter IV](#) of these Regulations, as the case may be; and
  - (b) the Chief of the SANDF may, if the member concerned can, in the new allocated category, be used efficiently and in the interest of the SANDF in any

classification or mustering in the part of the Reserve Force in which such member serves, order that the member concerned be reclassified or remustered in terms of [Chapter III](#) or [Chapter IV](#) of these Regulations, as the case may be: Provided that a member of the Reserve Force shall not be reclassified or remustered in terms of this regulation without that member's written consent, except when such member renders service in pursuance of [Chapter X](#) of these Regulations or [section 53](#) of the Act.

- (3) The service of a member of the Regular Force is terminated if the Surgeon-General or his or her delegate issues a certificate to the effect that due to medical or psychological reasons, such member is permanently unfit to serve in the SANDF.

## PART II

### NATURE, EXTENT AND ADMINISTRATION OF MEDICAL TREATMENT

#### 7. Extent and authorisation of medical treatment

- (1) The Chief of the SANDF may issue orders in terms of these Regulations, relating to -
- (a) the provision, management and control of medical, dental, hospital, psychiatric and rehabilitative services, assistance and support to serving members of the SANDF and authorised patients;
  - (b) the class of members of the said SANDF, including members who are intended attaches and the dependants of such classes of members of the said Regular Force, the Auxiliary Service, the class of members of the said Auxiliary Service including the dependants of the members of the said Auxiliary Service, the Reserve Force or other persons, who shall be or may gain access to such services, assistance and support;
  - (c) the scale or aggregate amount of contributions to be made by any member or class of member or any dependant for the provision of such services, assistance and support provided for by the SANDF; and
  - (d) the rights, privileges and obligations of serving members and their dependants where applicable and generally all matters reasonably necessary for the administration, regulation, operation, maintenance and extension of such services, assistance and support.

(2) The Surgeon-General must, subject to the provisions of the Act and this Chapter, arrange for the offering to an authorised patient of-

(a) medical, dental and hospital treatment which is required in respect of an injury, disease, latent disease, physical defect or other disability from which the patient concerned is suffering, in order to -

(i) effect the recovery of such patient or to promote his or her state of health; and

(ii) promote or improve the functioning or use of any limb, organ, bodily function or faculty of such patient or to reinforce, supplement or replace such limb, organ, bodily function or faculty.

(b) medical and hospital treatment in addition to the treatment referred to in subregulation (a) required during the pregnancy and confinement, including pre-natal and post-natal care of the mother and child concerned;

(c) medical and or other treatment according to the prescripts of the Compensation Commissioner with regard to treatment for members whose claims for compensation for injuries or diseases have been accepted in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993); and

(d) preventative, prophylactic or immunising treatment which shall or may be administered in terms of any Act or which the Surgeon-General deems necessary in the interest of the SANDF or any patient.

(3) The Surgeon-General must from time to time determine the nature and extent of the treatment required in accordance with subregulation (2) by a patient and may, subject to the other provisions of this Chapter, authorise the offering or administration of such treatment to the patient concerned in terms of regulation 11(1).

## **8. Dental treatment**

The Surgeon-General must, subject to the provisions of the Act and this Chapter, arrange for the offering of all categories of dental treatment to -

(a) a member of the Regular Force and the Auxiliary Service and any dependant of

that member, excluding the dependants of members of the STS; and

(b) authorised patients.

## **9. Plastic and reconstructive surgery**

The Surgeon-General may authorise plastic and reconstructive surgery, to the extent to which, in the Surgeon-General's opinion, such treatment is necessary for the normal functioning of the patient in the community or job environment.

## **10. Additional requirements and services**

The treatment which may be authorised in terms of regulation 7, must include the provision of the requisite medicaments, bandages, wrappings, catgut, gloves, medical, dental or surgical instruments, apparatus, Rontgen films: chemicals or organic materials or derivatives thereof (including blood or plasma), consumer goods for occupational therapy or such other medical aids or apparatus and medical prostheses as may be necessary for the promotion of the recovery of a patient, and also the required hospital facilities and maintenance, paramedical services and nursing, which is obtained in a manner determined by the Surgeon-General.

**11. (1)** The Surgeon-General must make arrangements for, and exercise professional, executive

and administrative control over the provision and administration of any treatment which is or may be provided to a patient in terms of this Chapter: Provided that such patient is in possession of a suitable identification document as required by the Surgeon-General.

(2) For the purposes of subregulation (1) the Surgeon-General must, as far as it is professionally and administratively practicable, make use of the facilities of the military medical service and such other medical facilities that may be at the Surgeon-General's disposal and may -

(a) delegate any function vested in the Surgeon-General by this regulation to any other medical officer designated by the Surgeon-General for that purpose, whether generally or in respect of a specific case;

(b) administer treatment in terms of this Chapter at a patient's place of residence, a hospital, clinic, out-patients' department of a hospital or at the consulting rooms of a medical officer or at any other place designated by the

Surgeon-General for that purpose;

- (c) where a patient is at a place where there is no military hospital or where a military hospital is unable to accommodate or to treat the patient concerned effectively because of lack of space or the absence of facilities which, in the opinion of the Surgeon-General, are required for the treatment of such patient, authorise the admission to or the treatment of such patient at any other hospital or institution which may be designated by the Surgeon-General for that purpose;
  - (d) authorise the conveyance of a patient to and from any place, designated in terms of subparagraphs (b) or (c) for any treatment in terms of this Chapter or in such manner whether in general or with regard to the circumstances of a particular case that he or she deems suitable;
  - (e) authorise the escort or nursing of a patient by any person who, in the opinion of the Surgeon-General, is deemed fit to act as escort while such member or dependant is being conveyed in terms of subparagraph (d);
  - (f) where a suckling or the mother of such suckling is admitted to a hospital, also authorise the admission to the hospital as hospital patient of the mother or child concerned, as the case may be;
  - (g) where for any medical reason which he or she deems sufficient the examination or treatment of a patient cannot be undertaken by a medical officer of the South African Military Health Service or where the Surgeon-General considers a second opinion necessary in the interest of a patient, designate a registered medical or dental practitioner or specialist who is not employed on a full-time basis by the State as a medical or dental practitioner, whether in general or for the examination or treatment of a specific patient in a temporary or part-time capacity; and
  - (h) on behalf of the State accept liability for the cost of medical, dental or hospital treatment provided in a case of emergency to any patient by any medical or dental practitioner or hospital, if in the opinion of the Surgeon-General, it was in the interest of such patient to be provided such treatment in an emergency.
- (3) In case of death during hospitalisation or the administering of medical services, the Surgeon-General or his or her delegatee, may authorise the transportation of the remains of the deceased to a place designated for that purpose by the next of kin.

(4) The treatment provided for in this Chapter may be provided at any place in the Republic of South Africa and shall, in accordance with arrangements made by the Surgeon-General, be provided to any member performing whole time service outside the Republic, and, in the case of a member of the Regular Force performing such service, also to a dependant of such member who, with the approval of the Chief of the SANDF is accompanying such member abroad.

(5) Any member who reports at a hospital for any medical examination or treatment and is not necessarily hospitalised, is deemed to be on official duty and the Chief of the SANDF may reimburse a member and an escort of that member, appointed in terms of subregulation (2)(e), who reports at a hospital for medical examination or treatment, and is not necessarily hospitalised, the accommodation expenses for that official duty that were incurred to facilitate the medical examination or treatment: Provided that the escort is the dependant of a member as defined in regulation 1, or if the member has no dependants, such suitable person as appointed for the escort purposes.

(6) The Surgeon-General may contract any registered medical or dental practitioner or specialist, in a temporary, part time or any other appropriate capacity, for the examination or treatment of patients.

## **12. Provision of prosthesis and medical aids**

(1) Where, the Surgeon-General deems it necessary for maximum recovery and productive employment in the socio-economic environment of any patient, within the framework of such patient's disability, the Surgeon-General may, subject to other provisions of this Chapter, authorise the provision, to the patient concerned, of a prosthesis or medical aids: Provided that -

(a) the Surgeon-General shall determine the serviceable life of any article or category of articles provided in terms of this regulation and any such article shall, subject to subparagraph (b), in accordance with the directions of the Surgeon-General, be serviced, maintained, repaired, modified or replaced or supplied with a source of power or other expendable part or material required for its operation; and

(b) any article referred to in subparagraph (a) may, in accordance with the directions of the Surgeon-General, be modified or replaced at State expense on the expiration of its serviceable life so determined or where a medical officer designated by the Surgeon-General for the purpose has, before such expiration, certified that such modification or replacement is necessary because the article concerned has become unserviceable as a result of a physical or pathological



change in the patient.

(c) the Department of Labour's (Compensation Commissioner's) prescript with regard to prosthesis and medical aids for members whose claims for compensation for injuries and diseases have been accepted in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), must be taken into consideration.

(2) To curtail costs, but without forfeiting functional efficiency, the Surgeon-General may stipulate standards for any prosthesis or medical aid.

(3) When a patient, for whatever reason, prefers another type of medical prosthesis or medical aid than the prescribed one, the patient may be supplied with the medical prosthesis or medical aid of such patient's choice: Provided that the medical prosthesis or medical aid so chosen meets the standards stipulated by the Surgeon-General and that all extra expense in acquiring or maintaining the said medical prosthesis or medical aid is borne by the patient.

### **13. Defrayment of expenses**

(1) The South African Medical Health Service must at all times be structured and funded at State cost to provide an all-inclusive multi-disciplinary health capability to the SANDF and its members: Provided that the cost of services to serving members shall be the liability of the State.

(2) The cost of any treatment, service or medical prosthesis or medical aid authorised in terms of this Chapter and provided to a patient is, apart from conditions to the contrary in this Chapter, defrayed from State funds, obtained for this purpose through the normal budget programme: Provided that -

(a) services rendered by private medical and dental practitioners and specialists must be paid from State funds;

(b) any patient to whom this Regulation is applicable, shall be accommodated in a general ward of the hospital concerned, unless -

(i) the patient's medical condition requires treatment in a private ward, or intensive or high care unit, in which case the extra cost is paid from State funds; and



- (ii) the patient, for whatever reason, prefers to be receiving nursing care in a private ward, in which case such patient accepts prior responsibility for the additional costs and settles the difference directly with the relevant hospital authorities.

### **PART III**

#### **MEDICAL BENEFITS**

#### **14. Benefits and obligations: Members of the Regular Force and the Auxiliary Service and their dependants**

(1) The medical, dental and hospital treatment contemplated in regulations 7, 8, 9, 10, 11, 12 and 13 may, subject to the provisions of subregulation (6), be offered to a member of the Regular Force (including a Regular Force member who was compelled to demilitarise) and of an Auxiliary Service, and any dependant of such a member, but does not include the dependants of members of the STS and the Service Corps: Provided that, before any medical, dental and hospital treatment may be offered to any person or category of person regarded as a dependant, written approval must be obtained from the Chief of the SANDF to regard such person as a dependant of the member concerned: Provided further that such approval may be granted only in respect of -

(a) the spouse of a member;

(b) the child of a married member if the provisions of regulation 1 with regard to the definition of child have been complied with: Provided further that in the event the court orders that the member be given custody of the child or responsibility for the provision of medical, dental and hospital treatment for the child; and

(c) the child, born out of wedlock, of a single member if the provisions of regulation 1 with regard to the definition of child have been complied with and the said child is of necessity non- self supporting as contemplated in the said definition: Provided that -

- (i) if the member is the natural mother or the father of the child, such member shall, on request of the Chief of the SANDF, submit conclusive medical evidence as may be required by the Surgeon-General, at his or her own cost of this fact: Provided further, that if such medical evidence proves to

be conclusive, such member's costs in obtaining such medical evidence shall be reimbursed by the Chief of the SANDF;

(ii) the member is, in terms of an order by a competent court, responsible for the payment of maintenance and the provision of medical, dental and hospital treatment for the child;

(iii) the member is the mother and the child is in her care and the natural father of the child is not responsible for the payment of maintenance and the provision of medical, dental and hospital treatment for the child.

(2) A child in respect of whom maintenance is paid or is payable by any person other than the member concerned or by or in respect of whom any income or earnings of whatsoever nature or compensation for damages is received, must be regarded to be entirely dependent on the member concerned unless, in the opinion of the Chief of the SANDF, such maintenance, earnings, income or compensation for damages is sufficient to provide such child with sufficient food, accommodation, education and medical treatment.

(3) The determination contemplated in subregulation (1) and (2), shall not be granted where -

(a) the member concerned is estranged from his or her spouse and such estrangement is, in the opinion of the Chief of the SANDF not transitory or of a passing nature: Provided that such authority may be granted in cases where a wife does not reside with her husband in a marriage in terms of the Recognition of the Customary Marriages Act, 1998 (Act No. 120 of 1998); or

(b) the child concerned has been removed from the member's custody in terms of any law and has been admitted to a State or a State-aided institution for children in need of care or similar institution or has in accordance with an order of a competent court at State expense been placed in the custody of a foster parent;

(4) No medical, dental or hospital treatment may be offered to -

(a) a member of the Regular Force or Auxiliary Service who is absent from duty without leave;

(b) a member or a dependant of a member or any other person who may be entitled to the treatment contemplated in subregulation (1), while that member or

that member's dependant or any other person who may be entitled to such treatment is on leave, tour or visit or for any other reason outside the borders of the Republic;

(c) a member of the Regular Force or Auxiliary Service who has not fulfilled his or her financial obligations contemplated in regulation 7(1)(c).

(5) If a member of the Regular Force or of an Auxiliary Service or the dependant of such member is, on the day of the termination of such member's service, being treated in terms of subregulation (1) as an inpatient in a hospital, such treatment may, with the approval of the Surgeon-General, be continued in terms of this Chapter for 90 days.

(6) The treatment referred to in regulation 7(1)(a) is offered at places or locations designated by the Surgeon-General depending on the availability of the required medical and nursing facilities in connection with the military medical service and if the said facilities are not available the necessary medical and hospital treatment may, with the prior approval of the Surgeon-General, be provided by a provincial hospital or other institution at State expense.

(7) A member of the Regular Force or of an Auxiliary Service shall, within 14 days of the event, report in writing to his or her Officer Commanding any change whatsoever in the circumstances affecting the provision of the treatment or services referred to in subregulation (1) to such member's dependant, but the costs of any such treatment, services or articles offered contrary to this regulation to or in respect of such dependant owing to such member's failure to report such change, must be recovered from the member concerned.

(8) A member of the Regular Force or of an Auxiliary Service and a dependant of such a member, shall at all times, including any period of leave of absence -

(a) carry on his or her person the necessary identification as prescribed by the Surgeon-General and leave certificate, to ensure access to medical treatment whenever required; and

(b) immediately inform, in writing, his or her Officer Commanding of any incident where medical treatment was obtained at any place other than a hospital: Provided that such treatment shall only be rendered within the borders of the Republic of South Africa: Provided further that a member who is absent without leave is not entitled to such medical treatment.

## 15. Benefits for members of the Reserve Force

(1) Subject to the provisions of subregulation (2) treatment, services and prosthesis provided for in regulation 7, 8, 9, 10, 11 and 12(1) must be offered to a member of the Reserve Force, if required for a wound or injury or illness which was contracted while on military service or undergoing training, notwithstanding that the duration of such treatment may extend beyond the period of the service, camp, course, parade or other training on which the member was engaged when the member received the wound or injury or contracted the illness.

(2) The treatment referred to in subregulation (1) shall be provided to the member concerned for the duration of the period of military service or training in which that member was engaged when he or she received the wound or injury or contracted the disease in question or through which a disability was caused or aggravated and such treatment -

(a) shall in the case of a disability to which subregulation (1) applies, be continued after the expiration of the said period until the member has recovered therefrom or until compensation in terms of the provisions of the Military Pensions Act, 1976 (Act No. 84 of 1976), has been made in respect of such disability;

(b) may in any other case be continued with the approval of the Surgeon-General, for a period not exceeding 90 days after the expiration of the said period of service or training or for a longer period that the Surgeon-General may approve in an exceptional case: Provided that the Surgeon-General may at any time after the expiration of the relevant period of military service or training, authorise the treatment or the resumption of the treatment of a disability to which subregulation (1) applies and in respect of which no compensation referred to in subparagraph (a) has been awarded;

(c) shall be provided with due consideration, and where applicable, in compliance with the prescripts with regard to medical treatment for such members whose claims for compensation for injuries or diseases have been accepted in terms of the Military Pensions Act, 1976 (Act No. 84 of 1976); and

(d) shall not be offered to a member of the Reserve Force who absented him or herself from duty without leave.

(3) Regulations 8, 9 and 12 are applicable to a member of the Reserve Force at all times for any period which such member is serving in terms of [section 53](#) of the Act:

Provided that -

- (a) dental treatment is confined to emergency treatment and preventive services; and
  - (b) the Surgeon-General may, in an exceptional case for professional reasons, suspend any provision of service contemplated in this regulation with regard to a specific member of the Reserve Force.
- (4) A member of the Reserve Force must, for the purposes of this regulation, be regarded as performing military service or to be undergoing training during any period in which such member -
- (a) is serving in terms of [section 53](#) of the Act;
  - (b) is undergoing any training in terms of the Act;
  - (c) is performing special duty approved in terms of the Act or these Regulations;
  - (d) has, owing to unavoidable circumstances, to remain longer than the stipulated duration of any military service or training, at the place designated therefor;
  - (e) is in terms of this Chapter treated as an inpatient in a hospital;
  - (f) in the course of a period of full-time or continuous service or training -
    - (i) is, in terms of these Regulations, temporarily absent on leave from such service or training;
    - (ii) is absent from such service or training owing to treatment in terms of this Chapter, including any period required for convalescence;
  - (g) is required to travel with Government or other public transport to or from any military service or training or is compelled in the course of such journey to stop over at any place:

Provided that this regulation shall not be so construed as to mean that any member who is absent from any service or training without leave or has been temporarily exempted from service or training in terms of the Act, shall be deemed to be performing service or

to be undergoing training while he or she is so absent or exempted.

(5) A member to whom treatment in terms of subregulation (1) has been offered, shall receive pay of rank for each day on which -

(a) that member has, owing to such treatment, not undergone or performed full-time or continuous service or training for which that member would otherwise have been paid; and

(b) after the expiration of a period of service or training, such treatment has been offered to the member as an inpatient in a hospital: Provided that-

(i) any payment in terms of this regulation shall be in accordance with the pay of rank approved by the Department of Defence on the recommendation of the Department of Public Service and Administration; and

(ii) this regulation shall not apply to a member to whom such treatment is provided in respect of a disability, injury or illness which is due to such member's own misconduct.

## **16. Exceptional circumstances**

If circumstances arise which in the opinion of the Chief of the SANDF justify a departure from any provision of this Chapter, he or she may, on approval of the Department of State Expenditure where expense to the State is involved, authorise such departure.

## **PART IV**

### **REGULAR FORCE MEDICAL CONTINUATION FUND**

**17.** The fund established, known as the Regular Force Medical Continuation Fund, provides medical, dental and hospital treatment to members of the Regular Force who retired or retire on pension on or after 1 January 1964, their dependants and of the dependants of members of the said Force who died or die on or after the said date.

## **18. Authority of the Fund**

Without derogating from the provisions of regulation 19(5), 20 and 25, the Fund is an autonomous fund which is authorised to -

- (a) receive and keep in trust any income that may become due to it in terms of this Chapter from contributions or levies on members or from interest on investment that may accrue by way of a donation, a grant, a subsidy or in any other manner;
- (b) defray any expenses from revenue due to it and thus received -
  - (i) which have been incurred as a result of treatment contemplated in regulation 17; and
  - (ii) which have been incurred for the management and functioning of the Fund;
- (c) invest any part of such income for the benefit of the Fund or recall such investments.

## **19. Establishment of the Management Board**

- (1) A Management Board is hereby established for the Fund, which consists of the following board members who will also have the same fiduciary duties as Trustees:
- (a) the Surgeon-General as the Chairperson;
  - (b) one member appointed by each of the Chiefs of the Services of the SANDF;
  - (c) the Chief Financial Officer of the DOD or a member appointed by him or her;
  - (d) a Service Systems Specialist from Chief Director HR Policy and Planning;
  - (e) the Chief of Joint Support or a member who is directly responsible for the administration of the Regular Force Medical Continuation Fund in the DOD appointed by him or her;
  - (f) the Sergeant-Major of the SANDF;
  - (g) three retired members of the Regular Force who are beneficiaries of the Fund, nominated by the other members of the Board at their first meeting of any year, of which one shall be a Warrant Officer or Non-Commissioned officer;



- (h) four members from the ranks of registered military trade unions, provided that no military trade union shall have more than two members at any given time;
- (i) a registered medical officer nominated by the Surgeon-General;
- (j) a medico-legal qualified officer from the Medico-Legal Services of the South African Military Health Services nominated by the Surgeon-General; and
- (k) a communications officer nominated by the Surgeon-General in consultation with the Chief of Defence Corporate Communication as a co-opted member.

[Subreg. (1) substituted by GN R902/2005]

(2) Each member of the Board, including the chairperson, must appoint a specific person as a representative who has to attend the meeting of the Board in the absence of that member and participate in the proceedings of the meeting and have a right to cast a vote at such a meeting.

(3) The Board may at any time co-opt or appoint any number of persons or relevant institution to assist the Board in any advisory capacity, including but not limited to financial planning, management of the Fund and the administration and control of the Fund: Provided that where such a co-opted person or institution is not a member of the SANDF or in the employ of the Department of Defence, the Fund shall carry all reasonable expenses relating to such co-option or appointment.

(4) (a) The Board may -

(i) appoint a competent officer or retired officer of the Regular Force or any employee of the Department of Defence, or any civilian person or institution as Administrator of the Fund to control, co-ordinate and perform the administrative duties relating to the Fund on behalf of the Board on a day-to-day basis;

(ii) appoint a competent officer or retired officer or the Regular Force or any employee or the Department of Defence, or any civilian person or institution as Manager of the Fund to control, co-ordinate and perform the managerial duties relating to the Fund on behalf of the Board on a day-to-day basis;

(iii) appoint a competent officer or retired officer of the Regular Force or any employee of the Department of Defence, or any civilian person or institution as the Accountant of the Fund to control, co-ordinate and perform

financial duties relating to the Fund on behalf of the Board on a day-to-day basis;

(iv) appoint any number of competent officers or retired officers of the Regular Force, employees of the Department of Defence, or civilian persons or any institution to provide full- or part-time administrative, secretarial and support duties relating to the Fund on behalf of the Board on a day to day basis;

(v) appoint a competent officer or a retired officer of the Regular Force or any employee of the Department of Defence, or any civilian person or institution as the principal officer of the Fund to control, co-ordinate and perform the duties relating to the statutory functions of a principal officer to the Fund on behalf of the Board on a day to day basis;

(vi) delegate certain responsibilities, including but not limited to the making of decisions on the payment of benefits or any other matter relating to the functioning of the Fund: Provided that such decisions must be legal and must comply with the provisions of this Chapter; and

(vii) outsource the managerial, administrative and any other functions to an Administrator in order to execute, control, coordinate or perform such functions required for the efficient management and control of the Fund on behalf of the Board or the Fund, or both, on a day-to-day basis.

(b) The Secretary for Defence or his or her delegatee may approve the establishment of posts on the fixed establishment of the Regular Force for appointing personnel to perform the co-ordinating and administrative functions required for the efficient management and control of the Fund.

(5) If any institution or person, who is not a member of the SANDF or an employee of the Department of Defence, is co-opted or appointed, or any function outsourced in terms of subregulation (3) or (4), the Fund carries the full cost with regard to the co-option or employment of such a person, institution or for such outsourcing.

(6) The Fund is a body corporate, independent of its members and is the owner of its assets and is competent to procure rights and incur liabilities in its own name and to act as claimant and defendant in litigation.

## **20. Duties and powers of the Management Board**

- (1) The Board must exercise control over the assets of the Fund in such a manner that at all times sufficient liquid assets are available to cover expenditure and for this purpose the Board is authorised to -
  - (a) open an account at a financial institution in the name of the Fund, to operate the account and to decide on the availability of cash from that account, before defraying any expenses or making any investment in terms of regulation 18(b) and (c);
  - (b) exercise general control over the scope and manner in which treatment shall be provided in terms of this Chapter and with regard to such provision, to repeal a decision or instruction given in terms of this Chapter by the Surgeon-General or an official of the Fund, or to amend or replace it with another decision or instruction; and
  - (c) do anything deemed necessary to organise or operate the Fund or the provision of medical, dental or hospital treatment to a beneficiary of the Fund.
- (2) The Surgeon-General is the chairperson of the Board and in his or her absence the most senior member of the members contemplated in regulation 19(1)(b), (c) and (d) shall act as chairperson.
- (3) The Board may implement any additional measures regarding its method of work: Provided that such measures are not in conflict with the provisions of this Chapter.
- (4) The Board convenes as often as the Chairperson deems necessary but at least twice annually, which meeting shall be attended by the Board members or their specific representatives unless the serving chairperson, for sound reasons, exempts them from attending the meeting.
- (5)
  - (a) A quorum for a meeting consists of a two-third majority of the total number of  
members serving on the Board.
  - (b) A decision is reached by majority vote of Board members attending the meeting and in the event of an equality of votes the chairperson of the meeting shall have a casting vote.
  - (c) A two-third-majority vote of the Board members attending the meeting is

required to revoke, amend or replace any of the decisions regarding the rendering of a service contemplated in subregulation (1)(b) and (1)(c).

(6) The minutes of every meeting of the Board shall be recorded in a book kept for that purpose by the Manager, and the minutes of the previous meeting shall, after approval, and after the Chairperson has signed them, serve as prima facie proof that the business, as recorded, is the business of that previous meeting.

(7) Any deed, contract, power of attorney, promissory note or other document must be regarded to have been executed on behalf of the Fund or the Board, if it has been signed under the name of the Fund by one member of the Board designated by the Board for that purpose and by the Manager thereof and a promissory note or a cheque drawn against an account of the Fund, must be signed by two persons designated by the chairperson for that purpose.

(8) (a) The Manager of the Fund may, with the consent of the Board, or if the Board cannot be convened in time, the chairperson of the Board, according to the circumstances of the case, on behalf of the Fund sue, institute action, appear in any action against the Fund, lodge an appeal or give notice of intention to defend;

(b) Any such action contemplated in subparagraph (a) which was taken with the consent of the chairperson must be submitted by the Manager to the Board for confirmation at the next meeting.

(9) (a) Any member of the Board, excluding specific representatives of members, may request the chairperson, in writing and through the office of the Manager or Administrator, to convene a meeting of the Board to discuss matters raised in the request.

(b) The chairperson must, without delay, inform the other members of the Board of a request contemplated in subparagraph (a) and convene a meeting of the Board within 30 days after having been informed of the request.

(c) If the chairperson fails to convene a meeting contemplated in subparagraph (a), the members of the Board may, after informing the chairperson in writing, convene a meeting themselves.

(d) If a quorum is present at a meeting contemplated in subparagraph (a), the decision of the two thirds of members of the Board present at that meeting, subject to the provisions of this Chapter is binding.

(10) The Department of Defence, the members of the Board, any member of the SANDF and anyone who makes a contribution to or is benefiting from the Fund, is not, without an undertaking to the contrary, liable for any debt of the Fund.

## **21. Members of and contributions to the Fund**

(1) Every-

(a) member of the Regular Force who contributes to the Government Employees Pension Fund in terms of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996);

(b) person who, in terms of subregulation (3), becomes a beneficiary of the Fund; and

(c) former member of the Regular Force who, through compelled demilitarisation, becomes an employee of the Department of Defence, is a member of the Fund and compelled to contribute towards the Fund according to the tariffs, which the Board may determine from time to time.

(2) Any amount contemplated in subregulation (1) that is payable from time to time by-

(a) any such member contemplated in subregulation (1)(a) and former member contemplated in subregulation (1)(c), is deducted monthly from that member's salary; or

(b) any beneficiary contemplated in subregulation (1)(b), is deducted monthly from that beneficiary, is paid to the Fund subject to the provisions of subregulation (4) and (13).

(3) A contributor to the Fund who has contributed for a continuous period of at least ten years towards the Fund becomes a beneficiary of the Fund if -

(a) he or she retires and is in terms of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996), or Special Pensions Act, 1996 (Act No. 69 of

1996) entitled to an annuity;

(b) he or she reaches a retirement age determined by or in terms of [Chapter III](#) or [Chapter IV](#) of these Regulations and is discharged and is entitled to an annuity in terms of the Government Employees Pension Law, 1996 (Proclamation No. 21 of 1996);

(c) his or her service is terminated prior to his or her retirement age as a result of voluntary acceptance of a severance package offered to him or her in terms of the Government Employees Pension Fund or any other severance package or measure approved by the Minister of Defence, including any severance package or measure offered, designed to facilitate and enhance the achievement of representivity in the SANDF, on the conditions prescribed by the Chief of the SANDF: Provided that any person who elects to accept a single sum gratuity must, for the purpose of Chapter XV of these Regulations, be regarded to have retired as if with a gratuity and annuity;

(d) he or she voluntarily terminates his or her services prior to retirement age, but not prior to attaining the age of 50, other than by retirement or with a severance package or measure as contemplated in subregulation (3)(c): Provided that any person who so terminates his or her services and who is not entitled to a gratuity and an annuity as provided for in the Government Employees Pension Fund, must for the purposes of this Chapter, be regarded as having retired with a gratuity and annuity;

(e) A person contemplated in subregulation (3)(d), is liable for his or her and his or her dependants' own medical expenses until the age of 60;

(f) In the event that a person contemplated in subregulation (3)(d) dies before reaching the age of 60, any dependant will become a beneficiary of the Fund only on the date on which the deceased would have attained the age of 60;

(g) any member or employee contemplated in subparagraphs (c), (d), (e) and (f) must pay to the Fund an amount as determined by the Board on recommendation of the actuary from time to time, which amount must be a realistic and justifiable amount to carry the cost of services provided by the Fund.

(4) Any member of the Regular Force who, in terms of his or her employment contract, will not be able to render ten years' continuous service or who will not be able to render such service prior to attaining the age of 60 years, may be allowed by the



Board to become a member of the Fund in exceptional cases on such conditions as the Board may determine.

(5) (a) A spouse, who is a dependant of a contributing member who dies whilst serving,

becomes a beneficiary of the Fund.

(b) A contributor to the Fund becomes a beneficiary of the Fund if he or she is discharged from the Regular Force as the result of a Medical Board declaring the member unfit for further service in the SANDF.

(6) Notwithstanding any provision of this Chapter -

(a) a beneficiary in terms of subregulation (3) who, prior to the commencing date of the regulations in this Chapter was a contributor to the Fund and who, between 1 January 1964 and 31 March 1990 (both dates inclusive), retired or was discharged in terms of subregulation (3) and the spouse of such beneficiary in the case where the beneficiary dies or has died, are exempted from any obligations regarding the payment of any further monthly contributions to the Fund or any increases thereof;

(b) a beneficiary who was a contributor and who, between 1 April 1990 and the commencing date of this Chapter (both dates inclusive), retired or was discharged in terms of subregulation (3) and the spouse of such beneficiary in the case where such beneficiary dies or has died, must pay in one sum monthly contributions that were applicable on the date of retirement, discharge or death calculated until the contributor would have attained the age of 60 years to the Fund: Provided that -

(i) the beneficiary is responsible and compelled to pay any subsequent increase in the monthly contributions applicable to serving members of the Regular Force in one sum, calculated from the date on which such increase becomes effective and until the beneficiary attains or would have attained the age of 60 years, to the Fund; and

(ii) should the beneficiary not be in a position to pay the increase in one sum to the Fund, the Board may allow the beneficiary to settle the outstanding amount plus interest in monthly instalments as arranged with the Manager of the Fund from time to time;

(c) any beneficiary who is a contributor to the Fund who retires or is discharged



in terms of subregulation (3) or (5)(b) as from the commencing date of the regulations in this Chapter and the spouse of that beneficiary in the case where the beneficiary dies after that date, must pay to the Fund in one sum, the monthly contributions that were applicable on the date of retirement, discharge or death for the period until the contributor would have attained the age of 60 years: Provided that-

(i) the beneficiary is responsible and compelled to pay any subsequent increase in the monthly contributions applicable to serving members of the Regular Force in one sum, calculated from the date on which such increase becomes effective and until the beneficiary attains or would have attained the age of 60 years, to the Fund; and

(ii) should the beneficiary not be in a position to pay the increase in one sum to the Fund, the Board may allow the beneficiary to settle the outstanding amount plus interest in monthly instalments as arranged with the Manager of the Fund from time to time;

(d) any contributor who enrolled in the Regular Force under contract and whose contract expires after completion of ten years' continuous service, but prior to attaining the age of 60 years, may at his or her own request, be allowed by the Board to continue the payment of monthly contributions to the Fund that may be determined from time to time until the contributor attains the age of 60 years in exceptional cases and on such conditions that the Board may determine; and

(e) any beneficiary contemplated in subregulations (6)(b) to (d) may, notwithstanding the provisions of those provisions, be compelled by a decision of the Board to continue with monthly contributions to the Fund after attaining the age of 60 years at a rate determined from time to time in respect of the beneficiary and dependants, until the beneficiary attains the age of 75 years.

(7) The provisions of subregulation (6) are applicable, with the necessary changes, to a widow or widower who becomes a beneficiary of the Fund owing to the death of a person referred to in subregulations (3)(a) to (3)(d) or (5)(a) or (5)(b).

(8) Without derogating from the provisions of regulation 23, the Board may, subject to subregulation (6) above, authorise that a child who is a dependant be entitled to the benefits of the Fund if -

(a) the child is a child of a deceased beneficiary contemplated in subregulation

(6) who is not survived by a spouse or whose widow or widower dies after the death of a beneficiary; and

(b) the Board is satisfied that the child will otherwise not be adequately provided for in respect of medical, dental and hospital expenses.

(9) The Board may authorise that a child be entitled to the benefits of the Fund in terms of subregulation (8) on condition that regular monthly contributions applicable to serving members in respect of the child are paid and that any otherwise applicable stipulations of subregulation (5) determined by the Board, are complied with.

(10) Notwithstanding the other provisions of this Chapter, the Board may, on the conditions that it may determine, admit as a beneficiary of the Fund a member of the SANDF who is not or who in terms of this Regulation may not be such a beneficiary if, in the discretion of the Board such a person should on account of considerations of fairness, be such a beneficiary, and such conditions may provide for-

(a) any amount or amounts which the beneficiary is liable to pay and any future contributions which he or she, or, if he or she dies within a period determined by the Board, his widow or her widower or other dependant who is entitled to benefits under the Fund, shall be liable to the Fund;

(b) circumstances under which the benefits of the beneficiary or, in the event of his widow or her widower being compelled to pay future contributions to the Fund, his or her benefits, or the benefits of his or her dependants, as the case may be, may lapse, and thereupon the provisions of regulation 24 and 25 shall apply to such beneficiary or to his widow or her widower if he or she becomes a beneficiary by virtue of the conditions laid down by the Board and to his or her dependants, as the case may be.

(11) The Board may, in cases which the Board deems to be exceptional and deserving, without prejudicing a person's right to benefits from the Fund, grant exemption from payment of contributions referred to in subregulation (6) or any provision thereof.

(12) Notwithstanding any provision of this Chapter, it is the responsibility of a member who wishes to be registered as a beneficiary of the Fund, to ensure that such application is submitted through the prescribed channels, to the administrative offices of the Fund, before he or she leaves the service of the SANDF, but in any event not later than three months after his or her last day of service.

(13) A serving member of the Regular Force who obtains beneficiary status of the Fund due to the death of her or his spouse, is exempted from the provisions of regulation 21 (2)(a).

(14) The Board may prescribe the circumstances and conditions under which the Manager may refund the value of contributions received by the Fund, as determined by the Fund's Actuary from time to time, to a member or beneficiary.

## **22. Termination of membership**

The membership of a member who is a contributor to the Fund as well as his or her dependant's claim to the benefits emanating from the Fund, lapses with effect from the date on which that contributor's service in the Regular Force is terminated if

(a) that service is terminated for any reason other than the reasons mentioned in regulation 21(3);

(b) the contributor is serving in terms of a Service Term System in the Regular Force and such term of service is terminated -

(i) prior to the completion of ten years' continuous service, but after attaining the age of 60 years; and

(ii) on completion of ten years' continuous service, but before attaining the age of 60 years and the contributor does not elect in terms of regulation 21 (6)(d) to continue contributing to the Fund, or the Board refuses his or her request to continue to contribute, or if such contributor neglects to continue with the payment of monthly contributions to the Fund as authorised by the Board.

## **23. Inclusion of dependant to participate in benefits of the Fund**

A dependant may only participate in the benefits offered by the Fund if prior written approval has been obtained from the Manager for such persons or category of person's inclusion as a dependant of a beneficiary: Provided that such dependant conforms to the requirements contemplated in regulation 14.

## **24. Rights, privileges and duties in respect of the Fund**

- (1) Notwithstanding any provision in this Chapter, the dependants of a member who has contributed to the Fund for a continuous period of not less than ten years and whose payments are up to date, are entitled to the benefits offered by the Fund with effect from the date on which the contributor's service in the Regular Force is terminated for any one of the reasons referred to in regulation 21 (4): Provided that such member has met all financial obligations provided for in this Chapter.
- (2) Any person, including a beneficiary contemplated in regulation 21(6) and a dependant of such a beneficiary who is entitled to benefits from the Fund or at State expense (subsistence and travel allowance) in terms of this Chapter, is only entitled to the treatment and service referred to in regulations 7, 8, 9, 10, 11 and 12, on condition that any contribution that is due or payable to the Fund, by him or her is paid and that all provisions or requirements of this Chapter are complied with.
- (3) The Board may, with due regard to the circumstances, age, mental development of, the custody and the guardianship of a child contemplated in regulation 21(8), determine conditions deemed to be necessary for the control and administration of the treatment of such child in terms of this Chapter.
- (4) Notwithstanding any other provision of this Part -
  - (a) every person who is entitled to benefits from the Fund and to whom medical, dental or hospital treatment or any prescriptions or copies of such prescriptions, medicine, dressings, medical prosthesis, medical aids or any other service is supplied on conditions determined by the Surgeon-General, shall pay to the Fund a contribution in the form of a levy contemplated in subregulation (14): Provided that different levies in respect of different categories of beneficiaries or suppliers of such services may be determined;
  - (b) every beneficiary and every other person who is entitled to the benefits from the Fund, must comply with prescripts and furnish the particulars which the Board may determine or require from time to time in connection with any levy contemplated in subregulation (a); and
  - (c) every person who is entitled to benefits from the Fund must, in order to receive any treatment -
    - (i) furnish at the times, in the manner and to the person as the Board may, either in general or in a particular instance, designate such personal or other particulars for the proper application of this Chapter and for properly

exercising control over the provision of such treatment; and

(ii) comply with the instructions issued from time to time by the Board with regard to the identification of the person to whom the treatment is given and that person shall comply with the procedures which have been laid down by the Surgeon-General with regard to the provision of such treatment.

(5) If a beneficiary or the dependant of a beneficiary fails to comply with any of the requirements of subregulation (4)(b) or (c) or an instruction issued in terms thereof, the Surgeon-General or the Manager shall arrange that, for the duration of such failure, all treatment and benefits derived from the Fund, be discontinued in respect of that beneficiary or the dependant of a beneficiary.

(6) If a beneficiary, his or her dependant or any other person entitled to the benefits from the Fund, fails to inform the Manager within 30 days from the date of any change in marital status or the status of the dependant concerned, which change affects the right of the beneficiary or his or her dependant to treatment in such a manner that the right must be suspended, or if such beneficiary or any other person concerned fails to comply with the provisions of subregulation (4)(b) or (c) or with any of the instructions issued in terms thereof, and as a result of such failure treatment is given to any person contrary to subregulation (5), the Manager must report the failure to the Board who may order that the expenses incurred for the treatment be refunded to the Fund and the Surgeon-General must arrange that, for the duration of the failure, all treatment and benefits derived from the Fund be discontinued in respect of that beneficiary or his or her dependant or any other person.

(7) The Surgeon-General must report any -

(a) treatment received by a beneficiary of the Fund or by his or her dependant or by any other person who is entitled to benefits from the Fund which has been provided in contravention of this Chapter; and

(b) unprofessional conduct or irregularity that occurs with regard to the provision by a pharmacist, doctor or any other person of medicine, dressings, medical prosthesis, treatment or service to a beneficiary, his or her dependant or to another person entitled to benefits from the Fund, which comes to his or her notice to the Board, and the Board may terminate the benefits received by the beneficiary, his or her dependant or any other person, or instruct the beneficiary concerned or the other person to repay the unauthorised expenditure to the Fund.

- (8) (a) Whenever the Surgeon-General deems it necessary, in respect of the admission or future admission of a person to a hospital in terms of subregulation (2) and the person's medical condition makes him or her unfit to provide his or her own transport, the Surgeon-General may authorise the transportation of such person to and from hospital in an ambulance or any Government or public transport and for this purpose authorise the issue authority for the most economical method of transport against repayment: Provided that authorisation for the use of private transport, where Government or public transport is not available or feasible, may be granted by the Manager of the Fund on a standing authorisation of the Surgeon-General;
- (b) the Fund must pay for the use of any transport authorised in terms of subparagraph (a) according to -
- (i) the tariffs laid down by Treasury for Government transport;
  - (ii) the public tariffs laid down in respect of transport by rail or by air; and
  - (iii) the tariffs applicable to any other form of transport, as the case may be.
- (9) Notwithstanding any provision of this Chapter, a beneficiary must make use of the medical facilities offered by a military medical or nursing institution, sickbay or a military medical clinic of the SANDF or any other institution designated by the Surgeon-General: Provided that -
- (a) any person who is entitled to make use of the benefits offered by the Fund may, for sound reasons, obtain prior approval from the Surgeon-General in consultation with the Manager to make use of the services of a medical or dental practitioner who does not have any of the facilities of the mentioned institutions;
  - (b) any beneficiary or person entitled to benefits from the Fund may, without creating liability for the Fund, obtain medical treatment elsewhere at own expense;
  - (c) the Board may, on the recommendation of the Surgeon-General, authorise the Fund to defray the expenses incurred for urgent medical, dental or hospital treatment by any medical or dental practitioner or hospital in a case of emergency to any person who is entitled to the benefits offered by the Fund; and



- (d) the beneficiaries of the Fund who retired in Namibia before its independence or to whom benefits had been extended individually and in writing before a certain date (21 March 1990 (1 March 1994 in respect of Walvis Bay)), may utilise private medical facilities in Namibia at the expense of the Fund: Provided further that they are liable to pay a levy at the rate prescribed under subregulation (14) on such services.
- (10) If any person who is entitled to the benefits offered by the Fund wishes to obtain treatment additional to the treatment provided for in terms of this Chapter or the use of alternative hospital facilities, he or she must obtain prior written approval from the Surgeon-General, who may lay down conditions regarding the nature and provision thereof or may authorise that it or any part thereof be provided at the expense of the Fund: Provided that if the conditions laid down are not complied with, the Fund will not be liable for the payment of those expenses.
- (11) The Fund may claim from the beneficiary or any other person entitled to benefits from the Fund, the costs of any treatment provided to the beneficiary, his or her dependant or to such other person for any injury or illness caused by a third party against whom such a beneficiary, his or her dependant or such other person, would otherwise have had a right to claim damages if the Fund had not paid such costs, irrespective of whether the beneficiary, his or her dependant or such other person has exercised that right or not: Provided that the said costs will not be recovered from the beneficiary or the person concerned if -
- (a) the Manager is notified in writing of the cause for such claim within 30 days after a claim has arisen;
  - (b) the beneficiary or any other person entitled to benefits from the Fund has at no time accepted an unauthorised settlement of such claim or, if it is applicable, has not agreed to the acceptance of a settlement by a dependant of the person concerned, or has not made an admission to the detriment of the Fund to a third party; and
  - (c) the beneficiary or any other person entitled to benefits from the Fund has recovered the costs of such treatment and has reimbursed the Fund, or has ceded any claim for the reimbursement of such treatment or expenses to the Fund.
- (12) This Chapter does not authorise the provision, at the expense of the Fund, of treatment contemplated in regulation 14(3), irrespective of whether such treatment is provided in terms of subregulation (11) or in terms of any other Act.



(13) (a) The Manager may withdraw a document issued in terms of this Chapter for the

identification of a beneficiary or his or her dependant or any other person entitled to benefits from the Fund which authorises any treatment in terms of this Chapter, if the benefits of a person referred to therein or the right of such a person to treatment in terms of this Chapter, has been suspended or cancelled or if such person's right thereto has been terminated.

(b) If the Manager demands the document contemplated in subparagraph (a), the person in whose possession the document may be, must hand or cause it to be handed over to the Manager.

(14) A contribution in the form of a levy must be paid by a beneficiary as an additional payment and consists of a percentage determined by the Board from time to time on all medical services rendered by a private practitioner, other than the Surgeon-General: Provided that such levy is not payable in cases where the beneficiary has been referred to an authority outside the SANDF by the Surgeon-General or his or her delegate for such treatment or service.

## **25. Basis for provision of treatment**

(1) The Surgeon-General regulates and controls the provision of medical, dental and hospital treatment to a person entitled to it in terms of this Chapter and such treatment is, subject to subregulation (2), given to that person as if he or she is a serving member of the Regular Force or a dependant of any such member or any other person entitled to benefits from the Fund.

(2) The Surgeon-General or a medical officer delegated by the Surgeon-General may, subject to subregulation (3), when authorising the treatment contemplated in subregulation (1) -

(a) use any military medical service or facility under the control of the Surgeon-General;

(b) without derogating from the provisions of regulation 24(9) and (10) if any beneficiary or, if applicable, his or her dependant or any other person entitled to benefits from the Fund resides at a place where there is no military hospital or where a military hospital is unable to accommodate or to treat the person concerned, because of lack of space or the absence of facilities which, in the

opinion of the Surgeon-General or the medical officer are required for the treatment of such person, authorise the admission to or the treatment of that patient at any other hospital or institution that may be designated for the purpose;

(c) without derogating from the provisions of regulation 24(9)(b) and (10), grant prior authorisation for the provision of such service or facility by a private medical practitioner or medical institution in addition to the services and facilities referred to in subregulation (2)(a) and (b); and

(d) provide any person referred to in subregulation (1) with medicine, dressings, medical prostheses, medical aid and other services from Government supplies as part of such person's treatment, or give prior authorisation for the provision thereof in another manner.

(3) The Fund must reimburse the State for any treatment and for the medicine, dressings, medical prostheses, medical aids as well as any other services provided in terms of this Chapter, subject to the conditions and at the rates laid down from time to time by the Surgeon-General with the approval of the Treasury in respect of-

(a) the use of military services and facilities and the provision of medicine, dressings and medical prostheses, medical aids and other items from Government supplies;

(b) the provision of a service or the use of a facility referred to in subregulation (2)(b); and

(c) a service or facility referred to in subregulation (2)(c), by agreement with the institution or person concerned: Provided that-

(i) the tariffs laid down for the purpose of subregulation (3)(a) and (b) do not include the provision of anything which does not form part of Government supplies and which has to be procured by the State for the treatment, or of medicine, dressings, medical prostheses, medical aids or services which, for the purposes of this Regulation, are supplied by a private pharmacist on prescription to a beneficiary, his or her dependant or any other person who is entitled to benefit from the Fund, and any such acquired article, medicine, dressing, medical prostheses, medical aids or service shall be paid for in full by the Fund; and

(ii) the tariffs laid down for the purposes of this subregulation do not

exceed the preferential scale applicable to the provision of similar services and facilities to members of other medical aid societies.

## **26. Administrative provisions**

- (1) The Accountant and other personnel of the Fund shall -
  - (a) open and keep up to date account books of the Fund;
  - (b) undertake the financial administration of the Fund in accordance with the decisions of the Board; and
  - (c) arrange for the auditing, by a chartered accountant appointed by the Board, of the account books and accounts of the Fund and for submission to the Board of the report and statements referred to in subregulation (5).
- (2) The Manager controls, co-ordinates and carries out the administrative duties relating to his or her office, keeps a record of contributors and beneficiaries and exercises control over contributors and beneficiaries in accordance with regulation 24.
- (3) The Chief of Finance must deduct the contributions of a member contemplated in regulation 21(1)(a) and (1)(c) from his or her salary and deposit the total amount of contributions into the Fund every month and notify the Accountant of the total amount thus deposited.
- (4) The Surgeon-General shall regularly submit to the Accountant for settlement -
  - (a) accounts drawn up in accordance with tariffs laid down in terms of regulation 25(3) for services, facilities, medicine, dressings and medical prostheses and any other services which the military medical organisation has rendered in terms of this Chapter;
  - (b) accounts submitted by any institution or person in accordance with regulation 25 after examining and certifying them as payable; and
  - (c) any account referred to in subparagraph (b) which has not been certified, but the payment of which has been specially authorised by the Board.
- (5) The Board shall submit annually within six months of the closing of the financial year of the Fund -

- (a) audited statements of accounts of the assets and liabilities and of the income and expenditure of the Fund for the financial year concerned; and
  - (b) a report on the execution of the control functions for the period and the aims and planning for future activities, to the Chief of the SANDF.
- (6) The statements referred to in subregulation (5)(a) must be made available to a contributor or beneficiary on submission of a written application.

## **PART V**

### **MEDICAL FUND B FOR REGULAR FORCE MEMBERS WHO RETIRED ON PENSION BEFORE 7 JANUARY 1964 AND THEIR FAMILIES**

#### **27. Establishment of the Fund**

There is hereby established a fund that is known as the Regular Force Medical Fund B for the Regular Force to provide medical, dental and hospital treatment to members of the Regular Force who retired on pension before 1 January 1964, their families and to the families of members of the said Force who died before the said date.

#### **28. Authority of the Fund**

Without derogating from the provisions of regulation 35, the Fund is authorised to -

- (1) receive and keep in trust any income that may become due to it in terms of this Chapter from contributions or levies on members or from interest on investments, which may accrue by way of donations, grants, or a subsidy or in any other manner;
- (2) defray any expenses from revenue due to it and received -
  - (a) which result from treatment contemplated in regulation 27;
  - (b) which have necessarily been incurred for the organisation and functioning of the Fund; and
- (3) invest any part of such income for the benefit of the Fund or recall any such investments.

## **29. Establishment of Management Board**

- (a) A Management Board is established for the Fund.
- (b) The provisions of regulations 19 and 20 of this Chapter apply subject to the necessary changes to this Part.

## **30. Members of and contributions to the Fund**

Every person who retired on pension before 1 January 1964 -

- (1) who, during that period of service in the Regular Force, contributed to a Government Pension Fund in terms of the applicable pension laws and receives an annuity therefrom;
- (2) who before the said date was discharged as medically unfit and instead of or in addition to the annuity referred to in subparagraph (1) receives an annuity in terms of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993); or
- (3) who is the widow or widower of a person who died during his or her period of service, may, subject to the provisions of this Chapter, be admitted as a member of the Fund: Provided that any widow or widower who is admitted to the Fund shall contribute to the Fund.

- 31.** (1) Every beneficiary of the Fund shall contribute annually an amount of R36 in advance to the Fund, which contribution may from time to time be increased by the Board, by not more than 15% annually.
- (2) Every person who in terms of this Chapter is entitled to become a member of the Fund, shall on acceptance of his or her application, sign an undertaking to the effect that all financial and other obligations referred to in this Chapter towards the Fund shall be met.
  - (3) If a beneficiary of the Fund dies, his widow or her widower may, on payment of the contribution referred to in subregulation (1) and on signing the undertaking referred to in subregulation (2), remain a beneficiary of the Fund and enjoy the medical benefits contemplated in regulation 34.

### **32. Termination of Membership**

- (1) No person whose membership has been terminated in terms of regulation 33(1), is entitled to any reimbursement of contributions made by or on his or her behalf to the Fund.
- (2) The Board may authorise that a dependant be entitled to the benefits of the Fund if -
- (a) the child is a child of a member or beneficiary referred to in regulation 30 who dies as a member or beneficiary of the Fund; and
  - (b) the Board is satisfied that the child of a deceased member or beneficiary will otherwise not be adequately provided for in respect of medical, dental and hospital expenses.

### **33. Rights, privileges and responsibilities of members of the Fund**

- (1) A beneficiary and his or her dependant or any other person contemplated in regulation 30 who, in terms of this Chapter is entitled to benefits from the Fund is, while his or her membership of the Fund continues, but subject to the provisions of this Chapter and subregulation (2), restricted to the treatment and services referred to in regulations 7, 8, 9, 10, 11 and 12, and receives them as if he or she has not retired, on condition that any contribution or contributions payable to the Fund by any person is paid and that any instruction or condition laid down in terms of this Chapter has been complied with: Provided that no such beneficiary or his or her dependant or any other person who is entitled to benefits from the Fund is entitled to any treatment and services in terms of this Chapter unless he or she has made contributions for three months in terms of regulation 34(1) to the Fund: Provided further that the Board may determine the treatment to which a beneficiary of the Fund is entitled.
- (2) The Board may, with due regard to the circumstances, age, mental development of, the custody and the guardianship of a dependant referred to in regulation 32, determine conditions deemed necessary for the control and administration of the treatment of such dependant in terms of this Chapter.
- (3) Every person who is entitled to benefits from the Fund must, in order to receive any treatment -

- (a) furnish, at times, in a manner determined by the Board and to a person whom the Board may, whether in general or in a particular instance designate, personal or other particulars required for the proper application of this Chapter and for the proper exercise of control over the provision of such treatment;
- (b) comply with the instructions issued from time to time by the Board with regard to the identification of a person to whom treatment is given or service is rendered and that person shall also comply with the procedures that have been laid down by the Surgeon-General with regard to the provision of such treatment; and
- (c) notwithstanding the provisions of subregulation (1), pay a levy determined under subregulation (13) to the Fund for any prescription or copy of a prescription or for any medicine, dressings, medical prosthesis, medical aid or any other service supplied on such conditions as may be determined by the Surgeon-General: Provided that different levies in respect of different categories of beneficiaries or suppliers can be determined.
- (4) If a beneficiary or his or her dependant or any other person entitled to benefits from the Fund, fails to comply with any of the requirements of subregulation (3)(b) or (c) or an instruction issued in terms thereof, the Surgeon-General or the Manager shall arrange that, for the duration of such failure, all treatment and benefits derived from the Fund be discontinued in respect of such beneficiary, his or her dependant or such other person.
- (5) If a beneficiary or any other person entitled to benefits from the Fund fails to inform the Manager within 30 days from the date, of any change in his or her marital status or the status of a dependant, which affects the right of the beneficiary or that of his or her dependant to receive treatment to an extent that his or her right must be suspended, or if the beneficiary or any other person fails to comply with the provisions of subregulation (3)(a) and (b) or with any of the instructions issued in terms thereof and as a result of such failure treatment is given to any person contrary to subregulation (4), the Manager must report the failure to the Board, who may order the person concerned to repay the costs of the treatment to the Fund, and the Surgeon-General must arrange that, for the duration of the failure, all treatment and benefits derived from the Fund be discontinued in respect of that beneficiary, his or her dependant or any other person.
- (6) The Surgeon-General must report any -
- (a) treatment received by a beneficiary of the Fund or by his or her dependant or



by any other person who is entitled to benefits from the Fund, which has been provided contrary to this Chapter; and

(b) unprofessional conduct or irregularity that occurs with regard to the provision by a pharmacist, doctor or any other person of medicine, dressings, medical prosthesis, treatment or service to a beneficiary, his or her dependant or to another person entitled to benefits from the Fund, which comes to his or her notice to the Board, and the Board may terminate the benefits received by the beneficiary, his or her dependant or any other person, or instruct the beneficiary concerned or the other person, to repay the unauthorised expenditure to the Fund.

(7) (a) Whenever the Surgeon-General deems it necessary, in respect of the admission or

future admission of a person to a hospital in terms of subregulation (1) and the person's medical condition makes him or her unfit to provide his or her own transport, the Surgeon-General may authorise the transportation of such person to and from hospital in an ambulance or any government or public transport and for this purpose authorise the issue authority for the most economical method of transport against repayment: Provided that authorisation for the use of private transport, where Government or public transport is not available or feasible, may be granted by the Manager of the Fund on a standing authorisation of the Surgeon-General;

(b) the Fund must pay for the use of any transport authorised in terms of subparagraph (a) according to -

- (i) the tariffs laid down by Treasury for Government transport;
- (ii) the public tariffs laid down in respect of transport by rail or by air; and
- (iii) the tariffs applicable to any other form of transport, as the case may be.

(8) Notwithstanding any provision of this Chapter, a beneficiary must make use of the medical facilities offered by a military medical or nursing institution, sickbay or a military medical clinic of the SANDF or any other institution designated by the Surgeon-General: Provided that-

(a) any person who is entitled to make use of the benefits offered by the Fund may, for sound reasons, obtain prior approval from the Surgeon-General in

consultation with the Manager to make use of the services of a medical or dental practitioner who does not have any of the facilities of the mentioned institutions;

(b) any beneficiary or person entitled to the benefits from the Fund may, without creating liability for the Fund, obtain medical treatment elsewhere at own expense; and

(c) the Board may, on the recommendation of the Surgeon-General, authorise the Fund to defray the expenses incurred for urgent medical, dental or hospital treatment by any medical or dental practitioner or hospital in a case of emergency to any person who is entitled to the benefits offered by the Fund.

(9) If any person who is entitled to the benefits offered by the Fund wishes to obtain treatment additional to the treatment provided for in terms of this Chapter or the use of alternative hospital facilities, he or she must obtain prior written approval from the Surgeon-General who may lay down conditions regarding the nature and provision thereof or may authorise that it or any part thereof be provided at the expense of the Fund: Provided that if the conditions laid down are not complied with, the Fund will not be liable for the payment of those expenses.

(10) The Fund may claim from the beneficiary or any other person entitled to benefits from the Fund, the costs of any treatment provided to the beneficiary, his or her dependant or such other person for any injury or illness caused by a third party against whom such a beneficiary, his or her dependant or such other person, would otherwise have had a right to claim damages if the Fund had not paid such costs, irrespective of whether the beneficiary, his or her dependant or such other person has exercised that right or not: Provided that the said costs will not be recovered from the beneficiary or the person concerned if-

(a) the Manager is notified in writing of the cause for such claim within 30 days after a claim has arisen;

(b) the beneficiary or any other person entitled to benefits from the Fund has at no time accepted an unauthorised settlement of such claim or, if it is applicable, has not agreed to the acceptance of a settlement by the dependant of the person concerned, or has not made an admission to the detriment of the Fund to a third party; and

(c) the beneficiary or any other person entitled to benefits from the Fund has recovered the costs of such treatment and has reimbursed the Fund, or has ceded

any claim for the reimbursement of such treatment or expenses to the Fund.

(11) This Chapter does not authorise the provision, at the expense of the Fund, of treatment contemplated in regulation 14(3), irrespective of whether such treatment is provided in terms of subregulation (10) or in terms of any other Act.

(12) (a) The Manager may withdraw a document issued in terms of this Chapter for the

identification of a beneficiary, his or her dependant or any other person entitled to benefits from the Fund, which authorises any treatment in terms of this Chapter, if the benefits of a person referred to therein or the right of such a person to treatment in terms of this Chapter, has been suspended or cancelled or if such person's right thereto has been terminated.

(b) If the Manager demands the document contemplated in subparagraph (a), the person in whose possession the document may be, must hand or cause it to be handed over to the Manager.

(13) A contribution in the form of a levy must be paid by a beneficiary as an additional payment and consists of a percentage determined by the Board from time to time on all medical services rendered by a private practitioner, other than the Surgeon-General: Provided that such levy is not payable in cases where the beneficiary has been referred to an authority outside the SANDF by the Surgeon-General or his or her delegate for such treatment or service: Provided further that this levy is not payable on dental or ophthalmological services.

### **34. Basis for provision of treatment**

(1) The Surgeon-General regulates and controls the provision of medical, dental and hospital treatment to a person entitled to it in terms of this Chapter and such treatment is, subject to subregulation (2), given to that person as if he or she is a serving member of the Regular Force or a dependant of any such member or any other person entitled to benefits from the Fund.

(2) The Surgeon-General or a medical officer delegated by the Surgeon-General may, subject to subregulation (3), when authorising the provision of any treatment contemplated in subregulation (1) -

(a) use any military medical service or facility under the control of the Surgeon-General;

- (b) without derogating from the provisions of regulation 33(8) and (9), if any beneficiary or, if applicable, his or her dependant or any other person entitled to benefits from the Fund resides at a place where there is no military hospital or where a military hospital is unable to accommodate or to treat the person concerned, because of lack of space or the absence of facilities which, in the opinion of the Surgeon-General or the medical officer are required for the treatment of such person, authorise the admission to or the treatment of that patient at any other hospital or institution that may be designated for that purpose;
- (c) without derogating from the provisions of regulation 33(8)(b) and (9), grant prior authorisation for the provision of such service or facility by a private medical practitioner or medical institution in addition to the services and facilities referred to in subregulation (2)(a) and (b); and
- (d) provide any person referred to in subregulation (1) with medicine, dressings, medical prosthesis, medical aid and other services from Government supplies as part of such person's treatment, or give prior authorisation for the provision thereof in another manner.
- (3) The Fund must reimburse the State for any treatment and for the medicine, dressings, medical prosthesis, medical aids as well as any other services provided in terms of this Chapter, subject to the conditions and at the rates laid down from time to time by the Surgeon-General with the approval of the Treasury in respect of -
- (a) the use of military services and facilities and the provision of medicine, dressings and medical prosthesis, medical aids and other items from Government supplies;
- (b) the provision of a service or the use of a facility referred to in subregulation (2)(b); and
- (c) a service or facility referred to in subregulation (2)(c), by agreement with the institution or person concerned: Provided that -
- (i) the tariffs laid down for the purpose of subregulation (3)(a) and (b) do not include the provision of anything which does not form part of Government supplies and which has to be procured by the State for the treatment, or of medicine, dressings, medical prosthesis, medical aids or services which, for the purposes of this Regulation, are supplied by a private pharmacist on prescription to a beneficiary, his or her dependant

or any other person who is entitled to benefits from the Fund, and any such acquired article, medicine, dressing, medical prosthesis, medical aids or service shall be paid for in full by the Fund; and

(ii) the tariffs laid down for the purposes of this subregulation do not exceed the preferential scale applicable to the provision of similar services and facilities to members of other medical aid societies.

### **35. Administration provisions**

(1) The Accountant and other personnel of the Fund shall -

(a) open and keep up to date account books for the Fund;

(b) undertake the financial administration of the Fund in accordance with the decisions of the Board; and

(c) arrange for the auditing, by a chartered accountant appointed by the Board, of the account books and accounts of the Fund and for submission to the Board of the report and statements referred to in subregulation (4).

(2) The Manager controls, co-ordinates and carries out the administrative duties relating to his or her office, keeps a record of contributors and beneficiaries and exercises control over contributors and beneficiaries in accordance with regulation 34.

(3) The Surgeon-General shall regularly submit to the Accountant for settlement -

(a) accounts drawn up in accordance with tariffs laid down in terms of regulation 34 for services, facilities, medicine, dressings and medical prosthesis and any other services which the military medical organisation has rendered in terms of this Chapter;

(b) accounts submitted by any institution or person in accordance with regulation 34(3) after examining and certifying them as payable; and

(c) any account referred to in subparagraph (b) which has not been certified, but the payment of which has been specially authorised by the Board.

(4) The Board shall submit annually within six months of the closing of the financial year of the Fund -

- (a) audited statements of accounts of the assets and liabilities and of the income and expenditure of the Fund for the financial year concerned; and
  - (b) a report on the execution of the control functions for the period and the aims and planning for future activities, to the Chief of the SANDF.
- (5) The statements referred to in subregulation (4)(a) must be made available to a contributor or beneficiary on submission of a written application.
- (6) If the Medical Fund B is for any reason disestablished, the assets of the said Fund shall be disposed of on the conditions determined by the Board after consultation by the Board with the Finance Division of the Department of Defence and the Medico-Legal Services of the SAMHS.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

### CHAPTER XVI

Published under Government Notice R2527 in *Government Gazette* 11617 of 15 December 1988 and amended by:

GN R1721

GG 13424

26/7/91

The State President has in terms of [section 87](#), read with [section 16](#) (2), of the Defence Act, 1957 (Act 44 of 1957), made the regulations in the Schedule.

### SCHEDULE

#### CHAPTER XVI

#### REGULATIONS REGARDING THE ATTACHMENT OF MEMBERS OF THE CITIZEN FORCE IN TERMS OF SECTION 16 (2) OF THE DEFENCE ACT, 1957 (ACT 44 OF 1957), TO OTHER EMPLOYERS OUTSIDE THE SOUTH AFRICAN DEFENCE FORCE FOR TRAINING, SERVICE AND EXPERIENCE

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## **1. Definitions**

In these Regulations a word or expression to which a meaning has been attached in the Act, has that meaning thus attached and, unless the context otherwise indicates -

**“accommodation”** means lodging, bedding, meals, liquid refreshments, laundering, including any by law imposed levy or tax which may be levied on any of the above-mentioned items or any combination of those items, but excluding the supply of alcoholic beverages and dry-cleaning services;

**“administrative headquarters or unit”** means, in relation to a member, a headquarters or unit referred to in [section 16](#) (2) of the Act, to which the member concerned has been

allotted;

**“attachment”** means, in relation to a member, the attachment of such a member to an employer for training, service and experience;

**“employer”** means-

(a) in the case of members belonging to a category of professionally qualified members whose services are not required in their mustering in the Citizen Force, a Government Department, other Government Service, other authority, an undertaking or institution referred to in [section 16](#) (2) of the Act; or

(b) in the case of members not belonging to such a category, an undertaking which carries out any function of the Armaments Development and Production Corporation of South Africa;

**“headquarters”** means, in relation to a member, the city, town or place referred to in regulation 8 designated by the employer to which the member has been attached, as the headquarters of a member during his attachment;

**“member”** means a member of the Citizen Force;

**“official transport”** means, in respect of an employer or a member attached to the employer, motor transport being the property of the employer, or hired by the employer or which is placed at his disposal for use by his personnel in connection with their duties;

**“professionally qualified member”** means a member qualified by tertiary training to practise a specific profession;

**“property”** means, in respect of an employer or a member attached to the employer, property of the employer used or applied by his personnel for the performance of their duties, but excluding vehicles and equipment;

**“regular use”** means, in respect of a member attached to an employer, the driving, control, use and application of official transport, vehicles or equipment and property under circumstances and in a manner and for the purposes which will not cause the member to forfeit the indemnity referred to in regulation 33 for any of the reasons mentioned in regulation 35;

**“the Act”** means the Defence Act, 1957 (Act 44 of 1957);

**“vehicles and equipment”** means, in respect of a member attached to an employer, vehicles or equipment used or applied, mechanically propelled vehicles or equipment of the employer use or applied by the personnel of the employer for the performance of their duties.

## 2. Attachment of members to employers

(1) Professionally qualified members rendering service in terms of [section 22](#) (3) (a) of the Act and for whose services there is no requirement in their mustering in the Citizen Force, may on the authority of the Chief of the SA Defence Force or an officer designated by him for that purpose be made available for attachment to any employer referred to in paragraph (a) of the definition of “employer” in regulation 1, for training, service or experience in their specific professions.

(2) Members not belonging to a category of professionally qualified members, rendering service in terms of [section 22](#) (3) (a) of the Act and for whose services there is no need in their mustering in the Citizen Force, may on the authority of the Chief of the SA Defence Force or an officer designated by him for that purpose be made available for attachment to an employer referred to in paragraph (b) of the said definition for training, service and experience.

[Reg. 2 amended by GN R1721/91]

## 3. Allotment of members to administrative headquarters or unit

A member made available for attachment, remains subject to the Act and shall be allotted to an administrative headquarters or unit which will be responsible for the unit administration and discipline of the member.

## 4. Procedure of attachment

(1) The Chief Executive Officer of an employer requiring the services of professionally qualified or non-professionally qualified members of the Citizen Force referred to in regulation 2, shall address requests for attachment of such members to an employer, to the Chief of the South African Defence Force. .

(2) Such requests shall contain fully motivated particulars in connection with-

(a) any public interest which is fundamental to the need for such attachment, and the consequences in connection with the non-execution of any operation in the

public interest if such attachment does not take place;

- (b) specific qualifications of members necessary to be attached;
- (c) number of such members;
- (d) duties for which such members will be employed;
- (e) in the case of professionally qualified members, the reasons why such members cannot be obtained from the open labour market; and
- (f) the period of attachment.

**5.** .....

[Reg. 5 deleted by GN R1721/91]

## **6. Employment of members**

A member shall be employed solely for the purpose for which he was made available by the Chief of the SA Defence Force or an officer designated by him for that purpose for attachment to the employer.

[Reg. 6 amended by GN R1721/91]

## **7. Duration of attachment**

The Chief of the SA Defence Force or an officer designated by him for that purpose determines the duration of the attachment of a member to an employer, and that period may at any time, with due allowance for the needs of the South African Defence Force and of the employer concerned, be extended or shortened by the Chief of the SA Defence Force or the said officer or a person acting on his authority.

[Reg. 7 amended by GN R1721/91]

## **8. Place of attachment**

The employer concerned determines the city, town or place which shall be the member's headquarters during attachment, and shall immediately notify the administrative headquarters or unit of the member of any change in respect of such headquarters during attachment.

## **9. Official hours of duty and overtime**

A member attached to an employer, shall work the official hours of duty on the days and during the times which employees of the employer concerned of the same or a corresponding category or grade as such member are normally required to work, according to the appropriate laws and conditions of service.

## 10. Overtime

(1) Notwithstanding the provisions of regulation 9, the head of the office where a member is rendering service, if circumstances require it, may require the member to perform duty on any day or night, and to attend at his normal place of work or any other place designated by the head for duty.

(2) A member is not entitled to overtime remuneration when service required in terms of subregulation (1) involves exceeding official hours of duty at the employer concerned

## 11. Remuneration

(1) A member shall receive the salaries, pay and allowances recommended from time to time by the Commission for Administration in terms of the provisions of [section 82bis](#) of the Act, for his occupational class or rank.

(2) The administrative headquarters or unit shall submit full particulars regarding such salaries, pay and allowance in connection with the member, to Chief of Staff Finance, who has to recover the expense attached thereto from the employer concerned.

## 12. Leave or absence from work

The directives governing leave or absence from work in the Citizen Force remain applicable to a member during attachment and the administrative headquarters or unit concerned shall apply such directives, in as far as they can be applied, in consultation with the employer to which the member is attached.

## 13. Accommodation

The administrative headquarters or unit shall provide the member with accommodation in a military club or mess during attachment: Provided that such club or mess is situated within a reasonable distance from the member's place of work.

14. If a member cannot be accommodated in a military club or mess referred to in

regulation 13, the employer is required to provide at his own expense accommodation which is at his disposal to the member.

**15.** Utilisation by a member of accommodation referred to in regulation 14 shall, with the exception of any obligation to pay any moneys, be subject to all laws, rules or directives as are applicable to personnel of the employer concerned.

**16.** If an employer does not have accommodation referred to in regulation 14 at his disposal, such employer shall, at his own expense, provide alternative suitable accommodation to a member during attachment: Provided that the amount of the expense of such accommodation for the member shall not exceed the amount of the allowance referred to in regulation 17.

**17.** If no accommodation as referred to in regulations 13, 14 or 16 is available, an employer shall pay a member the appropriate allowance referred to in regulation 11 (1) to cover personal living costs.

**18.** If a member does not wish to avail himself of the accommodation referred to in regulations 13, 14 or 16 and the member's administrative headquarters or unit or the employer, as the case may be, approve that he may obtain accommodation elsewhere-

(a) the member shall be responsible for his own accommodation arrangements and the expenditure attached to such accommodation; and

(b) the member shall not receive the allowance referred to in regulation 17.

**19.** A member shall be entitled to accommodation for himself only.

## **20. Subsistence allowance**

When, during attachment, it is required of a member to be absent from his headquarters on official duty in another city, town or place, the employer concerned to whom the member is attached, shall pay to him, in addition to any other allowances for accommodation to which he shall be entitled under these Regulations, the appropriate subsistence allowance referred to in regulation 11.

## **21. Camp allowance**

When during attachment it is required of a member to be absent from his headquarters on official duty under circumstances where no accommodation is available, the employer

concerned to whom the member is attached, shall pay to him, in addition to any other allowances to which he shall be entitled under these Regulations, the appropriate camp allowance referred to in regulation 11.

## **22. Conveyance**

A member shall for the purpose of any official duties he is obliged to perform by an employer to which he is attached, be conveyed at the expense of the employer.

## **23. Conveyance between accommodation and place of work if no public transport is available**

An employer shall pay to a member, excluding a member referred to in regulation 18, whose place of accommodation is more than three kilometres from his place of work at his employer, and who is not conveyed by his employer, a travelling allowance sufficient to enable him to travel by means of public transport from such place to his place of work and back.

## **24. Conveyance between accommodation and place of work if no public transport is available**

An employer shall pay to a member to whom no public transport is available to travel between his place of accommodation and his place of work at the employer, the appropriate travelling allowance referred to in regulation 11, to enable the member concerned to travel between such place and the place of work and back by means of private transport: Provided that-

(a) the said travelling allowance-

(i) shall only be payable to a member if the member's place of accommodation is more than three kilometres distant from his place of work and who is not conveyed by the employer concerned;

(ii) shall be based in each individual case on the true kilometre distance between the members's place of accommodation and his place of work, but limited to a maximum distance of 20 kilometres per single trip; and

(iii) shall not be payable to a member referred to in regulation 18; and

(b) such member make use of private transport at his own risk.



## **25. Transport on commencement and completion of attachment**

Transport of a type and class determined by the employer concerned shall be provided at the expense of the employer to a member-

- (a) when he is required to travel from his administrative headquarters or unit to his headquarters at the commencement of attachment; and
- (b) when he is required to travel from his headquarters to his administrative headquarters or unit upon completion of attachment.

## **26. Death**

Should a member die during attachment, his body shall be conveyed at the expense of the South African Defence Force to his last place of residence or to a place within the Republic of South Africa indicated by his next of kin as the place for his burial.

## **27. Dress, protective clothing, equipment and tools**

While performing duties during attachment a member shall be dressed in uniform, unless circumstances necessitate the wearing of civilian dress.

**28.** If circumstances necessitate the wearing of civilian dress and the duration of the attachment justifies it, the employer concerned shall pay to the member the appropriate clothing allowance referred to in regulation 11.

**29.** An employer shall issue to a member at his own expense and on a scale applicable to personnel on his fixed establishment, the protective clothing, equipment, tools or other articles to be worn, used or applied by him during and for purposes of rendering service, during attachment.

**30.** A member to whom issues of clothing or other articles have been made in terms of regulation 29, shall comply with all directives from his employer regarding the use, application, maintenance and storage thereof, and any loss of or damage to such articles resulting from his intent, may be recovered from him, in consultation with his administrative headquarters or unit, by means of deductions from his remuneration.

## **31. Medical, dental and hospital treatment**

All laws and other directives governing the medical, dental and hospital treatment of members of the Citizen Force remain applicable in respect of a member during attachment.

### **32. Training in use and application**

An employer to whom a member is attached shall, at his own expense take the necessary steps to ensure that the member becomes proficient in the driving, control, use and application of official transport, vehicles, equipment and property of the employer which he is required to use in connection with the performance of his duties, and shall issue to him or cause to be issued to him the drivers' licences and proficiency certificates required for such use in terms of any law.

### **33. Restriction of liability of members**

Subject to regulation 35, a member shall not be liable for any damage or loss, suffered by the employer, resulting from or in connection with the regular use by him of official transport, vehicles, equipment and property of the employer, unless such damage or loss is attributable to a wilful act or omission on the part of the member.

### **34. Security**

An employer shall at his own expense furnish the usual or necessary or legally required security for the use and application of official transport, vehicles, equipment and property, unless he is an employer who carries his own security and is exempted from the furnishing thereof by law.

### **35. Forfeiture of exemption**

A member attached to an employer, shall forfeit the exemption provided for in regulation 33-

- (a) if he drives, controls, uses and applies official transport, vehicles, equipment or property, as the case may be, without being properly trained for the purpose or without being competent or without being in possession of the necessary drivers' licences or proficiency certificates required by law;
- (b) if he drives, controls, uses or applies official transport, vehicles, equipment or property without prior authority from a member of the personnel of the employer concerned entitled to grant such authority and where such authority is required;
- (c) if, whilst driving, controlling, using or applying the official transport, vehicles,

equipment or property concerned, he is under the influence of intoxicating liquor or drugs;

(d) if he drives, controls, uses or applies official transport, vehicles, equipment or property, as the case may be, for a purpose other than the purpose for which it is intended;

(e) if, while driving official transport or vehicles, he uses a route other than a route for which the trip concerned was authorised by the employer concerned;

(f) if, in the event of an accident while driving official transport or vehicles or of a mishap during the control, use or application of equipment or property, he makes admissions to somebody which may compel the employer concerned to be liable for loss or damage resulting from or connected with such accident or mishap.

### **36. Prohibition of granting of additional benefits**

An employee shall not, either by way of remuneration, *in natura*, special benefits, allowances or otherwise, grant to a member attached to him for service he must render, benefits other than those provided for in these Regulations.

### **37. Unsuitability for, refusal or failure to render service**

Whenever the chief executive officer of an employer to whom a member is attached, is of the opinion that a member rendering service in terms of these Regulations-

- (a) has for any reason become unsuitable to continue with his service; or
- (b) refuses or fails to render service,

he shall cause a report to be prepared on an investigation conducted by him into the matter and shall submit such report together with his recommendations, to the Chief of the South African Defence Force for submission to the Chief of the SA Defence Force or an officer designated by him for that purpose and for any decision the Chief of the SA Defence Force or the said officer wishes to make in respect of the member in terms of the Act or these Regulations.

[Reg. 37 amended by GN R1721/91]

### **38. Functional discipline**

- (1) A member shall during attachment obey unconditionally lawful orders in relation to such service given to him by a person competent to do so.
- (2) Any request or communication from such member to the employer shall, where applicable, be conveyed to the administrative headquarters or unit concerned by the employer.

# DEFENCE ACT 44 OF 1957

## GENERAL REGULATIONS FOR THE SOUTH AFRICAN DEFENCE FORCE AND THE RESERVE

### CHAPTER XIX

Published under Government Notice R1223 in *Government Gazette* 1204 of 20 August 1965 and amended by:

GN R605	GG 2048	19/4/68
GN R1322	GG 2139	2/8/68
GN R331	GG 2637	27/2/70
GN R347	GG 4996	5/3/76
GN R832	GG 5996	21/4/78
GN R259	GG 18683	20/2/98

The State President has been pleased, in terms of paragraph (s) of sub-section (1) of [section eighty-seven](#) of the Defence Act, 1957 (Act No. 44 of 1957), as amended, to promulgate the following General Regulations for the South African Defence Force and the Reserve: -

### CHAPTER XIX

#### COMBAT SERVICE

1. [Definitions](#)
2. [Application](#)
3. [Ranks](#)
4. [Allocation of ranks, classifications and musterings](#)
5. [Personnel organisation and control of strengths and vacancies](#)
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- [22. Application for exemption in terms of section \*ninety-seven\* of the Act](#)
- [23. Termination of service in the SADF while on combat service](#)
- [24. Notice of change of address](#)

## 1. Definitions

In this chapter, unless the context otherwise indicates-

- (i) **“the Act”** means the Defence Act, 1957 (Act No. 44 of 1957);
- (ii) **“battle casualty”** means a member who -
  - (a) has suffered any disablement as a result of -
    - (i) the employment of enemy or own weapons in combat against an enemy, or
    - (ii) enemy action or action by own troops against an enemy; or
  - (b) has been taken prisoner of war or is missing in any operation in defence of the Republic or in the prevention or suppression of internal disorder in the Republic;
- (iii) **“combat service”** means any service in terms of chapter X or in terms of paragraph (b) of sub-section (1) of section one hundred and thirty-one of the Act, or anything done in connection with or to ensure the effective command, support or performance of any such service;
- (iv) **“disablement”** means any wound, injury or sickness necessitating the evacuation of a member for the purpose of receiving medical care other than that provided in his unit;
- (v) **“emergency rank”** means a rank held by a member which is higher than his substantive rank and which is held by him whilst this chapter is applicable to him without interruption, as though it were his substantive rank;
- (vi) **“enemy”** includes any person, or persons against whom operations for the prevention or suppression of internal disorder are undertaken;
- (vii) **“establishment table”** means the establishment of a unit in which is included the number of posts of each rank in each classification or mustering as approved in terms of sub-regulation

(2) of regulation 5 of this chapter and also an approved establishment table of the Permanent Force including an increase in number allocated thereto in terms of that regulation;

(viii) **“hold”**-

(a) in relation to a rank means the retention in terms of these regulations by a member of a rank accorded to him; and

(b) in relation to a post means the filling of the post concerned by a member who has been posted thereto and performs the duties attaching to such post;

(ix) **“member”** means a member of the SADF or the Reserve employed on combat service;

(x) **“rank”** means any rank in the SADF or the Reserve referred to in regulation 3 of this chapter;

(xi) **“reckonable service”** means service which in terms of regulation 10 counts as qualifying service for the grant of emergency rank;

(xii) **“regulation”** means a regulation made under the Act;

(xiii) **“SA”** means South Africa or South African as the circumstances may require;

(xiv) **“SADF”** means the South African Defence Force;

(xv) **“strength”** means the number of members in each rank, classification or mustering held against an establishment table;

(xvi) **“substantive rank”** means the substantive rank held by a member pursuant to the regulations for that part of the SADF or the Reserve of which he is a member and of which he cannot without his consent or except for sub-section (3) of [section one hundred and five](#) of the Act, or the sentence of a military court, be deprived;

(xvii) **“supernumerary”** in relation to strengths, means employing a member at a unit where, owing to his rank, classification or mustering, no post is available for him on the establishment table;

(xviii) **“temporary rank”** means a rank, higher than the substantive or emergency rank held by a member, held temporarily by such member in terms of the provisions of this chapter;

(xix) **“unit”** includes any regiment, battalion, commando, military college, school, gymnasium, military training establishment, station, squadron, base, ship, hospital, reinforcement depot, independent headquarters or similar unit established and designated as such in terms of section thirty-two or seventy-five of the Act.



## 2. Application

(1) The provisions of this chapter shall apply to all members of the SADF or the Reserve rendering combat service or who, as a result of such service, have become prisoners of war or are missing and shall so apply only as from a date determined by the Minister by notice in the *Gazette* or in such other manner as he may deem expedient and shall so remain in force until a date subsequently determined by the Minister in like manner.

(2) While the provisions of this chapter are applicable to any member in terms of sub-regulation (1), the corresponding provisions of the regulations which determine the conditions of service of that part of the SADF or Reserve of which he is a member be applicable shall not be applicable to or in respect of, such member should such provisions be inconsistent with the provisions of this chapter.

## 3. Ranks

(1) The ranks set out in the table hereunder may, subject to the other provisions of this regulation, be conferred on officers and other ranks of the SA Defence Force and each such rank

-

(a) takes precedence after the rank which precedes it in the column concerned of the table;

(b) in each column is equivalent to the rank in every other column of the table which corresponds to it in order of precedence: -

(i) Officers

<i>SA Army</i>	<i>SA Air Force</i>	<i>SA Navy</i>	<i>SA Medical Services</i>
General	General	Admiral	General
Lieutenant-General	Lieutenant-General	Vise-Admiral	Lieutenant-General
Major-General	Major-General	Rear-Admiral	Major-General
Brigadier-General	Brigadier-General	Rear-Admiral (Junior Grade)	Brigadier-General
Colonel	Colonel	Captain	Colonel
Lieutenant-Colonel	Lieutenant-Colonel	Commander	Lieutenant-Colonel
Major	Major	Lieutenant-Commander	Major
Captain	Captain	Lieutenant	Captain
Lieutenant	Lieutenant	Sub-Lieutenant	Lieutenant
Second Lieutenant	Second Lieutenant	Ensign	Second Lieutenant
Chaplain	Chaplain	Chaplain	Chaplain

[Table substituted by GN R259/98]

Provided that, notwithstanding the position of the rank chaplain in the table, the said rank shall be accorded no relative order of precedence among the commissioned ranks

in the table and an officer holding the rank of chaplain shall enjoy personal precedence as if he were a colonel but after all colonels, on condition that where a chaplain serves with a unit or officiates on parade, he shall take precedence after the unit or parade commander concerned irrespective of the rank of such commander.

(ii) Other Ranks

*SA Army*

*SA Air Force*

*SA Navy*

Warrant Officer Class 1	Warrant Officer Class 1	Warrant Officer Class 1
Warrant Officer Class 2	Warrant Officer Class 2	Warrant Officer Class 2
Staff Sergeant	Flight Sergeant.	Chief Petty Officer
Sergeant	Sergeant	Petty Officer
Corporal	Corporal	Leading Seaman
Lance Corporal	Lance Corporal	Able Seaman 1 <sup>st</sup> Class
Private	Private	Able Seaman 2 <sup>nd</sup> Class

[Subreg. (1) amended by GN R1322/68 and GN R331/70]

(2) The rank of candidate officer may be conferred on a member of the SA Army or the SA Air Force and the rank of midshipman on a member of the SA Navy who has been designated for training as an officer.

(3) The ranks of candidate officer and midshipman shall, for disciplinary purposes, be equivalent to the rank of private: Provided that a candidate officer or a midshipman may in the course of his training or the execution of his duties be placed in a position of authority over any other rank: Provided further that a candidate officer or midshipman who has been so placed in authority shall, whilst he exercises such authority, be deemed, in relation to any other rank over whom he exercises such authority, to hold the rank of warrant officer class 1.

(4) Each such rank referred to in sub-regulation (1) shall include also every other nomenclature of such rank which may, with regard to military tradition, be determined by any other regulation or approved by the Commandant General, SADF, in respect of any particular portion or corps of the SA Defence Force.

(5) Wherever any rank is referred to in these regulations, such reference shall, unless the context otherwise indicates, also include such ranks as are equivalent thereto in terms of this regulation.

(6) No Coloured member of the SA Defence Force shall exercise command or authority over any White member and every White member shall, by virtue of his higher rank or of his being placed in command or authority over any Coloured member, exercise command or authority over such Coloured member: Provided that in case of emergency, the senior White member present at any place shall be deemed to have been placed in command of every Coloured member present at such place.

#### 4. Allocation of ranks, classifications and musterings

- (1) Any person who voluntarily enrolls or who is called up for combat service in terms of chapter X of the Act and who does not in terms of the Act or any regulation hold substantive rank shall-
  - (a) if he is appointed as an officer be granted the substantive rank of assistant field cornet on probation; and
  - (b) if he is enrolled as an other rank be granted the substantive rank of private: Provided that in exceptional circumstances a higher, substantive rank may be granted on probation to such person and that a person to whom such higher rank is thus granted shall serve on probation under the conditions prescribed in the regulations which determine the conditions of service of the Permanent Force.
- (2) Whenever this chapter becomes applicable to a member of the SADF or the Reserve he shall retain the substantive rank which he holds at the time.
- (3) If a member holds any temporary rank with or without pay in terms of the regulations for that part of the SADF of which he is a member he shall retain such temporary rank when this chapter becomes applicable to him as if the temporary rank were conferred upon him in terms of this chapter.
- (4) Any acting higher rank held by a member pursuant to the regulations for that part of the SADF of which he is a member, shall, as soon as this chapter becomes applicable to such member, be deemed to be temporary, rank granted to him thereunder.
- (5) A member of the Reserve to whom this chapter is applicable and who has with his own consent in terms of [section fifty-two](#) or [fifty-three](#) of the Act assumed a lower substantive rank, shall, subject to sub-regulation (2) of regulation 11 of this chapter, retain such lower substantive rank: Provided that when he reverts to the Reserve he may, with the approval of the Adjutant General be reinstated in the substantive rank previously held by him on the Reserve.
- (6) Any other rank (other than an other rank of the Permanent Force) to whom this chapter is applicable, shall on his appointment as an officer be granted the substantive rank of Second Lieutenant on probation.
- (7) Any other rank of the Permanent Force to whom temporary commissioned rank is granted while this chapter is applicable to him and who is temporarily appointed as an officer shall retain the substantive rank which he holds as an other rank until such time as commissioned rank (other than temporary commissioned rank) is conferred on him: Provided that an other rank who is thus temporarily appointed shall be appointed on probation and shall for the purposes of this

chapter be deemed to hold the substantive rank of Second Lieutenant.

(8) Every member who is classified in any classification or mustering shall, subject to the provisions of sub-regulation (9), retain such classification or mustering while this chapter is applicable to him.

(9) A member to whom this chapter is applicable may, by reason of-

(a) his particular ability to perform the duties attaching to any particular classification or mustering; or

(b) his incompetence or inability to perform efficiently the duties attaching to his classification or mustering,

on the authority of the Chief of Staff or Head of Section concerned with due regard to the Standing Orders and Instructions for Artisans and Artificers and other administrative directives, be classified or reclassified or mustered or remustered to any classification or mustering.

[Reg. 4 amended by GN R1322/68]

## **5. Personnel organisation and control of strengths and vacancies**

(1) The Minister may at any time, whether or not this chapter is in force in terms of sub-regulation (1) of regulation 2, determine (in addition to the establishment tables approved from time to time for the Permanent Force) how many members of the Citizen Force, the Commandos and the Reserve may be employed on combat service so that-

(a) a sufficient number of units of the SADF be established, designated, called out and be provided with personnel for the execution of the task which in his opinion the SADF may at any time be called upon to perform; and

(b) provision may be made for the regular replacement of casualties of any nature in every such unit.

(2) The Commandant General, SADF, or, an officer acting on his authority may, at any time, within the limits determined by the Minister in terms of sub-regulation. (1)-

(a) approve an establishment table for every unit referred to in sub-regulation (1);

(b) allocate an increase of posts from the numbers determined in terms of sub-regulation (1) to any unit for which an approved establishment table for the Permanent Force exists and such increase shall be deemed to be part of the Citizen Force;

(c) determine the number of reinforcements which may be held in training and in

reinforcement depots; and

(d) determine a percentage of reserves for troops who, as battle casualties, or as a result of absence due to enemy captivity, sickness, or disablement, transport between units or long leave, are at any time not posted to units nor held in training or reinforcement depots.

(3) An establishment table approved or an increase in number allocated in terms of sub-regulation (2) shall provide at least for the number of posts in every rank, classification or mustering which shall be allocated to every headquarter and sub-unit of the unit concerned, shall reflect the designation of every post and may assign alternative ranks to any post on conditions which the Adjutant General may determine.

(4) An establishment table or increase in number referred to in sub-regulation (3) shall become operative as soon as this chapter becomes applicable in respect of the unit concerned.

(5) A vacancy in a post in any establishment table which is operative in terms of sub-regulation (4) may, subject to sub-regulation (6) or (7), only be filled by the posting of a member-

(a) who holds a rank allocated to such post or a lower rank;

(b) whose classification or mustering corresponds to the classification or mustering of such post; and

(c) who will perform the duties attaching to such post.

(6) The Chief of Staff or Head of Section concerned or as officer designated by him for the purpose may, in exceptional circumstances arising out of operations, authorise a member to be-

(a) a temporarily attached supernumerary to any unit; or

(b) temporarily carried in a post-

(i) in which a vacancy exists while he performs duties not attached to such post; or

(ii) to which a lower rank than that held by such member, or a classification or mustering which does not correspond to the classification or mustering of the member concerned, has been allotted.

(7) Any member of a commando who is posted to fill any post in any establishment table other than in a post in a commando, shall for the duration of such posting be deemed to have been posted to the Citizen Force.

(8) A register to be known as the 'X'-list shall be kept by an officer designated for the purpose

by the Commandant General, SADF and the names of all such members referred to in paragraphs (c) and (d), of sub-regulation (2) shall be recorded therein.

(9) The Adjutant General shall ensure that the numbers and percentages determined in terms of sub-regulation (2) are not exceeded without the Minister's approval.

## **6. Vacancies for postings and promotions during combat service**

(1) A vacancy to which a member may be posted in terms of sub-regulation (5) of regulation 5 of this chapter, shall be deemed to exist in any post on any establishment table if the post concerned is not filled by any person and shall be deemed to occur immediately when the incumbent of such post-

- (a) leaves his unit to be released from service in terms of [section ninety-seven](#) of the Act;
- (b) has been absent without authority from duty for seven consecutive days (except as a result of a disablement or as a battle casualty or is taken in civil custody);
- (c) leaves his unit on leave of absence for an uninterrupted period of more than 30 days;
- (d) leaves his unit as a result of a disablement or as a battle casualty or is killed or dies at his unit;
- (e) leaves his unit to attend a course or to perform temporary duty which is due to exceed 30 days or such longer period as the Adjutant General may determine;
- (f) leaves his unit-
  - (i) to fill another post elsewhere;
  - (ii) to be absorbed into a reinforcement pool;
  - (iii) to be attached for temporary duty with another unit for the purpose of disciplinary action against him; or
  - (iv) to serve a sentence of imprisonment, detention or field punishment;
- (g) is reclassified or remustered or reverts to a lower rank or is demoted and ceases to be so posted in consequence thereof or for any other reason; or
- (h) ceases to serve in the SADF.

(2) A vacancy to which a member may be promoted in terms of this chapter shall be deemed, subject to regulation 11 or 13 of this chapter, to occur as soon as the member concerned holds

any post to which a higher rank than the rank which he holds, has been allotted.

(3) Nothing in this regulation shall be construed as prohibiting the replacement in any post of any member by any other competent member.

## **7. Authority for promotion or the conferment of higher rank**

(1) A higher rank may be conferred on any member on combat service in addition to the substantive rank held by him in terms of this Chapter, which may be retained by him as a temporary rank without pay, a temporary rank with pay or an emergency rank: Provided that-

(a) a member who holds any emergency rank, shall retain such rank notwithstanding his promotion to a higher temporary rank;

(b) a member on whom a lower emergency rank is conferred while he is holding any temporary rank, shall not by reason thereof forfeit the higher temporary rank concerned; and

(c) a member who has held a temporary rank with pay and who has been promoted to a higher temporary rank, shall until he becomes entitled to be paid the emoluments attaching to such higher rank, be paid as if he had retained the lower temporary rank.

(2) A member who holds a post to which a rank has been allotted, higher than the rank which he holds, may, subject to the provisions of regulation 11 or 13 of this chapter, be promoted in emergency or temporary rank to such higher rank or to any lower rank.

(3) Promotion to temporary higher rank in terms of this chapter shall-

(a) if promotion to a rank higher than major is involved, be effected on the authority of the Minister or an officer authorised thereto by him;

(b) if promotion to the rank of major is involved, be effected on the authority of the Commandant General, SADF, or an officer authorised thereto by him;

(c) if promotion to the rank of captain or lower commissioned rank is involved, be effected on authority of the Chief of Staff concerned or an officer authorised thereto by him; and

(d) in the case of promotion to or in warrant or non-commissioned rank, be effected on the authority of the formation commander concerned or an officer authorised thereto by him.

(4) Emergency rank shall be conferred on the authority of the Chief of Staff or Head of Section concerned.



## 8. Conditions for promotion to temporary rank without pay

A member may be promoted to any temporary rank without pay if he -

- (a) holds a post to which such rank or any higher rank has been allotted; or
- (b) does not hold such post but-
  - (i) is required to perform any service or duty which is normally performed by a member holding a higher rank; or
  - (ii) such promotion is necessary to determine seniority.

## 9. Grant of temporary rank with pay

As soon as a member, promoted in terms of paragraph (a) of regulation 8 of this chapter, has held the temporary rank concerned without pay, without interruption for 21 days, the corresponding temporary rank with pay shall be conferred on him in lieu thereof retrospectively from the date on which he was promoted to such temporary rank without pay.

## 10. Grant of emergency rank

- (1) Emergency rank may be conferred on a member who has held the corresponding temporary rank with or without pay for a period of not less 730 days: Provided that-
  - (a) the period concerned need not be continuous;
  - (b) subject to paragraph (c) service in any temporary rank shall count as reckonable service or the grant of the corresponding emergency rank and any lower emergency rank;
  - (c) no period of service in a temporary rank shall count as reckonable service for the corresponding emergency rank if such period is terminated as a result of-
    - (i) disciplinary action against the member concerned;
    - (ii) the member's serious misconduct;
    - (iii) the member's reduction in rank in terms of section [one hundred and five](#) of the Act; or
    - (iv) the member's inefficiency or incompetency to execute the duties of the rank concerned;
  - (d) any period which in terms of paragraph (c) is not regarded as reckonable service in

any particular temporary rank, shall be considered as such service in the lower temporary rank to which the member reverted on the termination of the period concerned in determining the reckonable service for the emergency rank which corresponds to such lower temporary rank;

(e) a member shall relinquish or forfeit all reckonable service as soon as this chapter ceases to be applicable to him; and

(f) any reckonable service relinquished or forfeited by a member in terms of paragraph (e) may be restored on the authority of the Adjutant General if this chapter again becomes applicable to such member.

(2) A member, who in terms of this chapter has for an uninterrupted period of not less than 90 days, held temporary rank with pay, which is two ranks or more higher than his substantive rank or any emergency rank held by him, may notwithstanding the provisions of sub-regulation (1), be granted emergency rank which is one rank lower than such temporary rank.

## **11. Promotion to substantive rank**

(1) A member of the Permanent Force may, in terms of the regulations which determine the conditions of service for the Permanent Force, be promoted to substantive rank against a post on the establishment table of a unit of the Permanent Force (other than an increase in number of posts referred to in paragraph (b) of sub-regulation (2) of regulation 5 of this chapter): Provided that-

(a) notwithstanding the provisions of sub-regulation (5) of regulation 5 of this chapter, such a member need not at the time of such promotion be serving in the post concerned; and

(b) combat service may, at the discretion of the Minister or an officer acting on his authority, be accepted as a qualification for such promotion in lieu of any prescribed qualification.

(2) A member of the Reserve who in terms of [section fifty-two](#) or [fifty-three](#) of the Act has assumed a lower substantive rank may, while this chapter is applicable to him, be promoted to his substantive rank on the Reserve or to any lower substantive rank.

(3) An officer who, when this chapter becomes applicable to him, holds the rank of Second Lieutenant, may in accordance with the regulations for that part of the SADF to which he belongs, be promoted to the substantive rank of Lieutenant: Provided that such officer shall not be so promoted until he has completed two years service as a substantive Second Lieutenant in any portion of the SADF.

[Reg. 11 amended by GN R1322/68]

## **12. Confirmation of appointment on probation and promotion of a substantive Second**

## **Lieutenant to the emergency rank of Lieutenant**

(1) An officer who, while this chapter is applicable to him, is appointed or assumes services as a substantive Second Lieutenant may, notwithstanding any higher temporary rank which he holds and notwithstanding the provisions of regulation 11 of this chapter, be promoted to the emergency rank of Lieutenant as soon as he has completed 180 days combat service to the satisfaction of the Chief of Staff or Head of Section concerned.

(2) The period of probation referred to in paragraph (a) of sub-regulation (1) of regulation 4 and sub-regulations (6) and (7) of regulation 5 of this chapter shall be terminated by the promotion to emergency rank in terms of sub-regulation (1) of the officer concerned and the appointment of an officer who is thus promoted shall thereby be confirmed in the substantive rank of Second Lieutenant.

[Reg. 12 amended by GN R1322/68]

### **13. Promotion in posts to which alternative ranks have been allotted**

(1) If alternative ranks have, in terms of sub-regulation (3) of regulation 5 of this chapter been allotted to a post on any establishment table a member may, subject to the other provisions of this regulation, be promoted to the lowest of such alternative ranks only.

(2) If alternative ranks have been allotted to a post on conditions determined by the Adjutant General a member may, if such conditions have been complied with, be promoted to the higher alternative rank allotted to such post.

(3) If alternative ranks have been allotted to a professional post, which is classified as such, on conditions relating to professional qualifications or experience determined by the Adjutant General, an officer who complies with such conditions may be promoted to any of the ranks concerned.

(4) This regulation shall not be construed as authorising the promotion of a member of the Permanent Force to substantive rank in a post to which alternative ranks have in the establishment table for the Permanent Force been allotted unless such member complies with the requirements prescribed for such substantive promotion in the regulations determining the conditions of service for members of that Force.

### **14. Forfeiting or relinquishing of temporary rank**

(1) Notwithstanding the other provisions of this regulation, a member shall relinquish any temporary rank held by him-

(a) on the date on which an equivalent or higher emergency rank or substantive rank is conferred on him;

(b) if he holds such rank pursuant to his promotion in terms of paragraph (b) of regulation 8 of this chapter, as soon as -

(i) the reason for such promotion ceases to exist; or

(ii) he no longer performs the duties in respect of which he had thus been promoted;

(c) as soon as he is released from combat service as a member of a unit in terms of the provisions of [section ninety-six](#) of the Act;

(d) on the date on which he is released from combat service as a result of his exemption in terms of [section ninety-seven](#) of the Act; or

(e) on the date on which his service in the SADF is terminated for any reason.

(2) Subject to the provisions of sub-regulation (5), a member shall forfeit or relinquish any temporary rank held by him-

(a) on the eighth consecutive day on which he is absent without leave from duty (except as a result of a disablement or as a battle casualty or is in civil custody);

(b) on the date of the commencement of a continuous period of more than 30 days leave of absence;

(c) as soon as this chapter ceases to be applicable to him; or

(d) as soon as he is reverted to a lower rank for any reason not specified in sub-regulation (3).

(3) Subject to sub-regulation (4) or (5) a member shall relinquish any temporary rank held by him-

(a) with effect, from the date immediately following the date of termination of his posting to a post in which he held a temporary rank pursuant to the provisions of paragraph (a) of regulation 8 of this chapter;

(b) on the thirty-first consecutive day on which he as a result of a disablement (other than as a battle casualty) did not hold a post to which a rank equivalent to or higher than such temporary rank has been allotted;

(c) on the ninety-first consecutive day on which he as a battle casualty did not hold a post to which a rank equivalent to or higher than such temporary rank has been allotted; or

(d) if in his unit, he is the junior in his rank, as soon as another member who holds an equivalent emergency rank or substantive rank and is capable of filling the post held by the

member concerned, commences to serve supernumerary at his unit or as soon as he is replaced by such other member.

(4) A member referred to in sub-regulation (3) who holds temporary rank with pay or who has in terms of paragraph (a) of regulation 8 of this chapter been promoted to temporary rank without pay, shall retain such rank subject to the provisions of regulation 9 or 10 of this chapter -

(a) where he attends a course extra-regimentally until -

(i) he resumes duty in the post previously held by him;

(ii) he assumes duty in another post;

(iii) he is absorbed into a reinforcement pool, or

(iv) if such course is a qualifying course for appointment to commissioned rank, he is appointed as an officer or is again posted as an other rank or is absorbed into a reinforcement pool;

(b) where he performs temporary extra-regimental duty and is due to return to his unit, until he -

(i) on completion of such temporary duty resumes duty in the post previously held by him;

(ii) assumes duty in another post; or

(iii) is absorbed into a reinforcement pool; or

(c) where he vacates a post in which he held such temporary rank to fill another post to which an equivalent or higher rank has been allotted, until -

(i) he assumes duty in his new post; or

(ii) such posting is withdrawn.

(5) A member who, whilst he is on combat service, is taken prisoner of war or is reported missing and who on the date concerned held temporary rank (other than temporary rank to which he was promoted in terms of paragraph (b) of regulation 8 of this chapter) shall retain such temporary rank subject to the conferment of temporary rank with pay or emergency rank in terms of regulation 9 or 10 of this chapter until-

(a) he again assumes duty in any post in the SADF; or

(b) he is, pursuant to a sentence of a military court or in terms of section [one hundred and five](#) of the Act reduced to a lower rank.

(6) If a member forfeits or relinquishes temporary rank he shall assume the highest lower temporary, emergency or substantive rank to which he is entitled in terms of this chapter or in the event of his combat service having been terminated, the regulations of that part of the SADF or Reserve then applicable to him.

## 15. Forfeiting or relinquishing of emergency rank

(1) A member holding emergency rank shall forfeit or relinquish such rank as soon as-

(a) equivalent or higher substantive rank is conferred on him;

(b) pursuant to the provisions of [section ninety-six](#) or [ninety-seven](#) of the Act or any regulation, he is exempted, released or discharged from service;

(c) leave of absence without pay for an indefinite period is granted to him;

(d) his service in the SADF is terminated,

(e) pursuant to a sentence of a military court or in terms of [section one hundred and five](#) of the Act, he is reduced to a lower rank; or

(f) this chapter ceases to be applicable to him.

(2) If a member forfeits or relinquishes emergency rank he shall assume the highest temporary, emergency or substantive rank to which he is entitled in terms of this chapter, or in the event of his combat service having been terminated, the regulations for that part of the SADF or Reserve then applicable to him.

## 16. Voluntary relinquishing of rank

(1) The Commandant General, SADF, may authorise any member who has so requested, to revert to any lower rank: Provided that-

(a) an officer who wishes to revert to the ranks shall resign his commission; and

(b) no person shall be so authorised to revert to a lower rank for the purpose of evading any disciplinary action or action under [section one hundred and five](#) of the Act.

(2) The Commandant General, SADF, may, in respect of other ranks, delegate to any other officer the power conferred on him by sub-regulation (1).

## 17. Transfer and moves

A member may, subject to regulation 6 of this chapter and [section ninety-five](#) of the Act be transferred from any post to any other post and be moved with his movable property at Government expense from any place to any other place where he is required to serve: Provided that the household of a member of the Permanent Force who performs combat service and the movable property of such member's household shall not thus be moved unless express authority has been obtained therefor in accordance with the Regulations for the Permanent Force.

## 18. Leave of absence

Leave of absence whilst on combat service may be granted to a member of the Permanent Force in accordance with the Regulations for the Permanent Force and to a member of the Citizen Force in accordance with the Citizen Force Regulations: Provided that service leave as prescribed in regulation 6 of chapter VI of the Citizen Force Regulations may be granted to a member of the Permanent Force as special leave with pay in accordance with regulation 37 of chapter VI of the Regulations for the Permanent Force.

## 19. Seniority and precedence

(1) In the determination of seniority in terms of this regulation-

- (a) substantive rank, emergency rank and temporary rank referred to in regulation 3 of this chapter shall in each rank be regarded as separate ranks;
- (b) substantive rank shall be deemed to be higher than emergency rank and emergency rank higher than temporary rank;
- (c) the conferment of any substantive, emergency or temporary rank shall be regarded as promotion;
- (d) "rank" shall include the substantive rank, emergency rank or temporary rank concerned in every rank in the order of precedence provided in paragraph (b); and
- (e) "appointment" shall include engagement or enrolment.

(2) The seniority of any member shall, whilst performing combat service, be determined in terms of this regulation without regard to the part of the SADF or the Reserve to which he belongs: Provided that-

- (a) a member of the Permanent, Force shall be deemed to be the senior of any member of any other part of the SADF who holds the same, an equivalent or a corresponding substantive emergency or temporary rank; and



(b) a member who in terms of regulation 20 of this chapter exercises command, shall while he thus exercises command be deemed to be the senior of the members under his command.

(3) The seniority, of a member, who on the day immediately preceding the date on which this chapter becomes applicable to him was a member of the SADF, shall, in the rank in which he has assumed combat service, be determined by the date of his latest appointment in or promotion to such rank in that part of the SADF to which he belongs.

(4) The seniority of a member who -

(a) is appointed while this chapter is in operation in terms of regulation 2 and to whom sub-regulation (3) is not applicable; or

(b) is promoted while this chapter is in operation in terms of regulation 2,

shall, subject to sub-regulations (5), (6) and be determined by the date of his latest appointment in or promotion to the rank concerned: Provided that the seniority of a member who as a battle casualty has relinquished any temporary rank, may on his subsequent promotion to the same or lower temporary rank be adjusted by the inclusion, for the determination of seniority, of the period of his previous service in the temporary rank which he thus relinquished.

(5) A member who is appointed in any rank on any date, shall-

(a) be the junior of all members who served in the SADF in the same rank on the date immediately preceding the said date; and

(b) if he is a member of the Reserve of Officers, the Permanent Force Reserve or the Citizen Force Reserve, be senior to a member who is on that date appointed in the same rank and who is not a member of any such Reserve.

(6) If more than one member is appointed on the same date to the same rank, the Adjutant General or an officer acting on his authority may at his discretion, subject to sub-regulation (5), determine the relative seniority of such members: Provided that if more than one other rank is appointed to commissioned rank on the same date-

(a) after having qualified for such appointment on a course, every such member shall assume seniority in relation to the other members who attended the same course in accordance with his order of merit obtained on the said course, and

(b) the relative seniority of candidate officers of the Permanent Force who are appointed as officers shall be determined .in terms of the Regulations for the Permanent Force.

(7) If more than one member is promoted to the same rank on the same date, every such member shall retain the seniority held by him immediately prior to his promotion.

(8) This regulation shall not apply to a chaplain.

[Subreg. (8) inserted by GN R605/68]

## 20. Exercise of command and authority

(1) A member shall exercise command if he-

(a) by virtue of the post he holds, is required to exercise command;

(b) holds the post of deputy commander or second-in-command and his commander is for any reason unable to exercise command or while no person holds the post of commander;

(c) is specially appointed to exercise command over any other members; or

(d) in circumstances not referred to in paragraph (a), (b) or (c) is the senior of a number of members: Provided that a member who is classified or posted in a combatant capacity shall notwithstanding the presence of a senior member of the same rank who is not so classified or posted, assume command under combat conditions.

(2) A member who is a medical officer, a nursing officer or a member of the SA Medical Service shall exercise over a patient, irrespective of his rank, such authority as may be necessary for his medical treatment or for the discipline of any hospital or other institution established for the care of the sick, injured or wounded.

[Subreg. (2) substituted by GN R832/78]

(3) .....

[Subreg. (3) deleted by GN R832/78]

(4) An officer in command of a ship or an aircraft shall, notwithstanding his rank, exercise authority for the duration of any voyage or flight in relation to any matter which is connected with the successful completion of such voyage or flight, over the crew and all the passengers in such ship or aircraft.

(5) This regulation shall not apply to a chaplain.

[Subreg. (5) inserted by GN R605/68]

## 21. Exemption from service in terms of paragraph (j) of sub-section (1) of section ninety-seven of the Act

No person shall be liable to be called out for service in terms of [section 91](#) or [92](#) of the Act, if he is -

- (a) in the full time employ of a fire brigade section of a local authority;
- (b) a full-time member of the ambulance personnel of a local authority or a provincial administration;
- (c) a male nurse in a hospital;
- (d) a technician performing service as such at or with any recognised blood transfusion service;
- (e) a public prosecutor in a court of law in the Republic who is in possession of a delegation of the Attorney-General concerned.

[Reg. 21 substituted by GN R347/76]

## **22. Application for exemption in terms of section ninety-seven of the Act**

(1) Any person called out in terms of chapter X of the Act, who does not belong to a unit and who desires exemption in terms of [section ninety-seven](#) of the Act or a person who has any interest in the exemption of any person who has been so called out or is performing combat service, may apply for such exemption to the chairman of the Exemption Board.

(2) A member of the SADF, who desires exemption in terms of [section ninety-seven](#) of the Act, shall submit his application to his commander who, with due regard to the normal service channels, shall submit such application with his comments and recommendation thereon to the chairman of the Exemption Board.

(3) Any person who on his own behalf in terms of sub-regulation (1) or (2) applies for exemption shall submit with his application -

- (a) his full name and registration number;
- (b) his supporting affidavit setting forth the reasons for his application; and
- (c) such other sworn statements or documentary evidence as he may deem necessary.

## **23. Termination of service in the SADF while on combat service**

(1) The service of a member of the Permanent Force, may, whilst he is performing combat service, be terminated in terms of the Act, the Regulations for the Permanent Force or in pursuance of steps taken in accordance with the [First Schedule](#) to the Act.

(2) Subject to [section ninety-six](#) of the Act the combat service of any other member and,

subject to sub-regulation (3), the service of such member in the SADF may be terminated or dispensed with -

- (a) if, after consideration of the report of a medical board, constituted by or on authority of the Surgeon General, as he may deem fit, it appears to the satisfaction of the Adjutant General in consultation with the Surgeon General that the member concerned is no longer medically fit for the duties which he may by virtue of his classification or mustering be required to perform: Provided that such member, whose service is not terminated, may be reclassified or remustered in accordance with regulation 22 of chapter XIII of the Regulations for the Permanent Force;
- (b) as soon as he is exempted from service in terms of [section ninety-seven](#) of the Act, or for any other reason ceases to be liable to perform combat service in terms of the Act;
- (c) if his services become redundant as a result of any re-organisation in or of the SADF;
- (d) if his continued employment in the opinion of the Commandant General, SADF, constitutes a security risk;
- (e) if-
  - (i) facts in respect of the ancestry or past of the member concerned or of persons with whom he associates regularly; or
  - (ii) the incorrectness of any personal particulars given by such member on his engagement or appointment,

in the opinion of the Commandant General, SADF, render the continued employment of the member concerned undesirable;

- (f) pursuant to a sentence imposed on the grounds of sub-paragraph (ii) above by a military court;
- (g) if he is convicted by a civil court of an offence of a violent, disgraceful, fraudulent, dishonest, immoral or unnatural nature or of an offence against the State or if he is sentenced to imprisonment without the option of a fine or to corporal punishment, or if he has at any time whether prior or subsequent to his appointment or engagement or not served a sentence of imprisonment;
- (h) as soon as he has reached the prescribed age of retirement;
- (i) if he refuses to subject himself to immunisation;
- (j) as soon as he has been absent from duty without authority for a continuous period of

180 days; or

(k) if for any other reason he is deemed to be unfit for military service or his services are no longer required.

(3) If the combat service of a member who is liable to service or training in terms of [section seventeen](#), [nineteen](#), [twenty-one](#), [twenty-two](#), [twenty-three](#), [twenty-four](#), [thirty-five](#), or [thirty-six](#) of the Act, is terminated in terms of paragraph (b), (c) or (j) of sub-regulation (2), he shall, subject to his being discharged or released from service in terms of the regulations for that part of the SADF to which he belongs, remain a member of the Citizen Force or a Commando, as the case may be.

## **24. Notice of change of address**

Any member who, after the termination of his combat service in terms of sub-regulation (3) of regulation 23 of this chapter remains a member of the Citizen Force or a Commando, shall, while his unit is still on combat service, notify the Adjutant General within seven days after such termination and thereafter in June of each year of his address and shall, until he receives a written instruction to the contrary from the Adjutant General, notify the Adjutant General in writing of every change of address within fourteen days after such change has taken place.

# DEFENCE ACT 44 OF 1957

## AMENDMENT TO THE GENERAL REGULATIONS FOR THE SOUTH AFRICAN NATIONAL DEFENCE FORCE AND RESERVE

Published under Government Notice R988 in *Government Gazette* 20376 of 20 August 1999 and again under Government Notice R1043 in *Government Gazette* 20425 of 1 September 1999.

The Minister of Defence has, under [section 87\(1\)\(rB\)](#), read with [section 126C](#) of the Defence Act, 1957 (Act No. 44 of 1957), made the regulations in the Schedule.

### SCHEDULE

1. In this Schedule “the Regulations” means Chapter XX of the General Regulations for the South African National Defence Force and the Reserve.

2. The Regulations are hereby amended by the inclusion of Chapter XX.

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In this Chapter, unless the context otherwise indicates -

“**Act**” means the Defence Act, 1957 (Act No. 44 of 1957);

“**agreement**” means a binding written agreement concluded between the parties to the Council in respect of matters of mutual interest, and “**collective agreement**” shall have the same meaning;

“**Board**” means the Military Arbitration Board established by regulation 72;

“**collective bargaining**” means the process whereby the employer and military trade unions engage in negotiations on matters of mutual interest;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“**Council**” means the Military Bargaining Council established by regulation 62;

“**Defence Force**” means the South African National Defence Force;

“**employer**” means the Department of Defence or any authorised person acting as its representative;

“**former constituent force**” means any of the former South African Defence Force, Bophuthatswana Defence Force, Transkei Defence Force, Ciskei Defence Force, Venda Defence Force, Umkhonto we Sizwe, Azanian Peoples Liberation Army or a Self

Protection Unit;

**“grievance”** means a complaint by a member or members of the Defence Force affecting the employment relationship of the member or members concerned, or where there is an alleged violation of his or her or their rights, including any unfair labour practice;

**“military trade union”** means a trade union established in terms of these regulations;

**“office-bearer”** means a member of the military trade union who is elected in terms of the constitution of a military trade union to hold office in that military trade union and who is not an official;

**“official”** in relation to a military trade union means a person employed as a secretary, assistant secretary or organiser of a military trade union, or in any other prescribed capacity in a full time post;

**“registered”** means registered in terms of these Regulations;

**“Registrar”** means the Registrar of Military Trade Unions appointed by the Minister in terms of regulation 41;

**“remuneration”** means any payment in money or in kind, or both money and in kind, made or owing to a member for that person serving in the Defence Force, and remunerate has a similar meaning;

**“secondary strike”** means a strike, or conduct in contemplation or furtherance of a strike by other employees against their employer, that is in support of any other strike or in solidarity with a strike undertaken by employees other than members of the Defence Force against any employer;

**“strike”** means the partial or complete concerted refusal to serve, or the retardation or obstruction of service, or failure to serve, by members of the Defence Force, for the purpose of protest, petition or remedying a grievance or resolving a dispute in respect of any matter of mutual interest between the employer and member and every reference to “serve” in this definition includes overtime service or duty, whether it is voluntary or compulsory;

**“unfair labour practice”** means any unfair act or omission that arises between a member and the employer, involving

- (a) unfair discrimination, either directly or indirectly, against a member on any arbitrary ground, including, but not limited to membership of a former constituent force, race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, political opinion, culture, language, marital status or family responsibility;
- (b) the unfair conduct by the employer relating to the appointment to a post, promotion, demotion or training of a member or relating to the provision of benefits to a member;
- (c) the unfair suspension or dismissal of a member or other disciplinary action short of dismissal; or
- (d) the failure or refusal by the employer to reinstate or re-employ a former member in terms of any agreement.

## **PART 1**

### **OBJECTIVES AND APPLICATION**

#### **2. Application**

The Defence Force, being an all volunteer force that is structured and managed as a disciplined military force, requires that all citizens who voluntarily join the Defence Force accept the rights and limitations with respect to their labour rights as specified in these Regulations.

#### **3. Objectives**

The objectives of these Regulations are to provide for -

- (a) fair labour practices;
- (b) the establishment of military trade unions;
- (c) collective bargaining on certain issues of mutual interest;
- (d) to ensure that trade union activities do not disrupt military operations, military exercises and training and do not undermine the Constitutional imperative of maintaining a disciplined military force; and

- (e) generally to provide for an environment conducive to sound and healthy service relations.

## **PART 2**

### **RIGHTS AND LIMITATIONS**

#### **Individual Rights And Limitations**

#### **4. Rights of members**

- (1) Subject to the provisions of these Regulations, a member shall be entitled to exercise his or her labour rights as contemplated in [section 23](#) of the Constitution, on an individual basis or collectively through a military trade union.
- (2) No member of the Permanent Force or of any Auxiliary Service may join or belong to any trade union other than one established in terms of these Regulations.
- (3) These regulations apply to members of the Citizen Force and Commandos only in respect of military service rendered, or required to render by them, in their capacity as members of the Citizen Force or Commandos, as the case may be.

#### **5. Lawful commands**

No member may refuse to obey a lawful command on the grounds that some matter is, or may become, the subject of collective bargaining, joint consultation or grievance proceedings.

#### **6. Strikes**

No member may participate in a strike, secondary strike or incite other members to strike or to support or to participate in a secondary strike.

#### **7. Prohibited activities**

Subject to regulation 8, no member may participate in peaceful and unarmed assembly, demonstration, picket and petition in support of a strike or secondary strike if this relates to any Defence matter.

## **8. Permissible activities**

Members have the right to peaceful and unarmed assembly, demonstration, picket and petition, and to present petitions in their private capacity: Provided that such right shall not be exercised

- (a) while in uniform or wearing any part of a uniform or displaying any insignia linked to the Defence Force, in a manner which indicates in any other way employment in the Defence Force or the Department of Defence; or
- (b) in respect of any matter concerning either the employment relationship with the Department of Defence or any matter related to the Department of Defence.

## **ORGANISATIONAL RIGHTS OF MILITARY TRADE UNIONS**

### **9. Collective rights**

Only a registered military trade union has collective bargaining and organisational rights in respect of members.

### **10. Right to recruit**

A military trade union that wishes to register has the right to recruit members with the aim of meeting the threshold requirements for registration provided that -

- (a) such a military trade union gives notice to the Minister to that effect; and
- (b) the Minister causes the existence of the said union to be communicated within the Defence Force within 14 days of receipt of such notification.

### **11. Right to organise own affairs**

Subject to the provisions of these Regulations, a military trade union has the right

- (a) to determine its own constitution and rules;
- (b) to hold elections for its office-bearers and representatives;
- (c) to appoint its officials; and



(d) to plan and organise its administration and lawful activities, including the right to hold meetings with its members as agreed upon by the parties to the Council.

## **12. Exclusivity of military trade unions**

(1) Military trade unions may be formed and joined only by members of the Defence Force.

(2) The establishment or membership of a military trade union shall not be based on any political affiliation, former constituent force, race, gender, sexual orientation or religion.

## **13. Affiliation with other organisations**

A military trade union shall not affiliate or associate with -

(a) any labour organisation, labour association, trade union or labour federation that is not recognised and registered; and

(b) any political party or organisation.

## **14. Employment and remuneration of staff**

Military trade unions may employ any person who is not a member of the Defence Force for their own internal administration as employees or officials, and may determine the remuneration and conditions of service that they deem appropriate for such employees or officials.

## **15. Prohibited remuneration**

No official of a military trade union shall receive any remuneration or benefit from the Defence Force in relation to his or her duties on behalf of, or on instruction from, any military trade union.

## **16. Independence of military trade unions**

All military trade unions shall be independent of and shall not be subject to the command and control of the Defence Force, save that members who are office bearers in such military trade unions shall remain subject to Defence legislation at all times.

## **17. Membership voluntary**

- (1) Membership of a military trade union shall be voluntary.
- (2) No person may -
  - (a) prevent a member forcibly or in any other manner from joining a military trade union or engaging, in any activity of a military trade union; or
  - (b) discriminate against a member for exercising any right conferred by these Regulations.

## **18. Membership restriction**

A member may not belong to more than one military trade union at the same time.

## **19. Prohibited agreements**

Military trade unions shall not have the right to negotiate a closed shop or agency shop agreement with the employer.

## **20. Prohibited funding**

The Department of Defence shall not fund the activities of military trade unions, and shall not fund the costs incurred by any official or employee of a military trade union in the execution of their activities, save as provided for in a collective agreement.

## **DISCLOSURE OF INFORMATION**

## **21. Duty to disclose information**

- (1) Subject to the limitations in terms of these Regulations the employer must disclose to a registered military trade union all relevant information that will allow that union to effectively perform the functions contemplated in these Regulations.
- (2) The employer is not required to disclose information -
  - (a) that is legally privileged;
  - (b) that the employer cannot disclose without contravening a prohibition

imposed on the employer by any law or order of any Court;

- (c) that relates to military operations, military exercises, operational planning (including contingency planning), military acquisition programmes or military equipment;
- (d) that if disclosed, may cause substantial harm to a member or the employer;
- (e) that is private personal information relating to a member, unless that member consents in writing to the disclosure of that information.

## **22. Classified information**

- (1) The employer shall notify a registered military trade union in writing if any information disclosed in terms of these Regulations is classified.
- (2) The employer may require a military trade union or a representative of such a registered military trade union to sign an undertaking relating to the non-disclosure of official information before making any classified information available.

### **MILITARY TRADE UNION REPRESENTATIVES**

## **23. Election of trade unions representatives**

- (1) Military trade union members may elect from amongst themselves one union representative for every twenty-five members, but not more than ten representatives per union per any one unit or base.
- (2) The constitution of a military trade union shall govern the nomination, election, terms of office and removal from office of a military trade union representative.

## **24. Adherence to military professionalism and discipline**

Military professionalism and military discipline shall be adhered to at all times by members of military trade unions.

## **25. Rights of military trade union representatives**

A military trade union representative has the right to -

- (a) at the request of a member, assist the member with respect to grievance and disciplinary proceedings, but not to representation;
- (b) at the request of a member, assist the member in redressing any alleged unjust administrative action or unfair labour practice through the use of the official channels for redressing such alleged unjust administrative action or unfair labour practice;
- (c) report, in writing, any alleged contravention of these Regulations or a collective agreement binding on the employer to -
  - (i) the registered military trade union;
  - (ii) the commander or manager of the unit, base, headquarters or head office; and
  - (iii) failing any action by the commander or manager to remedy or solve the alleged contravention, the immediate superior of such commander or manager, provided that such commander or manager be so informed.
- (d) perform any other function agreed to in the form of a collective agreement.

## **26. Time off during official working hours**

Subject to the operational and training schedule of the unit, base or headquarters, and the maintenance of good order and military discipline, a military trade union representative is entitled to take reasonable time off with pay during working hours, but not more than eight hours per month, to -

- (a) perform the functions of a military trade union representative; and
- (b) be trained in any subject relevant to the performance of the functions of a military trade union representative, provided that such training shall not be at the expense of the Department of Defence.

## **ASSISTANCE WITH RESPECT TO DISCIPLINARY AND GRIEVANCE PROCEEDINGS**

## **27. Assistance to members by military trade unions**

Military trade unions may -

- (a) assist their members with respect to grievance procedures, including the formulation of grievances; or
- (b) assist their members with respect to any disciplinary hearings and military court proceedings,

provided that such assistance shall not include representation by an official, office bearer or military trade union representative.

## **DEDUCTION OF SUBSCRIPTIONS AND LEVIES**

### **28. Authorised deductions from wages or salaries**

Any member who is a member of a military trade union may authorise the employer in writing to deduct subscriptions or levies payable to that military trade union from the member's wages or salary.

### **29. Deductions by employer**

On receiving the authorisation contemplated in regulation 28 the employer shall make the authorised deduction within 30 days, and shall remit the amount deducted to the military trade union by not later than the 15th day of the month following the date when each deduction was made.

### **30. Revocation of authority**

A member may revoke an authorisation contemplated in regulation 28 by giving the employer and the registered military trade union three months' written notice.

### **31. Continuation of deduction**

The employer shall, upon receipt of a notice contemplated in regulation 30, continue to make the authorised deduction until the notice period has expired and shall then cease the deduction.

### **32. Information to military trade unions**

With each monthly remittance, the employer must give the respective military trade unions -

- (a) a list of the names of members of that military trade union from whose salary the

employer has made deductions that are included in the remittance;

- (b) details of the amounts deducted and the period to which the deductions relate; and
- (c) a copy of every notice or revocation in terms of these Regulations.

## **ACCESS TO DEPARTMENT OF DEFENCE PREMISES**

### **33. Conditions for access to Defence premises**

- (1) Any office-bearer or official of a military trade union is entitled to enter a unit, base, headquarters or head office in order to recruit members, communicate with members or otherwise serve their interests, provided that the time of entry be agreed to by the Officer Commanding prior to entry.
- (2) An Officer Commanding shall not unreasonably deny the access contemplated in subregulation (1).
- (3) Access shall be limited to those areas of a unit, base, headquarters or head office that are designated as restricted by the Minister for military security reasons as specified in the Act.
- (4) Access shall not be granted to operational vehicles, aircraft or vessels of the Defence Force.

### **34. Time of meetings**

A military trade union is entitled to hold meetings with members outside their working or training hours on the employer's premises.

### **35. Voting on Defence premises**

The members of a registered military trade union are entitled to vote at the employer's premises by prior arrangement with the employer in any election or ballot contemplated by the military trade unions' constitution.

## **COLLECTIVE BARGAINING RIGHTS OF MILITARY TRADE UNIONS**

### **36. Limitations on collective bargaining rights**

Military trade unions may engage in collective bargaining, and may negotiate on behalf of their members, only in respect of -

- (a) the pay, salaries and allowances of members, including the pay structure;
- (b) general service benefits;
- (c) general conditions of service;
- (d) labour practices; and
- (e) procedures for engaging in union activities within units and bases of the Defence Force.

## **LIMITATIONS ON MILITARY TRADE UNIONS**

### **37. Military operations or exercises**

(1) No member may participate in the activities of a military trade union while participating in a military operation including operation in fulfilment of an authorised international obligation as contemplated in [section 201\(2\)\(c\)](#) of the Constitution or military exercise, undergoing training as an integral part of a military operation or during military training.

(2) No military trade union may liaise or consult with its members whilst such members participate in a military operation or exercise, undergo training as an integral part of a military operation or during military training.

### **38. Emergencies**

As from the date of a declaration of state of emergency, or when the President has employed the Defence Force in the defence of the Republic as provided for in [section 201\(2\)\(b\)](#) of the Constitution, all activities other than administrative and financial maintenance functions of trade unions shall be suspended until termination of such declaration or employment.

### **39. Prohibition on impediment of military activities**

A military trade union shall not undertake or support any activity which may impede military operations, military exercises, training during military operations or exercises or



the preparation for military operations or exercises or during military training.

#### **40. Other prohibited activities**

A military trade union shall not engage in collective bargaining with the employer with respect to military operations, military exercises, operational planning (including contingency planning), military acquisition programmes, military equipment or curriculum or geographic location of military training.

### **PART 3**

## **REGISTRATION OF MILITARY TRADE UNIONS**

### **REGISTRAR OF MILITARY TRADE UNIONS**

#### **41. Appointment of Registrar**

A person designated by the Minister as the Registrar of military trade unions shall exercise the powers and perform the duties conferred on him or her by or in terms of these Regulations.

#### **42. Functions of Registrar**

The Registrar -

- (a) shall exercise all the powers and perform all the duties conferred on him or her by or in terms of these Regulations;
- (b) shall keep a register of registered military trade unions;
- (c) shall within 30 days of making an entry in or deletion from a register, give notice of that entry or deletion in the *Government Gazette*;
- (d) may on good cause shown, extend or condone late compliance with any of the time periods established in this Part, except the period within which a person may note an appeal against a decision of the Registrar; and
- (e) shall remove from the appropriate register the name of any military trade union that has been deregistered, wound up, liquidated or sequestrated.

### 43. Requirements for registration

- (1) A military trade union may apply to the Registrar for registration if -
  - (a) it is composed exclusively of serving members of the Defence Force;
  - (b) it has adopted a constitution that meets the requirements of these Regulations;
  - (c) it has an address in the Republic;
  - (d) it is independent as contemplated in subregulation (2), and
  - (e) it has a proven membership that meets the threshold requirement of five thousand members of the Defence Force on the date of application for registration.
- (2) A military trade union shall be deemed to be independent if -
  - (a) it is not under the direct or indirect control of the Department of Defence; and
  - (b) it is not aligned to any political party or organisation or to any trade union or trade union federation outside the Defence Force, or does not receive any funding from such a party.
- (3) A military trade union that intends to register may not have a name or a shortened form of the name which so closely resembles the name or shortened form of the name of any other local or international organisation that it is likely to mislead or cause confusion.
- (4) The constitution of a military trade union shall -
  - (a) state that membership of the union is restricted to members of the Defence Force and the union is independent as contemplated in regulations 13 and 16;
  - (b) state that the military trade union is an association not for gain;
  - (c) provide for the adoption of a code of conduct, and methods of dealing with breaches of such a code;
  - (d) establish the circumstances in which a member will no longer be entitled to the benefits of membership;

- (e) provide for the termination of membership;
- (f) provide for appeals against loss of the benefits of membership or against termination of membership, prescribe a procedure for those appeals and determine the body to which those appeals may be made;
- (g) provide for membership fees and the method for determining membership fees and other payments by members;
- (h) prescribe rules for the convening and conducting of meetings of members and meetings of representatives of members, including the quorum required for, and the minutes to be kept of those meetings;
- (i) establish the manner in which decisions are to be made;
- (j) establish the office of secretary and define its functions;
- (k) provide for other office-bearers, officials and military trade union representatives, and define their respective functions;
- (l) prescribe a procedure for nominating or electing office-bearers;
- (m) prescribe a procedure for appointing or nominating and electing officials;
- (n) establish the circumstances and manner in which office-bearers, officials and representatives, may be removed from office;
- (o) provide for appeals against removal from office of office-bearers, officials and representatives, prescribed a procedure for those appeals and determine the body to which those appeals may be made;
- (p) established the circumstances and manner in which a ballot must be conducted;
- (q) provide for banking and investing its money;
- (r) establish the purposes for which its money may be used;
- (s) provide for acquiring and controlling property;

- (t) determine a date for the end of its financial year;
- (u) prescribe a procedure for changing its constitution; and
- (v) prescribe a procedure by which it may resolve to wind up.

(5) The constitution of a military trade union may not include any provision that discriminates directly or indirectly against any person on the grounds of political affiliation, membership of former constituent force, religion or religious beliefs, race, gender or sexual orientation.

#### **44. Procedure for registration**

- (1) A military trade union may apply for registration by submitting to the Registrar -
  - (a) a completed form in the format approved by the Registrar that has been properly completed;
  - (b) a copy of its constitution; and
  - (c) a list of names of its paid up members in the format approved by the Registrar.
- (2) The Registrar may require additional information from a military trade union in support of the application.

#### **45. Approval of application**

The Registrar shall consider the application and any further information provided by the applicant and, if he or she is satisfied that the applicant meets the requirements for registration, shall register the applicant by entering the applicant's name in the register of military trade unions.

#### **46. Request for further information**

- (1) If the Registrar is not satisfied that the applicant meets the requirements for registration, the Registrar shall send the applicant a written notice of the decision and the reasons for that decision and in that notice, inform the applicant that it has 30 days from receipt of the notice to meet the specified requirements.

(2) If the applicant meets the requirements for registration within the period contemplated in subregulation (1), the Registrar shall register the applicant by entering the applicant's name in the appropriate register.

#### **47. Proof of registration**

After registering the applicant, the Registrar shall -

- (a) issue a certificate of registration in the applicant's name; and
- (b) send the certificate and a certified copy of the registered constitution to the applicant.

#### **48. Effect of registration of a military trade union**

- (1) A certificate of registration is sufficient proof that a military trade union is a body corporate.
- (2) Service of any document directed to a registered military trade union at the address most recently provided to the Registrar shall, for all purposes, be deemed to be proper service of that document on that military trade union.

#### **49. Cancellation of registration of a military trade union**

- (1) Whenever the Registrar receives information which indicates that a military trade union does not comply with the provisions of these Regulations, the Registrar may inform the military trade union concerned that he or she intends terminating its registration.
- (2) A military trade union contemplated in subregulation (1) shall within 30 days of receiving a notification to that effect, provide the Registrar with reasons why its registration should not be cancelled, failing which its registration will be cancelled.
- (3) Upon receipt of the reasons contemplated in subregulation (2), the Registrar shall within 30 days make a decision with regard to the cancellation of the registration of such military trade union or allow the continued registration of such a military trade union subject to conditions imposed by the Registrar.

#### **50. Amalgamation of military trade unions**

- (1) Any military trade union may resolve to amalgamate with one or more other military trade unions.
- (2) The amalgamating military trade unions may apply to the Registrar for registration of the amalgamated military trade union, even if any of the amalgamating military trade unions is itself already registered, and the Registrar must treat such application as a new application in terms of these Regulations.
- (3) After the Registrar has registered the amalgamated military trade unions, the Registrar must cancel the registration of each of the amalgamating military trade unions by causing the removal of their names from the appropriate register.
- (4) The registration of an amalgamated military trade union takes effect from the date that the Registrar causes its name to be entered in the appropriate register.

## **51. Effects of amalgamation of military trade unions**

When the Registrar has registered an amalgamated military trade union -

- (a) all the assets, rights, obligations and liabilities of the amalgamating military trade unions devolve upon and vest in the amalgamated military trade union; and
- (b) that military trade union succeeds the amalgamating military trade unions in respect of
  - (i) any right that the amalgamating military trade unions enjoyed;
  - (ii) any fund or funds established in terms of their constitution or any other law;
  - (iii) membership of the Council;
  - (iv) any written authorisation by a member for the periodic deduction of levies or subscriptions due to the amalgamating military trade unions;
  - (v) any arbitration award or court order; and
  - (vi) any collective agreement or other agreement.

## **52. Duty to provide information to the Registrar**

Every military trade union must provide to the Registrar

- (a) by 31 March each year, a statement, certified by the General Secretary of the military trade union that accords with its records, showing the number of members as at 31 December of the previous year and any other related details that may be required by the Registrar;
- (b) within 30 days of receipt of its auditor's report, a certified copy of that report and of the financial statements;
- (c) within 30 days of receipt of a written request by the Registrar, an explanation of anything relating to the statement of membership, the auditor's report and the financial statements;
- (d) within 30 days of any appointment or election of its office-bearers, the names and work addresses of those office-bearers, even if their appointment or election did not result in any changes to its office-bearers; and
- (e) at least 30 days before a new address for service of documents will take effect, notice of that change of address.

### **53. Withdrawal of registration**

The Registrar may withdraw the registration of a military trade union that does not comply with the provisions of this part and inform the military trade union of such withdrawal in writing: Provided that if a military trade union wishes to continue exercising its activities in terms of these Regulations, it may reapply for registration in the manner prescribed in these Regulations.

### **54. Other information**

Any military trade union that has been registered in terms of these Regulations shall submit to the Registrar

- (a) within 90 days of its registration, and after that by 31 March each year, the names and addresses of its members and the number of persons each military trade union represents; and
- (b) within 90 days of its registration, and after that within 30 days of any appointment



or election of its national office-bearers, the names and work addresses of those office-bearers, even if their appointment or election did not result in any changes to its office-bearers.

## **ACCOUNTING RECORDS AND AUDITS**

### **55. Keeping of books and financial records**

A registered military trade union shall, in accordance with the standards of generally recognised accounting practice -

- (a) keep books and records of its income, expenditure, assets and liabilities; and
- (b) within six months after the end of each financial year, prepare financial statements, including at least -
  - (i) a statement of income and expenditure for the previous financial year; and
  - (ii) a balance sheet showing its assets, liabilities and financial position as at the end of the previous financial year.

### **56. Annual audit**

A registered military trade union shall arrange for an annual audit of its books, records of account and financial statements by an auditor registered in terms of the Public Accountants and Auditors Act, 1991 (Act No. 80 of 1991), who shall -

- (a) conduct the audit in accordance with generally recognised auditing principles;
- (b) report to the military trade union by means of a certified report on the following:
  - (i) The paid-up membership numbers at the time of the audit;
  - (ii) the growth or decline in membership numbers since the previous report;
  - (iii) the number of official meetings held by the military trade union and whether all meetings were properly minuted;
  - (iv) the number and names of office bearers at the time of the audit;

- (v) the number of disputes resolved or unresolved since the previous audit;
  - (vi) the number of disputes referred for arbitration since the previous audit;
  - (vii) whether the military trade union complies with the requirements for registration under these Regulations at the time of the audit;
  - (viii) whether the military trade union complied with its constitution during the audit period, and
  - (ix) the cost of membership during the audit period and any changes therein; and
- (c) in that report express an opinion as to whether or not the military trade union has complied with those provisions of its constitution relating to financial matters.

## **57. Submission to members**

A registered military trade union shall -

- (a) make the financial statements and the auditor's report available to its members for inspection; and
- (b) submit the statements contemplated in paragraph (a) and the auditor's report contemplated in regulation 56, to a meeting or meetings of its members or their representatives as provided for in its constitution.

## **58. Preservation of documents**

A registered military trade union shall preserve its books of account, supporting vouchers, records of subscriptions or levies paid by its members, income and expenditure statements, balance sheet, and auditor's reports, in an original or reproduced form, for a period of three years from the end of the financial year to which they relate.

## **59. Duty to keep records**

In addition to the records required by these Regulations, a registered military trade union shall keep -

- (a) a list of its members;

- (b) the minutes of its meetings, in an original or reproduced form, for a period of three years from the end of the financial year to which they relate; and
- (c) the ballot papers for a period of three years from the date of every ballot.

## **60. Changing of a constitution or name**

- (1) A registered military trade union may resolve to change or replace its constitution.
- (2) A military trade union must submit to the Registrar a copy of the resolution contemplated in subregulation (1) and a certificate signed by its secretary stating that the resolution complies with its constitution.
- (3) The Registrar shall -
  - (a) register a changed or new constitution if it meets the requirements for registration; and
  - (b) send the registered military trade union a copy of the resolution endorsed by the Registrar, certifying that the change or replacement has been registered.
- (4) A changed or new constitution takes effect from the date of the registrar's certification.

## **61. Change of name**

- (1) A registered military trade union may resolve to change its name whereafter the military trade union shall submit to the Registrar a copy of the resolution and the original of its current certificate of registration.
- (2) If the new name of a registered military trade union meets the requirements of these Regulations the Registrar shall
  - (a) cause the new name to be entered in the appropriate register and issue a certificate of registration in the new name of the military trade union;
  - (b) remove the old name from that register and cancel the earlier certificate of registration; and
  - (c) send a new certificate of registration to that military trade union.

- (3) The new name of a registered military trade union takes effect from the date that the Registrar causes it to be entered in the appropriate register.

## **PART 4**

### **MILITARY BARGAINING COUNCIL**

#### **62. Establishment of Council**

The Military Bargaining Council is hereby established.

#### **63. Functions of Council duties**

The powers and duties of the Council include -

- (a) the conclusion of collective agreements;
- (b) the enforcement of collective agreements;
- (c) the prevention and resolution of labour disputes; and
- (d) the promotion of labour relations and training in this regard.

#### **64. Constitution of Council**

The constitution of the Council shall provide for -

- (a) the appointment of representatives of the parties to Council;
- (b) the circumstances and manner in which representatives must vacate their seats and the procedure for replacing them;
- (c) rules for the convening and conducting of meetings, including the quorum required for and the minutes to be kept of, those meetings;
- (d) the vote weights of parties in Council, including the determination of how vote weights are to be allocated, provided that the employer shall have a fifty percent vote;
- (e) the manner in which representations shall be made to Council;

- (f) the manner in which decisions are to be made;
- (g) the appointment or election of the chair-person, secretary and supporting secretariat of the Council, their functions, and the circumstances and manner in which they may be removed from office:
- (h) the setting up of an executive committee to manage administrative matters addressed to Council;
- (i) the establishment and functioning of committees;
- (j) the resolution through conciliation, or failing conciliation, arbitration of any dispute arising between the parties to Council about the interpretation or application of Council's constitution;
- (k) the resolution through conciliation, and failing conciliation, referral to the Board of any dispute arising between the parties to the Council about matters of mutual interest on which an agreement can not be reached;
- (l) the procedure for exemption from collective agreements;
- (m) the institution of a levy to fund the operation of the Council, provided that such levy shall be compulsory for all members, and the amount of which shall be determined by agreement
- (n) subject to regulation 63, the delegation of its powers and duties;
- (o) the admission of additional military trade unions as parties to Council, including the recalculation of vote weights;
- (p) the admission of two or more military trade unions that are acting together to meet the threshold for admission to the Council;
- (q) a procedure for changing the Councils' constitution; and
- (r) a procedure by which the Council may resolve to wind up.

## **65. Chairperson of Council**

- (1) The parties to the Council may appoint an independent, non-voting chairperson for the Council.
- (2) The remuneration of a chairperson contemplated in subregulation (1) shall be determined by collective agreement and shall be divided in the percentage of 50 percent for the employer and 50 percent for the admitted military trade unions in the Council.

## **66. Committees of Council**

- (1) The Council may delegate any of its powers and functions to a committee of the Council on any condition determined by the Council in accordance with its constitution, provided that -
  - (a) committees shall consist of equal numbers of representatives of military trade unions and the employer, unless otherwise agreed to in the Council;
  - (b) members of committees need not be official representatives in the Council;
  - (c) committees may co-opt experts to assist and advise on the matter at hand, provided that payment to such experts shall be determined by collective agreement; and
  - (d) committees shall not have the power of decision-making or entering into collective agreements.
- (2) Any committee of the Council shall present its findings to the Council for a decision or collective agreement, as the case may be.

## **67. Formal setting up of first Council**

- (1) The establishment of the first Council shall take place on a date to be determined by the Minister.
- (2) All military trade unions that comply with the threshold requirements for admission referred to in regulation 69 shall be recognised in Council for not more than 60 days, within which 60 days such admitted trade unions must furnish the Council with a certified list of the members of that trade union.
- (3) Any failure by a military trade union to provide the Council with a list contemplated in subregulation (2), shall result in the automatic exclusion of that union

from the Council until it meets the threshold and reapplies for admission in terms of these Regulations.

(4) The first Council shall adopt a Constitution for the Council within 120 days of its first sitting.

(5) The Council shall be chaired by a person appointed by the Minister until such time as the Council appoints a chairperson as contemplated in the constitution of the Council

(6) The employer shall provide a secretariat for the setting up of Council.

(7) The procedures to be followed during the setting up of the Council shall be as determined by the appointed chairperson.

## **68. Admission of parties to the council**

(1) A registered military trade union may apply in writing to the Council for admission as a party to the Council if that union meets the threshold requirement of fifteen thousand members on the date of application.

(2) Military trade unions may act jointly with one another to gain admission to the Council on the proviso that such military trade unions acting together meet or exceed the threshold requirement.

(3) An application contemplated in subregulation (1) shall be accompanied by a certified copy of the applicant's registered constitution and certificate of registration and shall include certified details of the applicant's membership.

(4) The Council shall, within 60 days of receiving an application for admission, evaluate the application and decide whether to grant or refuse an applicant admission, and shall thereafter advise the applicant of its decision.

(5) If the Council refuses to admit an applicant it must within 30 days of the date of refusal, advise the applicant in writing of its decision and the reasons for that decision.

(6) An applicant may request the Board to investigate the reasons and make recommendations in any case of refusal of admission.

## **69. Legal effect of collective agreements**



- (1) A collective agreement shall be implemented by the parties bound by such an agreement in terms of subregulation (2), and within the time limit provided for in the agreement.
- (2) A collective agreement binds -
  - (a) the parties to the agreement;
  - (b) the members of every party to the agreement, insofar as the provisions are applicable to them;
  - (c) members who are not members of military trade unions and military trade unions not party to the agreement: Provided that -
    - (i) such members are identified in the agreement;
    - (ii) the agreement expressly binds the members; and
    - (iii) the agreement is not prejudicial in any way to such members.
- (3) Subject to subregulation (2), where a collective agreement has the effect of amending a contract of employment, such contract shall be deemed to have been amended accordingly.
- (4) Unless a collective agreement provides otherwise, no party may unilaterally withdraw from such agreement.
- (5) The employer shall communicate the contents and implications of collective agreements in a concise and accessible manner within the Department.

## **70. Disputes about collective agreements**

- (1) Every collective agreement shall provide for a procedure to resolve any dispute about the interpretation or application of the agreement, which procedure must first require the parties to attempt to resolve the dispute through conciliation and, if the dispute remains unresolved, through referral to the Board for compulsory arbitration.
- (2) If there is a dispute about the interpretation or application of a collective agreement, any party to the dispute may refer the dispute in writing to the Board for

dispute resolution if

- (a) the collective agreement does not provide for a procedure as required by these Regulations;
  - (b) the procedure provided for in the collective agreement is not operative; or
  - (c) any party to the collective agreement has frustrated the resolution of the dispute in terms of the collective agreement.
- (3) A party who refers a dispute for conciliation, or to the Board for compulsory arbitration, must satisfy the Council that a copy of the referral has been served on all the other parties to the dispute.

## **71. Dispute resolution functions of Council**

- (1) In this regulation, “dispute” means any disagreement in respect of a collective agreement, or any other matter which is or could be the subject of collective bargaining, and the parties to the dispute may include -
- (a) parties to the Council;
  - (b) military trade unions not party to the Council; and
  - (c) members.
- (2) The council shall attempt to resolve a dispute between the parties through conciliation in accordance with the constitution of the Council.
- (3) A party who refers a dispute to the Council must satisfy the Council that a copy of the referral has been served on all the other parties to the dispute.
- (4) The Council may enter into an agreement with an independent agency for the purposes of conducting conciliation in terms of its dispute resolution functions specified in this section.
- (5) If an agency contemplated in subregulation (4) is unable to achieve a conciliation within 60 days of referral
- (a) that agency shall issue a certificate to this extent; and

- (b) the Council shall refer the matter to the Board.

## **PART 5**

### **THE MILITARY ARBITRATION BOARD**

#### **72. Establishment of Board**

The Military Arbitration Board to whom matters shall be referred for arbitration as specified in these Regulations is hereby established.

#### **73. Composition of Board**

The Board shall consist of five independent persons appointed by the Minister.

#### **74. Secretariat of Board**

The employer and the military trade unions shall provide a secretariat for the Board each bearing half of the cost.

#### **75. Dispute resolving procedure**

- (1) Any dispute referred for arbitration shall be dealt with in accordance with these Regulations and in accordance with the Arbitration Act, 1965 (Act No. 42 of 1965), where applicable.
- (2) The Board may conduct the arbitration in a manner that it considers appropriate in order to resolve the dispute fairly and quickly, but must deal with the substantial merits of the dispute with the minimum of legal formalities.
- (3) Subject to subregulation (2), a party to a dispute may give evidence, call witnesses, question the witnesses of any other party, and address concluding arguments to the Board.
- (4) The Board may at any stage prior to or during arbitration proceedings attempt to resolve the dispute through conciliation with the consent of the parties to the dispute, and if the Board deems it appropriate the Board may refer the dispute to be conciliated by an independent conciliator.

- (5) Any of the parties subject to arbitration may be represented during the proceedings as they see fit, including legal practitioners, provided that each party be represented on an equal footing.
- (6) Arbitration awards may be delivered other than in the presence of the parties, thereby enabling the Board to deliver awards to parties by post or other similar means.

## **76. Failure to appear**

- (1) If a party who referred a dispute to the Board fails to appear in person or to be represented at the arbitration proceedings, after having been given written notification thereof, the Board may dismiss the matter, and the Board's decision in respect of that matter shall be final and binding on all parties to the dispute.
- (2) If a party, other than a party who referred the dispute to the Council, fails to appear in person or to be represented at the arbitration proceedings, the Board may
  - (a) continue with the arbitration proceedings in the absence of that party; or
  - (b) adjourn the arbitration proceedings to a later date.

## **77. Arbitration orders**

Within 15 working days of the conclusion of arbitration proceedings, the Board shall issue a signed arbitration award with reasons and the Council shall as soon thereafter as possible serve a copy of that award on each party to the dispute, which award shall be final and binding on all parties to the dispute.

## **78. Arbitration Award**

- (1) The Board shall not make an arbitration award that has financial implications for the State as employer that falls outside the mandated position of the employer in the Council.
- (2) If an award cannot be made as a result of a limitation contemplated in subregulation (1), the Board shall submit a confidential advisory report to the Minister and inform each party that such submission has been made.
- (3) Any arbitration award in terms of subregulation (2) becomes binding-

- (a) 30 calendar days after the date of the award if the Minister has not tabled the award in Parliament within that period; or
  - (b) 30 calendar days after the date of tabling the award, unless Parliament has passed a resolution that the award is not binding, which decision shall be final.
- (4) If Parliament is not in session on the expiry of -
- (a) the period referred to in subregulation (3)(a), that period shall run from the beginning of the next session of Parliament;
  - (b) the period referred to in subregulation (3)(b), that period shall run from the beginning from the next session of Parliament.
- (5) The Board shall not be obliged to disclose the contents of a report to any party to the arbitration proceedings.
- (6) The Board may make any appropriate award including, but not limited to, an award -
- (a) that gives effect to a collective agreement; or
  - (b) that includes, or is in the form of, a declaratory order.

## **79. Costs**

The Board may not include an order in an arbitration award for costs incurred by the parties, unless a party, or the persons who represented that party in the arbitration proceedings, acted in a frivolous, vexatious or malicious manner -

- (a) by proceeding with or defending the dispute in the arbitration proceedings; or
- (b) in its conduct during the arbitration proceedings.

## **80. Variation of rescission of award**

The Board may on its own initiative, or as a result of an application by an affected party, vary or rescind an award -

- (a) erroneously sought or erroneously made in the absence of any party affected by

the award; or

- (b) in which there is an ambiguity, or any obvious error or omission, but only to the extent of that ambiguity, error or omission; or
- (c) granted as a result of a mistake common to the parties to the proceedings.

## **HIGH COURT**

### **81. Application to High Court**

Any of the parties to a dispute, may apply to the High Court to make the arbitration award an order of court.

### **82. High Court review procedure**

- (1) Any party to a dispute who alleges a defect in any arbitration proceedings in terms of these Regulations may apply to the High Court for an order setting aside the arbitration award within six weeks of the date on which the award was served on the applicant.
- (2) A defect referred to in subregulation (1) above means that -
  - (a) the Board, or an individual member of the Board -
    - (i) has committed misconduct in relation to the duties of the Board, or an individual member, as an arbitrator;
    - (ii) has committed a gross irregularity in the conduct of the arbitration proceedings; or
    - (iii) has exceeded the Boards' powers; or
  - (b) that an award has been improperly obtained.
- (3) The High Court may stay the enforcement of an award pending its decision.

### **83. Award set aside**

If the award is set aside by the High Court, the court may -

- (a) determine the dispute in the manner it considers appropriate; or
- (b) make any order it considers appropriate about the procedures to be followed to determine the dispute.

### **OFFENCES AND PENALTIES**

**84.** Any person who contravenes any provision of these Regulations is guilty of an offence.



# DEFENCE ACT 44 OF 1957

## RULES PERMITTING PERSONS WHO ARE NOT MEMBERS OF THE SOUTH AFRICAN DEFENCE FORCE, TO PARTICIPATE VOLUNTARILY IN TRAINING EXERCISES WITH A COMMANDO.

Published under Government Notice R1176 in *Government Gazette* 3974 of 6 July 1973 and amended by:

GN R202	GG 1464	15/2/74
GN R2503	GG 6242	15/12/78

The Minister of Defence has, in terms of the powers vested in him by [section 76](#) (2) (f) of the Defence Act, 1957 (Act 44 of 1957), cancelled the rules promulgated under Government Notice R. 269, dated 28 February 1969, and made the following rules which determine the manner in and conditions on which persons who are not members of the South African Defence Force, are permitted to participate voluntarily in training exercises with the commandos and wherein he, after consultation with the Minister of Finance, states to what extent [sections 39](#), [40](#), [41](#) and [125](#) of the said Act are applicable to such persons.

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- [4. Application for affiliate membership](#)
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[Annexure A](#)  
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## 1. Introduction

These rules shall be known as the rules permitting persons who are not members of the South African Defence Force, to participate voluntarily in training exercises with a commando.

## 2. Definitions

In these rules, unless the context otherwise indicates-

- (i) **“affiliate member”** means that person who has in terms of [section 76](#) (2) (f) of the Act and these rules, been permitted to participate voluntarily in training exercises with a commando and “affiliate membership” shall have a corresponding meaning; (iii)
- (ii) **“officer commanding”** means the officer commanding the commando to which affiliate members have been admitted in terms of rule 3 (2); (i)
- (iii) **“scholar”** means a person who is in his 17<sup>th</sup> year or older, and is a pupil at a high school or similar educational institution, has not yet passed the Standard X or equivalent examination and is, in the case of a male person, a member of a cadet detachment, and in the case of a female person, a member of the Noodhulpliga, the SA Red Cross Society or the St John Ambulance Association; (iv)
- (iv) **“the Act”** means the Defence Act, 1957 (Act 44 of 1957). (ii)

## 3. Membership

- (1) Chief of the Army shall determine the maximum number of persons who may obtain affiliate membership with every commando.
- (2) Affiliate membership of a commando may be granted with the approval of the officer commanding the command concerned to-
  - (a) a person to whom the Act is not applicable in terms of [section 2](#) (1) thereof, or to a person who is not liable to be called out for service in terms of [section 97](#) (1) (b), (c), (d), (e), (f) or (i) of the Act;
  - (b) a person who is serving on the Reserve in terms of [section 46](#), [47](#), [48](#) or [48A](#) of the Act;
  - (c) a scholar.

[Subrule (2) substituted by GN R202/74 and GN R2503/78]

#### **4. Application for affiliate membership**

(1) A person referred to in rule 3 (2) shall apply for affiliate membership on the prescribed form (Schedule A) to the officer commanding the commando in whose recruiting area he resides: Provided that in the case of a minor such application is supported by the consent of his parent or legal guardian on the prescribed form (Schedule B).

(2) Such officer commanding shall forward the application for membership and, where applicable, the consent of the parent or legal guardian to the officer commanding the commando concerned who shall approve or reject such application and notify the officer commanding concerned of his decision.

#### **5. Registration**

(1) The officer commanding every commando shall enter in a register the name and address of every person who has been admitted as an affiliate member in terms of rule 4 (2).

[Subrule (1) substituted by GN R202/74]

(2) Officers commanding commands shall keep record in their own areas of every person to whom such membership has been granted and of the commando to which he has been admitted as an affiliate member.

#### **6. Rights of affiliate members**

(1) Subject to rules 7 (2) (d) and 23, an affiliate member may be permitted to participate in training exercises with the commando to which he has been admitted to the extent determined by Chief of the Army or an officer designated by him, with due observance of the annual service programme that has been approved for that commando in terms of regulation 7 of [Chapter VII](#) of the General Regulations for the SA Defence Force and the Reserve.

(2) The secretary of the committee referred to in rule 20, shall notify every affiliate member, in writing, at least 14 days in advance of the date, time and place of any exercise in which he may participate or meeting which he may attend.

#### **7. Duties of affiliate members**

(1) The officer commanding a commando shall exercise authority over an affiliate member and such member is liable to obey and execute all such lawful orders and instructions.

(2) An affiliate member is administered by the committee appointed in terms of rule 20, and is liable-

(a) to comply with any approved decision of the said committee;

- (b) to care properly for Government property lent to him, to use it only for the purpose for which it was loaned and to return it to the officer commanding if ordered to do so;
- (c) to pay to the Fund, referred to in rule 22, an amount determined from time to time by Chief of the Army or an officer designated thereto by him;
- (d) to participate in every calendar year in at least three target practices of no longer duration than one day each, on the dates and at the places determined therefor by the service programme referred to in rule 6.

## **8. Service channels**

No affiliate member shall make any representations whether verbally or in writing in respect of any matter relating to a commando or the system of commandos or the system of affiliate membership with the commandos or his own membership to any person or authority other than the committee referred to in rule 20, and the committee shall refer such representations to the officer commanding the commando concerned who shall refer it to higher authority if necessary.

## **9. Application of sections 39, 40, 41 and 125 of the Act**

- (1) The provisions of [sections 39, 40, 41](#) and [125](#) of the Act are hereby declared to be applicable to affiliate members to the extent and with the modifications specified in rules 10, 11, 12 and 13.
- (2) Notwithstanding the provisions of subrule (1) the provisions of rules 10, 11, 12 and 13 shall not apply to affiliate members who are members of the South African Police, the South African Railways and Harbour Police or the Prisons Service.

[Rule 9 substituted by GN R202/74]

## **10. Issue of ammunition and accoutrements**

An affiliate member is entitled to receive an annual free issue of ammunition for the target practices referred to in rule 6 in accordance with a scale determined by Chief of the Army or an officer authorised thereto by him and may be permitted to use articles of military clothing temporarily while participating in such practices.

## **11. Sale of rifles and ammunition to affiliate members**

- (1) An affiliate member excluding a scholar may be permitted to purchase a military rifle from Government stores at a price determined from time to time and on the conditions prescribed in these rules: Provided that an affiliate member who has at any time purchased a military rifle from Government stores, shall not be entitled to purchase another military rifle in terms of this rule unless the officer commanding has certified that such rifle has become unserviceable or obsolete

and has granted permission for its disposal in accordance with the instructions of Chief of the Army.

(2) Any person who has purchased a rifle in terms of this rule shall-

- (a) at all times keep such rifle in his personal possession and if it is lost, report such loss without delay to his officer commanding and the SA Police;
- (b) at own cost maintain such rifle in good order and condition and shall make no structural alterations to it without the authority of Chief of the Army;
- (c) bring such rifle with him when he has to attend an exercise referred to in rule 6;
- (d) use such rifle only for target practices with the commandos or for shooting competitions.

(3) Any person who has been permitted to purchase a military rifle in terms of these rules shall, subject to the other provisions of these rules, continue to serve as an affiliate member for a period of at least five years and shall not during that period or while he is an affiliate member sell or otherwise dispose of the rifle without the permission of the officer commanding.

(4) If any such person contravenes or fails to comply with any provision of these rules, or fails to comply with the conditions of purchase or to attend target shooting practices in any year during the aforementioned period of five years on the prescribed number of occasions as determined in terms of rule 7 (2) (d), the rifle shall be forfeited to the State and may be taken possession of by the officer commanding without the payment of any compensation or refund of the purchase price.

(5) No person shall purchase or otherwise acquire from an affiliate member any rifle that has been purchased in terms of these rules by such member, unless there is delivered to him a certificate by the officer commanding stating that the conditions of purchase in terms of these rules have been complied with or waived by the officer commanding, that any customs dues payable in respect thereof have been paid to the Commissioner of Customs and Excise, and any such purchase or other acquisition without the delivery of such certificate shall be null and void.

(6) No issuer of licences under the Arms and Ammunition Act, 1937 (Act 28 of 1937), shall issue a licence under that Act in respect of any rifle which has been purchased in terms of this rule unless the certificate mentioned in subrule (5) has been produced to him.

(7) An affiliate member shall apply in writing through the committee referred to in rule 20, to purchase a military rifle from Government stores and shall acknowledge in writing that he is acquainted with the conditions of purchase of a military rifle as determined by these rules.

(8) An affiliate member excluding a scholar may be permitted to purchase rifle components, and any affiliate member may be permitted to purchase rifle accessories and a quantity of

ammunition for target practices or competitions from Government stores at prices that shall be determined from time to time and on condition that-

- (a) such ammunition is used for the aforementioned target practices or competitions only and that it may not be sold, exchanged, bartered or disposed of in any other way;
- (b) he safeguards it;
- (c) he reports any loss of such ammunition to the officer commanding and the SA Police without delay.

## **12. Inspection of rifles**

An affiliate member shall produce his rifle and any equipment, accoutrements and military clothing that may have been issued to him to the officer commanding for inspection when called upon to do so.

## **13. Unlawful disposal of property**

The provisions of [section 125](#) of the Act shall apply *mutatis mutandis* to an affiliate member.

## **14. Resignation**

Subject to rule 18, an affiliate member may at any time tender his written resignation and the officer commanding concerned shall notify the officer commanding the command concerned of such resignation.

## **15. Termination of membership**

- (1) Chief of the Army may, subject to rule 18, terminate the membership of an affiliate member who has failed to carry out any duty or lawful instruction or obey a lawful command imposed or given in accordance with these rules or for any other reason he deems sufficient.
- (2) Chief of the Army shall notify the member concerned in writing of the termination of his membership in terms of subrule (1).

## **16. Suspension**

- (1) If an affiliate member disregards any lawful command or order or endangers the lives of others during an exercise of the commando, the officer commanding the commando concerned may summarily suspend such member and such officer commanding shall forthwith submit a report containing the reasons for such suspension to the officer commanding the command concerned who may set aside the suspension order or confirm it for a determinate or indeterminate period.

- (2) The officer commanding the command concerned shall advise Chief of the Army of the action taken by him in terms of subrule (1).

## **17. Departure from recruiting area**

- (1) If an affiliate member moves from the recruiting area of his commando he may-
- (a) resign in accordance with rule 14;
  - (b) should he so elect, be admitted with the approval of the officer commanding the command concerned as an affiliate member of the commando in whose recruiting area he has settled if a vacancy exists.
- (2) The provisions of rule 18 (b) shall not apply to an affiliate member who-
- (a) is admitted as an affiliate member of another commando in terms of subrule (1) (b);
  - (b) elects to be admitted as an affiliate member of another commando but cannot thus be admitted because of the lack of a vacancy with such commando.

## **18. Return of Government property**

An affiliate member who resigns in terms of rule 14 or whose membership is terminated in terms of rule 15, is liable to-

- (a) return all Government property in his possession in good order to the officer commanding;
- (b) return his rifle to the officer commanding unless he has complied with the conditions of purchase in respect thereof as determined in rule 11.

## **19. General meetings**

- (1) A general meeting of affiliate members shall be held by order of the commanding officer or the chairman referred to in rule 20 (2) (a) or at the request of two-thirds of the affiliate members of the commando concerned and two-thirds of the affiliate members shall form a quorum-
- (2) A general meeting shall by majority vote pass any resolution in connection with-
- (a) the election of a committee;
  - (b) the application of the moneys of the affiliate member's fund except the contributions referred to in rule 7 (2) (c);
  - (c) the activities of the affiliate members, but no such resolution shall become of force



unless it has been approved by the officer commanding concerned.

## **20. Composition and duties of a committee**

- (1) Affiliate members of every commando shall elect from their ranks under supervision and control of the officer commanding a committee that shall be responsible to him for the organisation and administration of the affiliate members.
- (2) Such committee shall serve for a period of five years and shall consist of-
  - (a) a chairman appointed by the officer commanding concerned from the ranks of the affiliate members;
  - (b) a secretary appointed by the elected committee members from their ranks;
  - (c) three committee members.
- (3) Where a vacancy occurs in the committee a committee member shall be elected in the manner determined in subrule (1) for the remainder of the period of five years.
- (4) A committee referred to in this rule shall meet as frequently as the chairman concerned determines and shall conduct its business by way of resolution passed by majority vote of the members present: Provided that-
  - (a) the chairman and two committee members shall form a quorum;
  - (b) if the chairman or secretary is absent, the members present shall appoint a chairman or secretary, as the case may be, for that meeting.
- (5) The chairman shall have a casting vote in the event of a tie of votes at any committee meeting.
- (6) Every resolution taken at a committee meeting shall be minuted and the minutes signed by the chairman and secretary concerned, but no such resolution shall be carried into effect without the approval of the officer commanding.
- (7) The secretary shall notify the chairman and committee members at least seven days in advance, of a committee meeting.

## **21. The committee referred to in rule 20 shall be responsible-**

- (a) for the execution by affiliate members of all lawful orders and instructions of the officer commanding;

- (b) for the control and application of the fund referred to in rule 22;
- (c) subject to rule 7 (1), for the maintenance of good order and discipline by affiliate members.

**22. Establishment of an affiliate members’ fund**

- (1) An affiliate members’ fund into which shall be deposited all moneys received from any source for the benefit of affiliate members shall be established at every commando.
- (2) Contributions received in terms of rule 7 (2) (c), shall be paid over to the commando fund concerned and shall only be used for shooting range maintenance and equipment.

**23. Exemption**

Affiliate members are subject to the provisions of [section 149bis](#) of the Act.

**ANNEXURE “A” TO THE RULES PERMITTING PERSONS WHO ARE NOT MEMBERS OF THE SOUTH AFRICAN DEFENCE FORCE IN THE COMMANDOS**

**APPLICATION FOR ADMISSION AS AN AFFILIATE MEMBER TO A COMMANDO**

(To be completed in triplicate)

- 1. Full name and surname .....
- 2. Residential address .....
- 3. Postal address .....
- 4. Date of birth .....
- 5. Occupation .....
- 6. To which commando do you desire affiliation? .....
- 7. Were you previously a member of a commando?.....If so,
  - (a) of which commando? .....
  - (b) were you an attested or a non-attested member? .....
- 8. Reasons why you cannot serve as an attested members of a commando .....
- 9. Have you previously as member of a commando purchased a ,303 rifle from the State? .....
- 10. If so, give full particulars of the number and type of rifle and through which command you purchased it .....
- 11. Are you a member of any Reserve? ..... If so, which one and with effect from what date? .....
- 12. The following undertaking is to be completed by you:

If I am accepted as an affiliate member-

- (a) I undertake -
  - (i) to subject myself to the provisions of the rules;

- (ii) to be obedient to all lawful orders and instructions;
  - (iii) to participate annually in a minimum of three shooting practices of a maximum of one day's duration each;
- (iv) to assist, if requested thereto, with the training of affiliate members;
  - (v) to contribute annually an amount, to the maintenance of the rifle range and target material of the commando of which I am an affiliate member as required by the rules;
- (b) I undertake and accept that I am subject to the provisions of section 149bis of the Defence Act, 1957 (Act 44 of 1957), as amended.

Recommendation (Motivation)  
 .....  
 .....  
 ..... Cmdt.  
 .....Commando

.....  
 Signature of applicant  
 Approved /Not approved  
 .....Brig.  
 Officer Commanding Command

**SCHEDULE "B" TO THE RULES PERMITTING PERSONS WHO  
 ARE NOT MEMBERS OF THE SOUTH AFRICAN DEFENCE FORCE IN THE COMMANDOS**

**CONSENT OF PARENT OR GUARDIAN  
 (To be completed in triplicate)**

I (full names) .....  
 the parent/legal guardian of (full names) .....  
 a scholar at.....  
 hereby consent to his enrolment as an affiliate member of the  
 .....  
 on the conditions determined in the Rules permitting persons who are not members of the South African Defence Force, to participate voluntarily in training excercises with a commando as promulgated in Government Notice R. 1176, dated 6 July 1973.

I hereby declare that I am conversant with the contents of the said Rules.

.....  
 Witness

.....  
 Parent/Guardian

.....  
 Date

# DEFENCE ACT 44 OF 1957

## REGULATIONS REGARDING COMMANDEERING FOR THE SOUTH AFRICAN DEFENCE FORCE

Published under Government Notice R2443 in *Government Gazette* 6239 of 8 December 1978.

In terms of [section 100](#) of the Defence Act, 1957 (Act 44 of 1957), the State President has promulgated the following regulations:

1. [Definitions](#)
2. [Authority](#)
3. [Commandeering of articles and premises](#)
4. [Rights of owners, occupiers or possessors](#)
5. [Determination of compensation](#)
6. [Determination of compensation](#)
7. [Terms and conditions](#)

[Appendix 1 - Commandeering Authority](#)

[Appendix 2 - Commandeering of Vehicles by the SA Defence Force](#)

[Appendix 3 - Commandeering of Grounds and Buildings by the SADF](#)

[Appendix 4 - Commandeering of Miscellaneous Goods](#)

[Appendix 5 - Commandeering of Aircraft by the SADF](#)

[Appendix 6 - Commandeering of Vessels](#)

[Appendix 7 - Return of Commandeered Vehicle](#)

[Appendix 8 - Return of Commandeered Grounds and Buildings](#)

[Appendix 9 - Return of Commandeered Miscellaneous Goods](#)

[Appendix 10 - Return of Commandeered Aircraft](#)

[Appendix 11 - Return of Commandeered Vessels](#)

### 1. Definitions

In these regulations, unless the context otherwise indicates, the following expressions have the meanings as below:

“**article**” also any vehicle, aircraft, vessel, machinery, equipment, animal, foodstuffs, forage, produce, fuels, oils, and any other movable property or thing;

“**owner**” with reference to an article or premises, the person in whom ownership in such article or premises is vested or, in the case of premises subject to usufruct, the usufructuary

thereof as well and also the agent or representative within the Republic, of such person or usufructuary;

**“authorised officer”** an officer authorised and appointed by the State President in terms of [section 100](#) (1) of the Defence Act, 1957 (Act 44 of 1957), to commandeer on behalf of the South African Defence Force;

**“commandeering”** the handing over or proffering or the publication in the *Government Gazette* of a commandeering certificate and the consequent obtaining and taking possession by the SA Defence Force against compensation, during operations in defence of the Republic or for the prevention or suppression of terrorism or for the prevention or suppression of internal disorder in the Republic, from any person, or any public or other body, anything necessary for the mobilisation or the, maintenance of the SA Defence Force or any part thereof, or of other forces acting in co-operation with the aforesaid, with or without the consent of that person or body;

**“certificate of commandeering”** any certificate as contained in Appendices 2 to 6 to these regulations;

**“member”** any member of the SA Defence Force;

**“officer”** any person who holds officer rank conferred on him in terms of [section 83](#) of the Defence Act, 1957 (Act 44 of 1957);

**“premises”** any land, building, structure or other immovable property, and any usufruct over any land, building, structure or other immovable property;

**“South African Defence Force”** that Defence Force as described in [section 5](#) of the Defence Act, 1957 (Act 44 of 1957);

**“certificate of return”** any certificate as contained in Appendices 7 to 11 to these regulations.

**“works”** also any building, structure, fence and fixtures and fittings (whether reconstructed or not) and any alteration or improvement thereof or addition thereto.

## 2. Authority

Authorised officers shall be in possession of a certificate, as contained in Appendix 1 to these regulations, in which the Chief of the SA Defence Force certifies that they have been authorised and appointed by the State President to commandeer.

### **3. Commandeering of articles and premises**

- (1) Any article shall, with effect from the date of taking possession by the SA Defence Force, be deemed to have been sold or leased to the SA Defence Force, as the case may be.
- (2) Any premises shall, with effect from the date of taking possession by the SA Defence Force, be deemed to have been leased to the SA Defence Force, subject to the terms and conditions contained in these regulations.
- (3) Any authorised officer may demand delivery of a commandeered article or premises and forthwith take, occupy or use it on behalf of the SA Defence Force or authorise a member thus to take, occupy or use it, for which delivery the commandeering certificate shall serve as receipt.
- (4) Any officer of the SA Defence Force may at any time return an article and/or premises which in terms of regulation 3 (1) or 3 (2) is deemed to have been leased to the SA Defence Force to the owner thereof, and the lease thereof shall be deemed to be terminated with effect from the date stated on the return certificate.

### **4. Rights of owners, occupiers or possessors**

- (1) The owner, occupier or possessor of any article or premises that has been commandeered in terms of regulation 3 (1) need not surrender any article or premises to an authorised officer unless a written receipt as stated in Regulation 3 (3) is tendered to him.
- (2) The owner shall be entitled to payment of the usual purchase price or reasonable rental as the case may be and, if any dispute arises in this regard, such purchase price or rental shall be determined by arbitration.

### **5. Determination of compensation**

- (1) In determining the amount of compensation payable to the owner the following shall not be taken into consideration:
  - (a) The fact that the permission of the owner has not been obtained;
  - (b) the suitability or usefulness of the article, premises or works for the purpose for which the SA Defence Force has commandeered it, if it is improbable that it could have been obtained for that purpose in the open market;

- (c) the increase in the value of any article, premises or works as a result of the illegal use thereof;
  - (d) the increase of value as a result of improvements effected after the date of commandeering;
  - (e) anything done with a view to obtaining compensation therefor.
- (2) The purchase price of any article which has become the property of the SA Defence Force, in terms of regulation 3 (1) shall be paid to the owner.
- (3) The rental in respect of any article, premises or works leased to the SA Defence Force in terms of regulation 3 (1) and (2) shall be paid to the owner thereof quarterly in arrear.
- (4) No compensation or portion thereof shall be paid to the owner before commandeering.
- (5) Interest at standard rates as contained in section 216 of the Exchequer and Audit Act, 1975 (Act 66 of 1975), at the time of commandeering shall be payable on any outstanding portion of the compensation from the date of taking possession except where -
- (a) the amount has been paid to the owner or paid over on his behalf or paid in at a Master of the Supreme Court or SA Development Trust;
  - (b) the owner still occupies or utilises the commandeered goods;
  - (c) the amount has been made available to the owner or lawful claimant, whether it has been accepted or not;
  - (d) a dispute exists as to who should receive the amount; or.
  - (e) doubt exists as to whom the amount should be paid.
- (6) The owner of any article that has been leased to the SA Defence Force in terms of regulation 3 (1) shall upon termination of the contract be paid such an amount in compensation for any damage (reasonable depreciation due to normal use excluded) that has been caused to such article while in the use of the SA Defence Force, as may be agreed upon between such owner and the Chief of the SA Defence Force or, failing such agreement, as may be determined by arbitration.



6. The SA Defence Force shall be responsible for the maintenance and care of articles and premises from the date of taking into use until the date on which these are returned to the owner. From the date of commandeering until the date of taking into use the owner is obliged to maintain the article or premises.

## 7. Terms and conditions

The Following terms and conditions apply to premises which have been leased to the SA Defence Force in terms of regulation 3 (2):

- (1) The contract of lease shall continue until the date specified by the Chief of the SA Defence Force or an officer authorised by him to do so in the certificate of return.
- (2) All rates and other taxes payable in respect of such premises shall be paid by the owner: Provided that if such rates and taxes remain unpaid notwithstanding proper demand therefor by the local authority concerned, the SA Defence Force shall, at the request of the local authority, deduct the amount due in respect of such rates and taxes from the rental and pay over such amount to the local authority, the balance (if any) remaining to be paid to the owner.
- (3) Any works constructed by the SA Defence Force in or on any premises may, at any time during the currency of the lease contract or within a period of six months after the expiration thereof, be removed, by the SA Defence Force.
- (4) The SA Defence Force may, at any time during the currency of the lease contract or within a period of six months after the expiration thereof, give the owner the option to purchase any works erected by the SA Defence Force on the premises at a price determined by the Chief of the SA Defence Force, which price shall not be less than the amount by which the value of the premises has been enhanced or the value of the materials used in the construction of said works, whichever is the greater, but shall not exceed the total cost of the construction thereof.
- (5) Subject to regulation 7 (4), the SA Defence Force shall have the right to sell any works that the owner does not elect to purchase in terms of regulation 7 (4) to any other person, and such person shall have the right to enter upon the premises and remove such works purchased by him during the currency of, or within six months of the termination of the lease.
- (6) Notwithstanding any provisions to the contrary contained herein, the SA Defence Force may abandon its ownership in any such works and the SA Defence Force shall not be required to remove such works.

(7) Failure by the SA Defence Force to sell or remove any works during the currency of, or within six months of the termination of the lease shall be deemed to constitute an abandonment of the SA Defence Force's ownership therein.

(8) During the currency of the lease the SA Defence Force shall be responsible for the maintenance and repair of all the improvements upon such premises which are the property of the owner, and shall, at the termination of the lease, subject to the provisions of regulation 7 (6), return the premises to the owner in the same condition as that in which it was at the commencement of the lease, depreciation due to normal use excepted: Provided that in the event of any repair being necessary to restore the premises to such condition the SA Defence Force may, after due notice to the owner, at its option in lieu of effecting such repair, pay to the said owner such amount as may be agreed upon between such owner and the Chief of the SA Defence Force or, failing such agreement, an amount as may be determined by arbitration.

(9) Any notice or other communication required to be addressed by the SA Defence Force to the owner or by the owner to the SA Defence Force in terms of any provision of the lease, shall be in writing and shall be served upon him by handing it over to him or by forwarding it by registered post to his last-known address, or, as the case may be, upon the Chief of the SA Defence Force by handing it over to him or by forwarding it by registered post to him.

**APPENDIX 1**

**COMMANDEERING AUTHORITY**

This is to certify that the State President in terms of the provisions of section 100 of the Defence Act, 1957 (Act 44 of 1957) and the regulations promulgated in, terms thereof has authorised and appointed:

No .....

Full Name .....

Rank .....

an officer in the SA Defence Force, on the behalf of the SA Defence Force, to commandeer, any article, premises or works, subject to the provisions of the Defence Act and the regulations promulgated in terms thereof.

.....  
Chief of the SA Defence Force

## APPENDIX 2

### COMMANDEERING OF VEHICLES BY THE SA DEFENCE FORCE

Commandeering certificate (vehicles) .....  
 Control number .....  
 Commandeering officer.....  
 No ..... Name ..... Rank .....  
 Unit .....

The owner of the vehicle(s) must request the commandeering officer to identify himself properly.

Description of Vehicle(s)	Vehicle 1	Vehicle 2	Vehicle 3
1. Type of vehicle and make.....	.....	.....	.....
2. Year of manufacture .....	.....	.....	.....
3. Type of fuel or drive .....	.....	.....	.....
4. Registration No .....	.....	.....	.....
5. Engine No .....	.....	.....	.....
6. Chassis No .....	.....	.....	.....
7. Odometer reading .....	.....	.....	.....
8. Condition of vehicle:			
a. Body .....	.....	.....	.....
b. Window.....	.....	.....	.....
c. Lights .....	.....	.....	.....
d. Indicators and windscreen wipers	.....	.....	.....
e. Tyres (condition and % wear)			
i.....	.....	.....	.....
ii.....	.....	.....	.....
iii.....	.....	.....	.....
iv.....	.....	.....	.....
v.....	.....	.....	.....

vi.....	.....	.....	.....
vii.....	.....	.....	.....
viii.....	.....	.....	.....
Spare wheel .....	.....	.....	.....
f. General condition .....	.....	.....	.....
g. Battery .....	.....	.....	.....
h. Tools .....	.....	.....	.....
i. Fuel in tank (litres) .....	.....	.....	.....
9. Estimated value of vehicle .....	.....	.....	.....

Name and address of owner .....

Identity No .....

Name and address of next of kin.....

I agree that the particulars and condition of the vehicle(s) mentioned above are true and correct.

.....

Signature of Owner or Date  
 Authorised Representative

Envisaged date of taking into use by the SADF .....

.....

Commandeering Officer Date

INFORMATION FOR OWNER

1. Payment of compensation is effected automatically and claims need not be submitted.
2. If-
  - a. after 60 days after commandeering of your vehicle(s) you have not received a letter or any other communication from the SA Defence Force or any other State body iro the said commandeering; or
  - b. you wish to make any enquiries iro the commandeering of your vehicle(s); or
  - c. you have any complaints iro the commandeering; or
  - d. you are not satisfied with the compensation you have received; or
  - e. you wish to submit any claims iro damage to the vehicle(s),

you are to address written representations, quoting the control number appearing on this certificate, to-

The Chief of the SA Defence Force  
 Private Bag X175

Pretoria  
0001

3. The SA Defence Force is responsible for the maintenance and servicing of vehicles from the date of taking into use until the date they are returned to the owner. After the commandeering to the date of taking into use the owner is obliged to maintain the vehicle.

4. The date of commandeering is, in terms of section 1 of the Regulations, the date on which the commandeering certificate is handed over or proffered or, if the notice was published in the Government Gazette, the date of the Government Gazette concerned.

5. The date of taking into use is the date on which the SA Defence Force takes the vehicles and starts to use them for its own purposes.

6. Attention is directed to section 124 of the Defence Act, 1957 (Act 44 of 1957), which reads as follows:

“Any person who falsely represents himself to be an officer authorized and appointed in terms of section on hundred or who in any manner contravenes the regulations made for the purpose of that section, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment with or without compulsory labour for a period not exceeding ten years or to both such fine and such imprisonment.”.

### APPENDIX 3

#### COMMANDEERING OF GROUNDS AND BUILDINGS BY THE SADF

Commandeering certificate (ground and buildings) .....

Control number .....

Commandeering officer:

No ..... Name..... Rank .....

Unit .....

The owner of the property must request the commandeering officer to identify himself properly.

---

#### DESCRIPTION OF PROPERTY.

1. Stand .....
2. Area in square metres or hectares .....
3. Number of rooms .....
4. Is electricity available (electric power) .....
5. If so, provided by whom .....
6. Electricity meter reading  
.....
  - a. On date of notification .....
  - b. On date of taking into use .....
7. Is water available .....
8. If so, how or by whom provided .....
9. Water-meter reading:
  - a. On date of notification .....
  - b. On date of taking into use .....
10. Is there a telephone .....
11. General condition of property on date of notification:
  - a. Windows and panes .....
  - b. Roof, gutters and down-pipes .....
  - c. Doors and locks .....
  - d. Facilities: washbasins, baths, lavatories (toilets) .....
  - e. Floors and mats.....
  - f. Condition of walls, paintwork and ceilings .....
  - g. Furniture, built-in cupboards, etc .....
  - h. Curtains, chandeliers and carpets, etc .....
  - i. Electrical wiring, wall sockets and switches .....
  - j. Garden, garden furniture, plants and fences .....
  - k. Swimming-pool and other recreational facilities .....
  - l. Other, and general description .....
12. Reason for and purpose of commandeering .....
13. Any special arrangements .....
14. Estimated value of property .....

I agree that the particulars and condition of the property and/or any other article above have been described correctly.

Signature of owner or authorised representative	Date
Full name and address of owner .....	
Identity number .....	
Address of property .....	
Name and address of next of kin .....	
Envisaged date of taking into use by the SADF .....	
Commandeering Officer	Date

### INFORMATION FOR OWNER

1. Payment of compensation is effected automatically and claims need not be submitted.
2. If-
  - a. after 60 days after commandeering of your property(ies) you have not received a letter or any other communication from the SA Defence Force or any other State body iro the said commandeering; or
  - b. you wish to make any enquiries iro the commandeering of your property(ies); or
  - c. you have any complaints iro the commandeering; or
  - d. you are not satisfied with the compensation you have received; or
  - e. you wish to submit, any claims, iro damage to the property(ies),

you are to address written representations, quoting the control number appearing on this certificate, to-

The Chief of the SA Defence Force  
Private Bag X175  
Pretoria  
0001

3. The SA Defence Force is responsible for the maintenance and servicing of properties from the date of taking into use until the date they are returned to the owner. After the commandeering to the date of taking into use the owner is obliged to maintain the property.

4. The date of commandeering is, in terms of section 1 of the Regulations, the date on which the commandeering certificate is handed over or proffered or, if the notice was published in the *Government Gazette*, the date of the *Government Gazette* concerned.



5. The date of taking into use is the date on which the SA Defence Force takes the properties and starts to use them for its own purposes.

6. Attention is directed to section 124 of the Defence Act, 1957 (Act 44 of 1957), which reads as follows:

“Any person who falsely represents himself to be an officer authorized and appointed in terms of section *one hundred* or who in any manner contravenes the regulations made for the purpose of that section, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment with or without compulsory labour for a period not exceeding ten years or to both such fine and such imprisonment.”.

## APPENDIX 4

### COMMANDEERING OF MISCELLANEOUS GOODS

Commandeering certificate (goods) .....

Control number .....

Commandeering officer:  
 No ..... Name ..... Rank .....

Unit .....

The owner of the goods must request the commandeering officer to identify himself properly.

This certificate must not be used when grounds,  
 buildings or vehicles are commandeered.

Serial No.	Description and condition of goods	Quantity	Value

I declare that the particulars and condition of the goods specified above have been correctly described in all respects.

.....  
Signature of owner or authorised representative ..... Date

Name and address of owner .....

.....  
Identity number .....

Name and address of next of kin .....

.....

Envisaged date of taking into use by the SADF .....

.....  
Commandeering Officer ..... Date

INFORMATION FOR OWNER

1. Payment of compensation is effected automatically and claims need not be submitted.

- 2. If-
  - a. after 60 days after commandeering of your goods you have not received a letter or any other communication from the SA Defence Force or any other State body iro the said commandeering; or
  - b. you wish to make any enquiries iro the commandeering of your goods; or
  - c. you have any complaints iro the commandeering; or
  - d. you are not satisfied with the compensation, you have received; or
  - e. you wish to submit any claims iro damage to the goods,

you are to address written representations, quoting the control number appearing on this certificate, to -

The Chief of the SA Defence Force  
Private Bag X175  
Pretoria  
0001

3. The SA Defence Force is responsible for the maintenance and servicing of goods from the date of taking into use until the date they are returned to the owner. After the commandeering to the date of taking into use the owner is obliged to maintain the goods

4. The date of commandeering is, in terms of section 1 of the Regulations, the date on

which the commandeering certificate is handed over or proffered or, if the notice was published in the *Government Gazette*, the date of the *Government Gazette* concerned.

5. The date of taking into use is the date on which the SA Defence Force takes the vehicles and starts to use them for its own purposes

6. Attention is directed to section 124 of the Defence Act, 1957 (Act 44 of 1957), which reads as follows:

“Any person who falsely represents himself to be an officer authorized and appointed in terms of section *one hundred* or who in any manner contravenes the regulations made for the purpose of that section, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment with or without compulsory labour for a period not exceeding ten years or to both such fine and such imprisonment.”.

## APPENDIX 5

### COMMANDEERING OF AIRCRAFT BY THE SADF

Commandeering certificate (aircraft) .....

Control number .....

Commandeering officer:  
 No ..... Rank ..... Name.. .....

Unit.....

The owner of the aircraft must request the commandeering officer to identify himself properly.

### DESCRIPTION OF AIRCRAFT

1. Type of aircraft .....
2. Model and year of manufacture .....
3. Registration number .....
4. Air-frame manufacture number .....
5. Number of air-frame hours since new .....
6. Make of engine .....

		Hours done	S or U/S	
7.	Engines:			
	No. 1 Serial No.....	.....	.....	.....
	No. 2 Serial No.....	.....	.....	.....
	No. 3 Serial No .....	.....	.....	.....
	No. 4 Serial No.....	.....	.....	.....

8.	Air screws:			
	No. 1 Serial No.....	.....	.....	.....
	No. 2 Serial No .....	.....	.....	.....
	No. 3 Serial No .....	.....	.....	.....
	No. 4 Serial No .....	.....	.....	.....
9.	Electrical equipment .....	.....	.....	.....
10.	Instruments .....	.....	.....	.....
11.	Safety equipment .....	.....	.....	.....
12.	Miscellaneous equipment .....	.....	.....	.....
13.	Quantity of fuel in aircraft .....	.....	.....	.....
14.	Documentation received .....	.....	.....	.....
15.	General condition of aircraft .....	.....	.....	.....

Name and address of owner .....

.....

Identity number .....

Name and address of next of kin .....

.....

I agree that the particulars and condition of the aircraft, as stated above, are true and correct.

.....  
Signature of owner or authorised representative

.....  
Date

.....  
Signature of witness

.....  
Date

Envisaged date of taking into use by the SADF .....

.....  
Commandeering Officer

.....  
Date

### INFORMATION FOR OWNER

1. Payment of compensation is effected automatically and claims need not be submitted.

2. If-
- a. after 60 days after commandeering of your aircraft(s) you have not received a letter or any other communication from the SA Defence Force or any other State body iro the said commandeering; or
  - b. you wish to make any enquiries iro the commandeering of your aircraft(s); or

- c. you have any complaints iro the commandeering; or
- d. you are not satisfied with the compensation you have received; or
- e. you wish to submit any claims iro damage to the aircraft(s),

you are to address written representations, quoting the control number appearing on this certificate, to-

The Chief of the SA Defence Force  
Private Bag X175  
Pretoria  
0001

3. The SA. Defence Force is responsible for the maintenance and servicing of aircrafts from the date of taking into use until the date they are returned to the owner. After the commandeering to the date of taking into use the owner is obliged to maintain the aircraft.

4. The date of commandeering is, in terms of section 1 of the Regulations, the date on which the commandeering certificate is handed over or proffered or, if the notice was published in the *Government Gazette*, the date of the *Government Gazette* concerned.

5. The date of taking into use is the date on which the SA Defence Force takes the aircrafts and starts to use them for its own purposes.

6. Attention is directed to section 124 of the Defence Act, 1957 (Act 44 of 1957), which reads as follows:

“Any person who falsely represents himself to be an officer authorized and appointed in terms of section *one hundred* or who in any manner contravenes the regulations made for the purpose of that section, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment with or without compulsory labour for a period not exceeding ten years or to both such fine and such imprisonment.”.

### APPENDIX 6

#### COMMANDEERING OF VESSELS

Commandeering certificate (vessels) .....

Control number .....

Commandeering officer:

No ..... Name ..... Rank. ....

Unit.....

The owner/agent must request the commandeering officer to identify himself properly.

### DESCRIPTION OF VESSEL

- 1. Class/type .....
- 2. Tonnage .....
- 3. Registration details and drawings.....
- 4. Method of propulsion .....
- 5. Type of fuel .....
- 6. Condition and details of:
  - a. Keel .....
  - b. Radar .....
  - c. Communication systems .....
  - d. Navigational equipment .....
  - e. Safety and rescue equipment .....
  - f. Major items of machinery.....
  - g. Spare parts .....
  - h. Household equipment .....
  - j. Rations .....
- 7. Estimated value .....

Name and address of owner/company .....

.....

Identity number (where, applicable) .....

Name and address of next of kin (where applicable) .....

.....

I agree that the particulars and condition of the vessel as stated above, are true and correct.

.....	.....
Signature of owner or authorised representative	Date
Envisaged date of taking into use by the SADF .....	
.....	.....
Commandeering Officer	Date

### INFORMATION FOR OWNER

- 1. Payment of compensation is effected automatically and claims need not be submitted.
- 2. If-

- a. after 60 days after commandeering of your vessel(s) you have not received a letter or any other communication from the SA Defence Force or any other State body iro the said commandeering; or
- b. you wish to make any enquiries iro the commandeering of your vessel(s); or
- c. you have any complaints iro the commandeering; or
- d. you are not satisfied with the compensation you have received; or
- e. you wish to submit any claims iro damage to the vessel(s),

you are to address written representations, quoting the control number appearing on this certificate, to-

The Chief of the SA Defence Force  
Private Bag X175  
Pretoria  
0001

3. The SA Defence Force is responsible for the maintenance and servicing of vessels from the date of taking into use until the date they are returned to the owner. After the commandeering to the date of taking into use the owner is obliged to maintain the vessel.

4. The date of commandeering is, in terms of section 1 of the Regulations, the date on which the commandeering certificate is handed over or proffered or, if the notice was published in the *Government Gazette*, the date of the *Government Gazette* concerned.

5. The date of taking into use is the date on which the SA Defence Force takes the vessels and starts to use them for its own purposes.

6. Attention is directed to section 124 of the Defence Act, 1957 (Act 44 of 1957), which reads as follows:

“Any person who falsely represents himself to be an officer authorized and appointed in terms of section *one hundred* or who in any manner contravenes the regulations made for the purpose of that section, shall be guilty of an offence and liable on conviction to a fine not exceeding two thousand rand or to imprisonment with or without compulsory labour for a period not exceeding ten years or to both such fine and such imprisonment.”.

## APPENDIX 7

### RETURN OF COMMANDEERED VEHICLE

Certificate of return (vehicle)	Vehicle 1	Vehicle 2	Vehicle 3



1. Date of return .....	.....	.....	.....
2. Control number(s) .....	.....	.....	.....
3. Description of vehicle:			
a. Type of vehicle .....	.....	.....	.....
b. Registration No .....	.....	.....	.....
c. Engine No .....	.....	.....	.....
d. Odometer reading .....	.....	.....	.....
4. Condition of vehicle:			
a. Body.....	.....	.....	.....
b. Windows .....	.....	.....	.....
c. Lights .....	.....	.....	.....
d. Indicators and windscreen wipers .....	.....	.....	.....
e. Tyres (condition and % wear):			
i .....	.....	.....	.....
ii .....	.....	.....	.....
iii .....	.....	.....	.....
iv .....	.....	.....	.....
v .....	.....	.....	.....
vi .....	.....	.....	.....
vii .....	.....	.....	.....
viii.....	.....	.....	.....
Spare wheel .....	.....	.....	.....
f. General condition .....	.....	.....	.....
g. Battery .....	.....	.....	.....
h. Tools .....	.....	.....	.....
i. Fuel in tank (litres).....	.....	.....	.....

Name and address of owner .....

.....

Identity number .....

I declare that the condition of the vehicle returned to me is correctly described above, and that the vehicle was received in that condition.

.....

Signature of owner or authorised representative

.....

Date

.....

Chief of the SA Defence Force

.....

Date

**APPENDIX 8**

**RETURN OF COMMANDEERED GROUNDS AND BUILDINGS**

**CERTIFICATE OF RETURN (GROUNDS AND BUILDINGS)**

- 1. Date of return.....
- 2. Control number(s).....
- 3. Description of property:
  - a. Stand .....
  - b. Address of property .....
- 4. Condition of property on date of return:
  - a. General .....
  - b. Damaged items and detailed description of damage .....
  - .....
  - c. Electricity meter reading .....
  - d. Water meter reading .....
- Name and address of owner .....
- .....
- Identity number .....

I declare that the description of the property mentioned above is true in all respects and that the property was received by me in that condition.

.....  
 Signature of owner or authorised representative ..... Date

.....  
 Chief of the SA Defence Force ..... Date

**APPENDIX 9**

**RETURN OF COMMANDEERED MISCELLANEOUS GOODS**

**RETURN CERTIFICATE (MISCELLANEOUS GOODS)**

Date of return .....

Serial No.	Description and condition of goods	Quantity	Control number
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....
.....	.....	.....	.....

Name and address of owner .....

.....

Identity number .....

I agree that the description of the above-mentioned items is true in all respects and that the items were received by me in that condition.

.....

Signature of owner or authorised representative

.....

Date

.....

Chief of the SA Defence Force

.....

Date

**APPENDIX 10**

**RETURN OF COMMANDEERED AIRCRAFT**

**CERTIFICATE OF RETURN (AIRCRAFT)**

Control number .....

Date of return .....

**DESCRIPTION OF AIRCRAFT**

1. Type of aircraft .....
2. Model and year of manufacture .....
3. Registration number .....

- 4. Air-frame manufacture number .....
- 5. Number of air-frame hours since new .....
- 6. Make of engine .....

	Hours done	S or U/S	
7. Engines:			
No. 1 Serial No.....	.....	.....	.....
No. 2 Serial No.....	.....	.....	.....
No. 3 Serial No .....	.....	.....	.....
No. 4 Serial No.....	.....	.....	.....
8. Air screws:			
No. 1 Serial No.....	.....	.....	.....
No. 2 Serial No .....	.....	.....	.....
No. 3 Serial No .....	.....	.....	.....
No. 4 Serial No .....	.....	.....	.....
9. Electrical equipment .....	.....	.....	.....
10. Instruments .....	.....	.....	.....
11. Safety equipment .....	.....	.....	.....
12. Miscellaneous equipment .....	.....	.....	.....
13. Quantity of fuel in aircraft .....	.....	.....	.....
14. Documentation received .....	.....	.....	.....
15. General condition of aircraft.....	.....	.....	.....

Name and address of owner .....

Identity number .....

I declare that the condition of the aircraft as described above, is correct and that the aircraft was received in that condition.

.....  
Signature of owner or authorised representative

.....  
Date

.....  
Chief of the SA Defence Force

.....  
Date

**APPENDIX 11**

**RETURN OF COMMANDEERED VESSELS**

CERTIFICATE OF RETURN (VESSELS)

- 1. Date of return.....
- 2. Control number.....
- 3. Description of vessel:
  - a. Class/type.....
  - b. Registration details and drawings .....
  - c. Tonnage.....
  - d. Method of propulsion .....
- 4. Condition and details of:
  - a. Keel .....
  - b. Radar .....
  - c. Communication systems.....
  - d. Navigational equipment.....
  - e. Safety and rescue equipment.....
  - f. Major items of machinery.....
  - g. Spare parts .....
  - h. Household equipment.....
  - i. Rations .....

Name and address of owner(s)/company .....

.....

Identity number (where, applicable) .....

I declare that the condition of the vessel described above, is correct and that the vessel was received in that condition.

.....

Signature of owner or authorised representative Date

.....

Chief of the SA Defence Force Date

**DEFENCE ACT 44 OF 1957****COMMANDO REGULATIONS**

Published under Government Notice R1048 in *Government Gazette* 6490 of 15 July 1960 and amended by:

GN R235	GG	16/2/62
GN R969	GG 840	1/7/64
GN R722	GG 1116	21/5/65
GN R273	GG 1383	25/2/66
GN R417	GG	18/3/66
GN R505	GG 1414	1/4/66
GN R580	GG 1423	15/4/66
GN R1171	GG	29/7/66
GN R1254	GG 1820	18/8/67
GN R601	GG 2048	19/4/68
GN R266	GG 2285	28/2/69
GN R206	GG 2622	13/2/70
GN R1186	GG 2760	24/7/70
GN R1982	GG 2922	13/11/70
GN R210	GG 2996	19/2/71
GN R2113	GG 3315	26/11/71
GN R2214	GG 3327	10/12/71

His Excellency the Governor-General has been pleased, in terms of paragraph (k) read with paragraph (s) of subsection (1) of [section eighty-seven](#) of the Defence Act, 1957 (Act No. 44 of 1957), as amended, to repeal the Commando Regulations promulgated under Government Notice No. 2847, dated 18<sup>th</sup> December, 1953, and subsequent amendments thereof, and to make the following Commando Regulations:-

**COMMANDO REGULATIONS.****CHAPTER 1. - PRELIMINARY.**

1. Definitions
2. Title and Application

**CHAPTER II.** - deleted

**CHAPTER III.** - deleted

**CHAPTER IV. - CONTROL OR GOVERNMENT AND COMMANDO PROPERTY (EXCEPT MONEYS)**

1. Scales of Provision
2. Accounting for and Custody of Government Property
3. Loss of and Damage to Government Property
4. Verification of Government property
5. Handing and Taking over of Government Property during Personnel Changes
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(1) In these regulations, unless the context otherwise indicates-

(i) **“attested other rank”** means an other rank who has in terms of regulations 1, 2 and 3 of Chapter XXI of these regulations taken a service oath, and “attested service” shall have a corresponding meaning; (vi) *bis*.

[Para. (i) substituted by GN R969/64]

(i)*bis* **“commander”** means the chief commandant of a commando group and the commandant of a commando or a commando squadron;

[Para. (i)*bis* inserted by GN R969/64 and substituted by GN R266/69]

(ii) **“burger”** means a private in a commando; (ii)

(ii)A **“CDFA”** means the Chief of Defence Force Administration; (iv)B

[Para. (ii)A inserted by GN R1171/66]

(ii)B **“CLS”** means the Chief of Logistic Services; (iv)A

[Para. (ii)B inserted by GN R1171/66]

(ii)C **“Chief Commandant”** means a chief commandant referred to in regulation 4 of Chapter III.

[Para. (ii)C inserted by GN R266/69]

(iii) **“command”** means the territorial command concerned; (ix)

(iv) **“commandant”** means the commander of a commando or a commando squadron, as the case may be; (vii)

[Para. (iv) substituted by GN R969/64]

(v) **“Commandant-General, SADF”** means the officer referred to in regulation 1 of Chapter X and who is designated as the General Officer Commanding, SADF, in the Military Discipline Code; (viii)

(vi) **“commando”** includes a commando squadron; (xi)

[Para. (vi) amended by GN R969/64]

(vi)*bis* “**commando squadron**” means an air commando established in terms of [section thirty-two](#) of the Act read with regulation 3 of Chapter II of these regulations; (xii)

[Para. (vi)*bis* inserted by GN R969/64]

(vii) “**hospital**” includes any medical or nursing institution or sick bay, (v)

(viii) “**medical officer**” means a registered medical practitioner and in appropriate cases a registered dentist, who is serving in the SADF as a medical officer or dental officer or who has been designated for the treatment of any member; (xvi)

(ix) “**member**” means any person who is enrolled as a member of the commando organisation except an honorary member; (xiii)

(x) “**Minister**” means the Minister of Defence; (xvii)

(xi) “**officer commanding command**” means the officer commanding the command concerned; (x)

(xii) “**other rank**” means a member of a commando other than an officer; (xv)

(xiii) “**posting**” means the posting of a member to a commando or other unit or organisation of the SADF for training or service; (vi)

(xiv) .....

[Para. (xiv) deleted by GN R969/64]

(xv) “**SA**” means South Africa or South African as the case may be; (xix)

(xvi) “**SA Citizen**” means a South African citizen within the meaning of the South African Citizenship Act, 1949 (Act No. 44 of 1949); (xx)

(xvii) “**SADF**” means the South African Defence Force; (xxi)

(xviii) .....

[Para. (xviii) deleted by GN R601/68]

(xix) “**service member**” means a member who is an official or employee of the State (including a Provincial Administration or the Administration of South West Africa), or is employed by the SA Railways and Harbours Administration; (iii)

(xx) “**substantive rank**” means a member’s permanent rank; (xxiii)

(xxi) “**temporary rank**” means any rank which is higher than his substantive rank and is temporarily conferred upon a member; (xxiv)

(xxii) “**the Act**” means the Defence Act, 1957 (Act No. 44 of 1957); (iv)

(xxiii) “**transfer**” means the termination of a member’s membership of one, and his assumption,

without a break, of membership of another commando. (xviii)

(xxiv) **“Unattached List”** means the unattached list of commando officers referred to in regulation 3 of Chapter XIV; (xiv)

(2) Any reference in these regulations to public funds or public expense shall be interpreted to include a reference to moneys appropriated by Parliament for the service concerned.

## 2. Title and Application

These regulations shall be called the Commando Regulations and shall apply to the system of commandos referred to in regulation 2 of Chapter II of these regulations.

## 3. In these regulations any reference to -

- (a) “commandant” other than reference thereto in sub-regulation (1) of regulation 1 and sub-regulation (2) of regulation 2 of Chapter XV of these regulations shall be construed as a reference to “commander”; and
- (b) “field cornetcy” or “assistant field cornetcy” shall be construed as a reference to “sub unit” or “sub-sub-unit” respectively.
- (c) “AG” or “Adjutant General” shall be construed as a reference to “CDFA” or “Chief of Defence Force Administration”; and
- (d) “QMG” or “Quartermaster General” shall be construed as a reference to “CLS” or “Chief of Logistic Services”;
- (e) “Secretary for Defence” or “Secretary” shall be construed as a reference to the “Commandant General, SADF”;
- (f) “Army Chief of Staff” shall be construed as a reference to the “Chief of the Army”.  
[Reg. 3 inserted by GN R969/64 and amended by GN R1171/66 and GN R601/68]

### CHAPTER II

[Chapter II amended by GN R969/64, GN R417/66, GN R266/69 and deleted by GN R2113/71]

### CHAPTER III

[Chapter III amended by GN R417/66 and GN R266/69 and deleted by GN R2113/71]

### CHAPTER IV

## CONTROL OR GOVERNMENT AND COMMANDO PROPERTY (EXCEPT MONEYS).

### 1. Scales of Provision

(1) Having regard to the requirements of commandos and subject to the approval of the Commandant-General, SADF, the Army Chief of Staff shall, in consultation with the heads of sections concerned,

determine scales in respect of the kind, model, design or pattern, number or quantity of the stores (including foodstuff and fuel), arms, ammunition, equipment, vehicles, articles of clothing and necessaries of any nature whatsoever which may be provided to any commando or member or honorary member thereof at public expense, and wherein the times of issue thereof shall be detailed.

(2) The scales referred to in sub-regulation (1) may make provision for service or loan issues to commandos or members thereof, either for utilisation or as a reserve.

(3) In addition to the issues at public expense provided for in sub-regulations (1) and (2), and subject to the provisions of [section forty](#) of the Act and the Financial Regulations promulgated in Government Notice No. 535 of 1926, as amended from time to time, and the Departmental Stores Instructions of the Department of Defence issued in terms of the aforementioned Financial Regulations, a commando or a member may be permitted to purchase clothing, necessaries, range and other equipment in accordance with these regulations and according to scales determined in the same manner as those prescribed in sub-regulation (1) at prices fixed by the Secretary in consultation with the Treasury.

## **2. Accounting for and Custody of Government Property**

(1) The quartermaster shall under the supervision of his commandant be responsible for the receipt, care and issue of and the accounting in accordance with instructions issued in this respect under authority from time to time, for all articles provided to the commando from Government stocks whether against the commando's account or for personal issue.

(2) All unserviceable, obsolete or redundant articles and all accountable containers, packing material or ammunition cases which are Government property, shall be disposed of in accordance with instructions issued under authority from time to time in this respect.

(3) A member or honorary member to whom Government property has been entrusted, shall be responsible for the safe-keeping and care thereof, and for its use as officially authorised.

## **3. Loss of and Damage to Government Property**

(1) A commandant shall without delay report in writing any loss of or damage to arms, ammunition, uniforms, accessories, equipment or other stores issued to his commando to the officer commanding command, and if he has reason to believe that such loss or damage is due to the commission of an offence, he shall also report the loss or damage to the SA Police.

(2) Such report to the officer commanding command shall include the date on which the loss or damage was discovered or caused, the place where it occurred, the value of the missing property or the extent of the damage caused, the police station to which the case was reported (if it was so reported) and such other particulars thereof as are known to the commandant.

(3) On receipt of such a report such officer commanding command shall immediately furnish the Secretary with the particulars submitted to him and shall forward a copy of his report to the Army Chief of Staff.

## **4. Verification of Government property.**

(1) Government property on charge to a commando and the records kept in this respect, shall be verified by the commandant at regular intervals, but at least once in every period of twelve months, and may at any time be verified by the officer commanding command or a member of his staff designated by him for that purpose.

(2) A commandant may at any time, in terms of [section forty-one](#) of the Act, call upon any member or honorary member of his commando to produce for inspection by him or an officer designated by him for that purpose, his rifle, emergency reserve ammunition and any accoutrements and military clothing issued to him, and may at any time order a member or honorary member to whom Government or commando property has been entrusted, to exhibit such property and any records to be maintained in connection therewith to him.

(3) The commandant shall furnish the officer commanding command not later than the last day of January of each year with a certificate to the effect that the provisions of sub-regulation (1) have been complied with.

## **5. Handing and Taking over of Government Property during Personnel Changes**

(1) When any member charged with the receipt, issue and accounting of Government or commando property, hands over his duties to another member, the property in the custody of the member handing over shall be fully verified and a certificate in the form contained in Appendix "A" to these regulations, shall be completed, signed and handed to the commandant for safe-keeping for record purposes before the responsibility therefor is relinquished by such a member and accepted by his successor, and the member taking over shall be held responsible for any discrepancies which were not recorded when the property and the records concerned were taken over by him.

(2) If exceptional circumstances during the handing and taking over do not permit of a complete verification of the stores and equipment, prior approval may be granted by the Secretary for the use of such other certificate as in his view will meet with the requirements of each case, a copy of which shall be retained for record purposes.

(3) If the member from whom the stores are to be taken over, is for some reason or other not available to complete the certificate mentioned in sub-regulation (2), an impartial officer shall be appointed to assist the member taking over, in verifying the stores and to certify any deficiencies.

(4) When for any reason whatever no certificate is completed in terms of these regulations, the member taking over shall be liable for any deficiencies unless it can be established that such deficiencies existed before he took over.

## **6. Applicability of the Financial Regulations.**

The Financial Regulations published in Government Notice No. 535 of 1926, as amended from time to time, and the Departmental Stores Instructions of the Department of Defence issued in terms of the aforementioned Financial Regulations shall be applicable with regard to the purchase, control, care, custody, maintenance and issue of any arms, equipment, articles of clothing or any other stores which are Government property, are issued to a member or an honorary member of a commando or are used by him.

## **CHAPTER V**

## CONTROL OF PUBLIC AND COMMANDO FUNDS

### 1. Capitation grant

Subject to the instructions and directives of the Chief of the Army, a grant, which may be determined from time to time, may be allotted annually to a commando -

- (a) to defray expenses, other than expenses for which financial provision has been made in any other manner, incurred in connection with the training of members and the promotion of their efficiency, morale and *esprit-de-corps*;
- (b) to reimburse a commander for personal expenses incurred by him in the discharge and execution of his duties or functions.

[Reg. 1 substituted by GN R969/64 and GN R266/69]

### 2. Grants in Respect of Rifle Ranges.

(1) In each training year there shall be made a rifle range grant of five shillings to each commando in respect of each member or honorary member who is posted to such commando as at the last day of January of that year and does not regularly use a Government rifle range: Provided that such grant shall not exceed the amount of ninety pounds.

(2) Such grant shall be made to defray the cost of construction and maintenance of a rifle range or ranges normally used by the commando, erection of targets, provision of material and range stores, transport and the payment of incidental expenses but not the fees of a marker or recorder.

(3) A commandant shall furnish the officer commanding command not later than the last day of January of each year with a statement certified by him, giving particulars of the disbursement of the grant for the previous training year.

### 3. ....

[Reg. 3 substituted by GN R969/64 and deleted by GN R1982/70]

### 4. Establishment of a Commando Fund and Accounting for Moneys therein.

(1) In each commando there shall be established a commando fund into which shall be paid all moneys the commando receives from the Government or from any other source.

(2) With the approval of the commando committee and subject to such conditions as the committee may determine, similar funds may be established if any field cornetcy or assistant field cornetcy of the commando.

(3) All deposits to and withdrawals from such commando fund or fund of a field cornetcy or assistant field cornetcy shall be accounted for in accordance with these regulations to the satisfaction of the commando committee.

### 5. Banking Account for the Commando Fund.



- (1) The commandant of a commando shall open an account in the name of his commando with a registered commercial bank or building society or with the Post Office Savings Bank, in which all moneys of the commando fund shall be deposited.
- (2) Where a field cornetcy or assistant field cornetcy has obtained approval to establish its own fund, the commanding officer concerned shall open an account with a building society, bank or the Post Office Savings Bank in the name of his field cornetcy or assistant field cornetcy, in which all moneys of the fund shall be deposited,
- (3) A cheque drawn or a demand submitted on an account opened in terms of sub-regulation (1) shall be signed by two members of the commando committee and a cheque drawn or a demand submitted on an account opened in terms of sub-regulation (2) shall be signed by an officer and one other member of the sub-unit concerned.
- (4) No account opened in terms of these regulations shall be overdrawn and bank charges in respect of such account shall be paid from the fund concerned.
- (5) No person authorised pursuant to this regulation to sign or counter-sign a cheque or demand for payment of any moneys from any fund mentioned in regulation 4 of this chapter or for which provision is made in that regulation, shall sign or counter-sign such cheque or demand unless all the particulars are entered thereon.

## **6. How Payment for Purchases from Government Stores may be Effected.**

- (1) A member desiring to purchase clothing, accoutrements, equipment, a rifle, rifle spare parts or accessories from Government stores, may pay therefor either in cash or by cheque to his commandant, sub-unit or sub-sub-unit commander or any person authorised by such officer to receive such moneys.
- (2) A commandant or other person authorised thereto under sub-regulation (1), who receives any amount in accordance with that sub-regulation, shall deposit the amount in the fund of the commando, field cornetcy or assistant field cornetcy concerned and shall issue a receipt therefor in the name of that fund.
- (3) Any amount so deposited in the fund of a field cornetcy or assistant field cornetcy shall be transferred as soon as possible thereafter to the commando fund concerned.
- (4) All moneys deposited in or transferred to a commando fund in accordance with this regulation shall be remitted forthwith by crossed cheque or money order to the command headquarters.

[Reg. 6 amended by GN R969/64]

## **7. Disestablishment of Funds**

- (1) Any fund referred to in sub-regulation (1) of regulation 4 of this chapter shall only be disestablished with the approval of and in accordance with instructions issued by the Army Chief of Staff: Provided that the decision in regard to the disposal of any credit balance of such fund shall, subject to the provisions of sub-regulation (3), be vested in the officers of the commando.

(2) Any fund referred to in sub-regulation (2) of regulation 4 of this chapter may at any time be disestablished by direction of or with the approval of the commandant, and the decision in regard to the disposal of any credit balance of such fund shall, subject to the provisions of sub-regulation (3), be vested in the commando committee.

(3) Any public moneys included in any credit balance referred to in this regulation, shall be deposited in the Consolidated Revenue Account through the normal service channels.

## **CHAPTER VI**

### **CONSTRUCTION AND MAINTENANCE OF RIFLE RANGES**

#### **1. Availability of Government Rifle Ranges**

Where any Government rifle range is available for the regular use of any commando at times appointed by the officer commanding command with regard to the requirements for the training of all units of the SADF in his command, the rifle range shall be used by such commando at such times.

#### **2. Construction of Commando Rifle Ranges and Compliance with the Conditions Applicable**

(1) Where a Government rifle range is not made available in terms of sub-regulation (1) for the regular use of a commando, suitable Government land may be placed at the disposal of such commando for the construction by the commando of a rifle range, or other suitable land may be leased, or the necessary servitudes or other rights over such land acquired by the Secretary at public expense.

(2) The construction pursuant to sub-regulation (1) of a rifle range shall not be commenced before the commandant has been authorised thereto in writing by the officer commanding command.

(3) A commandant or an officer explicitly thereto directed by him, shall ensure that the conditions of lease or occupation applicable to the ground of any rifle range and danger zone, which he controls pursuant to subregulation (1), are strictly adhered to,

#### **3. Cost of Construction and Maintenance**

(1) Where a commando constructs a rifle range in pursuance of regulation 2 of this chapter, not more than four target frames may be provided and delivered at public expense to the commando, but the cost of the erection and maintenance thereof shall be borne by the commando.

(2) Rifle range stores of standard pattern and dimensions may be provided against payment from available Government stores to any commando.

(3) Subject to the provisions of regulation 2 of Chapter V and the provisions of this chapter, the cost of the construction and maintenance of any commando rifle range shall be defrayed from the commando fund.

#### **4. Safety Precautions and Control**

(1) No rifle range shall be constructed until such time as the site of the range and the danger zone have been approved in writing by the officer commanding command.

(2) A commandant or officer directed by him shall, in accordance with instructions which the Army Chief of Staff shall issue in this respect, take all such steps as are necessary for the maintenance and use of the range in such a manner that during its use the safety of persons there present or in the vicinity thereof is assured.

(3) No person shall use any commando rifle range except under the supervision of an officer explicitly detailed for the purpose by the commandant.

(4) Subject to the provisions of sub-regulation (5), no person who is not a member or an honorary member of a commando shall use a commando rifle range without the permission of the commandant.

(5) The Secretary may, on the recommendation of the officer commanding command concerned (who shall furnish his recommendation in consultation with the commandant concerned), authorise the use of a commando rifle range by any body of private persons on such conditions as he may determine.

## CHAPTER VII

[Chapter VII amended by GN R235/62, substituted by GN R969/64, amended by GN R722/65, GN R580/66, substituted by GN R1254/67, amended by GN R266/69 and deleted by GN R210/71]

## CHAPTER VIII

### SERVICE IN TIME OF WAR OR DURING OTHER EMERGENCY

#### 1. Liability for Service

In terms of [section thirty-eight](#) and Chapter X of the Act a member may be required to render service in defence of the Union, in the prevention or suppression of internal disorder in the Union or in the preservation of life, health or property or the maintenance of essential services, in the commando to which he is posted, or in any other commando, or in the Citizen Force as the public interest may require.

#### 2. ....

[Reg. 2 deleted by GN R969/64]

#### 3. Leave of Absence during Periods of Service under Chapter X of the Act

The provisions of Chapter VI of the Regulations for the Citizen Force shall apply *mutatis mutandis* in respect of any service which a member renders in terms of Chapter X of the Act.

[Reg. 3 inserted by GN R235/62]

#### 4. Training during Periods of Service under Chapter X of the Act

The provisions of Chapter VII of the Regulations for the Citizen Force shall apply *mutatis mutandis* in respect of any member rendering service in terms of Chapter X of the Act.

[Reg. 4 inserted by GN R235/62]

## CHAPTER IX

## DISCIPLINE

### 1. Members of Commandos are Subject to the Military Discipline Code

The Military Discipline Code is in terms of subsection, (5) of [section one hundred and four](#) of the Act, applicable to members of commandos in regard to service or training undertaken or to be undertaken by them in pursuance of the Act.

### 2. Trial of Members of Commandos Within a Commando

(1) Whenever it is alleged that a member has committed an offence under the Military Discipline Code while performing service under Chapter X of the Act or undergoing training within his commando, his commandant shall-

(a) if he has been delegated powers by a convening authority in terms of sub-section (3) of section sixty-two of the Military Discipline Code, dispose of the case in accordance with that Code; or

(b) if he has not been delegated such powers under that sub-section, report the case to, the officer commanding command who, at his discretion, shall decide whether the alleged offender should be prosecuted.

[Subreg. (1) amended by GN R235/62]

(2) Whenever an officer commanding command to whom a case has been reported in accordance with paragraph (b) of sub-regulation (1), decides that the alleged offender shall be prosecuted, he may, if the alleged offence was committed -

(a) during or in connection with a training exercise, bivouac, rifle practice or bisley, report the case to the South African Police; or

(b) during a period of service or whole-time training, take such steps under the Military Discipline Code as may be necessary for the trial and, if he is convicted, the punishment of such offender: Provided that where in the opinion of the officer commanding command, with due regard to the proviso to paragraph (b) of sub-section (5) of [section one hundred and four](#) of the Act, it is desirable or where, in his opinion such trial cannot be completed before the expiration of any period of training in time of peace which the member is undergoing, he may report the case to the South African Police.

[Subreg. (2) amended by GN R235/62]

### 3. Criticism and Unauthorised Disclosure of Information

Except on the authority of the Commandant-General, SADF, or an officer authorised by him for the purpose, no member shall by public discussion or by communicating to the press, whether anonymously or otherwise, or in any other manner publish or be a party to the publication of any matter concerning the SADF or adversely criticise the conduct of any officer of the SADF or by such means or in any like manner create or attempt to create or express a feeling of discontent amongst members or honorary members with any order or instruction issued under proper authority.

### 4. Redress of Wrongs

- (1) Any other rank who considers himself aggrieved by any act or omission of any member of the SADF, may complain in writing or orally to his sub-sub-unit commander, and if such sub-sub-unit commander is unable to redress the wrong or otherwise to satisfy the other rank within a reasonable time, the other rank may complain to his sub-unit commander in writing and if he so complains, he shall furnish his sub-sub-unit commander with a copy of such complaint.
- (2) If such sub-unit commander is unable to redress the alleged wrong or otherwise satisfy the other rank within a reasonable time, the other rank may complain to his commandant in writing and if he so complains, he shall furnish his sub-unit commander with a copy of such complaint.
- (3) If the other rank does not obtain redress from his commandant within a reasonable time, he may complain to the officer commanding command in writing and if he so complains, he shall furnish the commandant with a copy of such complaint.
- (4) Any other rank in the headquarters of a commando or a sub-unit who considers himself aggrieved by any act or omission of any member of the SADF, may complain in writing or orally to his adjutant or sub-unit commander, as the case may be, and if he does not obtain redress within a reasonable time, he may complain to his commandant in writing and if he so complains, he shall furnish the adjutant or sub-unit commander with a copy of such complaint.
- (5) If the other rank does not obtain redress from his commandant within a reasonable time, he may complain to the officer commanding command in writing and if he so complains, he shall furnish his commandant with a copy of such complaint.
- (6) An officer of a commando who considers himself aggrieved by any act or omission of any member of the SADF, may complain to his immediate commander in writing and may, if he does not obtain redress within a reasonable time, complain to his next higher commander and if he so complains, he shall furnish the commander from whom he did not obtain redress, with a copy of such complaint.
- (7) If such officer does not obtain redress from such higher commander he may follow the procedure set out in sub-regulation (6) and complain in writing to the next higher commanders in succession, up to the officer commanding command.
- (8) Any other rank or officer who does not obtain redress within a reasonable time from his officer commanding command or who is not within a reasonable time advised by his officer commanding command that his complaint has been forwarded to higher authority, may complain directly to the Army Chief of Staff and ultimately to the Commandant-General, SADF: Provided that when such other rank or officer complains to the Army Chief of Staff or Commandant-General, SADF, he shall at the same time send a copy of such further complaint to the officer commanding command or the Army Chief of Staff, as the case may be.

[Reg. 4 amended by GN R969/64]

## 5. Intoxicating Liquor

- (1) No intoxicating liquor shall be supplied to or consumed by any person undergoing training or in any manner whatsoever taking part therein, and any person who supplies intoxicating liquor to any member of the SADF so undergoing or taking part in training, shall be guilty of an offence and liable on conviction to

a fine not exceeding twenty-five pounds or to imprisonment for a period not exceeding three months: Provided that this sub-regulation shall, subject to [section one hundred and twenty-two](#) of the Act, not be construed so as to be applicable beyond those hours which may be determined for any exercise or training or during which a member is actually on duty.

[Subreg. (1) amended by GN R969/64]

(2) No member shall enter a public bar while dressed in uniform, except in the execution of his duties.

## **6. Party-political Activities**

(1) No member shall, while dressed in uniform or while performing his duties under the Act and these regulations, take an active part in an activities in furtherance of the interests of any political party or of any candidate or prospective candidate for election as a senator or a member of the House of Assembly or any Provincial Council or the Legislative Assembly of South Africa or any public body whose members are on a party-political basis.

(2) Any member who accepts nomination for election senator or a member of the House of Assembly or any Provincial Council or the Legislative Assembly of South West Africa, shall notify his commander thereof with and shall by acceptance of such nomination be deemed to have resigned as member of his commando.

## **7. Report on Civil Offences**

A commandant shall, where he knows that a member as been convicted by a civil court of an offence in respect of which he has been sentenced to imprisonment out the option of a fine or to a fine exceeding ten pounds, make a report to the officer commanding command for such action as he deems necessary.

### **CHAPTER X**

[Chapter X amended by GN R969/64, GN R722/65, GN R601/68, GN R266/69 and deleted by GN R2214/71]

### **CHAPTER XI**

[Chapter XI amended by GN R969/64, GN R1254/64 and deleted by GN R2214/71]

### **CHAPTER XII**

[Chapter XII amended by GN R235/62, GN R969/64, GN R417/66, GN R1254/67, GN R266/69 and deleted by GN R2214/71]

### **CHAPTER XIII**

[Chapter XIII amended by GN R235/62, GN R969/64, GN R1254/67 and deleted by GN R2214/71]

### **CHAPTER XIV**

[Chapter XIV amended by GN R1254/67 and deleted by GN R2214/71]

### **CHAPTER XV**

[Chapter XV amended by GN R722/65, GN R1254/67 and deleted by GN R2214/71]

### **CHAPTER XVI**

## **UNIFORM, ACCOUTREMENTS, EQUIPMENT, ARMS AND AMMUNITION**



## 1. Provisions of Uniform, Equipment and Arms

- (1) Every officer shall acquire his uniform, accoutrements and equipment in accordance with scales determined in terms of regulation 1 of Chapter IV and may obtain on loan from Government stores, additional articles of clothing, equipment and arms in accordance with such scales.
- (2) Articles of clothing, accoutrements, equipment and arms may be issued to any other rank either against his personal account or on loan, in accordance with scales determined in terms of regulation 1 of Chapter IV.
- (3) Any member may be permitted to purchase articles of clothing, accoutrements and equipment in accordance with scales determined in terms of regulation 1 of Chapter IV.

## 2. Maintenance of Uniform, Accoutrements and Equipment

- (1) Every member shall maintain at his own expense the uniform, accoutrements and equipment acquired by him or issued to him personally.
- (2) Where any article of uniform, accoutrements or equipment issued to any member has become too small for the member concerned or has become unserviceable due to any cause other than fair wear and tear or misuse or omission of the member concerned, similar articles of clothing, accoutrements or equipment may be issued to him in substitution therefor at public expense.  
[Subreg. (2) amended by GN R969/64]
- (3) Where any scale determined in terms of regulation 1 of Chapter IV is amended and such amendment entails that any member shall acquire other articles of uniform, accoutrements or equipment or shall alter his uniform, accoutrements or equipment, the expense involved in the acquisition or alteration of such articles shall be met from public funds.
- (4) The Quartermaster-General may authorise the issue to any member of such articles of uniform, accoutrements or equipment, or the alteration of the uniform, accoutrements or equipment of any member in pursuance of any such amendment or replacement referred to in sub-regulation (3) if the expense involved is not more than ten pounds per member in any year.

## 3. Wearing of Uniform and Equipment

In accordance with the dress regulations, uniform and equipment shall be worn during training or when on duty and may be worn on any other occasions as determine by the Army Chief of Staff, by officers, other ranks enrolled under [section thirty-five](#) of the Act and by such other ranks who are in possession of such uniform and equipment, and no uniform, article of uniform, equipment or any badge acquired by a member in terms of these regulations, shall be worn or be used under any other circumstances.

## 4. Disposal of Government Property on Termination of Service

Any other rank may on termination of his service retain the articles of uniform mentioned in any scale which has been determined for the purpose in accordance with regulation 1 of Chapter IV and shall at that time return to the Department of Defence all other Government property issued to him for the purpose of his training or service.



## 5. Uniform Allowance for an Officer

(1) Subject to the provisions of subregulation (5), any officer shall on appointment or re-appointment as such, be paid a uniform allowance which shall be fixed from time to time by the Secretary in consultation with the Treasury on the recommendation of the Commandant-General, SADF, to defray the cost which he has to incur in providing himself with the articles of uniform, accoutrements or equipment referred to in sub-regulation (1) of regulation 1 of this chapter.

(2) Any officer to whom an allowance has been paid in accordance with sub-regulation (1) shall, within a period of three months from the date of payment thereof or within such further period as may in exceptional circumstances be determined by the Secretary, furnish the Secretary through the normal official channels with a certificate signed by him and counter-signed by his officer commanding in which is reflected the date of procuring the necessary articles of uniform, accoutrements or equipment, and any officer who fails to furnish such a certificate shall be liable to and may be called upon by the Secretary to refund to him the amount of the uniform allowance concerned.

(3) Any officer to whom an allowance has been paid in accordance with sub-regulation (1) and whose services are terminated in terms of paragraph (b), (j), (m), (n) or (o) of Chapter XIX within a period of six years after the date on which he provided himself with the prescribed uniform, accoutrements and equipment, shall be liable to and may be called upon by the Secretary to refund to him the unexpired life value of such uniform, accoutrements and equipment.

(4) For the purpose of sub-regulation (3) the unexpired life value of the uniform, accoutrements and equipment shall be the amount which bears the same ratio to the amount of the allowance paid to the officer in question in terms of sub-regulation (1), as the period by which a period of six years exceeds the period from the date on which the officer concerned provided himself with the uniform, accoutrements and equipment until the date he resigned his appointment or his commission, bears to the period of six years.

(5) The allowance referred to in sub-regulation (1) shall not be payable to any officer who, subsequent to having served as an officer of the Citizen Force or the Cadet Corps, is appointed as an officer in a commando with effect from the day following the date on which his service in that Force or Cadet Corps terminated and who, whilst an officer of that Force or Corps, was paid an allowance in respect of the acquisition by him of a uniform similar to that prescribed in terms of sub-regulation (1) of regulation 1 of this chapter: Provided that where the amount paid in terms of the Citizen Force and Cadet Corps Regulations is less than the amount payable to officers of the commandos in terms of sub-regulation (1), the difference shall be paid to an officer so appointed.

## 6. Upkeep Allowance

(1) To defray the cost involved in maintaining his uniform, accoutrements and equipment, an officer shall after six years' service in that capacity, reckoned from the date on which he provided himself with a uniform out of the allowance paid to him in terms of regulation 5 of this chapter, be paid annually an upkeep allowance of not more than one-sixth of the appropriate allowance currently payable to commando officers in terms of that regulation: Provided that such allowance which has accrued in respect of any year which commences on or after the first day of January, 1965, shall not be paid unless the officer concerned has applied therefor in writing not later than six months after the last day of the year concerned.

[Subreg. (1) amended by GN R505/66 and GN R1254/67]

(2) For the purpose of this regulation any service performed in the Citizen Force or the Cadet Corps by and officer referred to in sub-regulation (5) of regulation 5 of this chapter, shall be deemed to be service as an officer in a commando.

## 7. Care and Custody of Personal Weapons

(1) A member to whom any weapon has been issued for temporary in terms of these regulations against his personal account, shall -

- (a) at all times keep such weapon in his personal possession or in safe custody and if it is lost, shall report the loss immediately to his commander and the SA Police;
- (b) keep such weapon in good order and condition and shall not make any structural modifications thereto without the authority of the Army Chief of Staff;
- (c) use such weapon only for commando purposes and shall bring it with him when reporting for training, inspection or for any duty; and
- (d) return such weapon if his service is terminated or he is ordered to do so by his superior officer.

[Reg. 7 substituted by GN R969/64]

## 8. ....

[Reg. 8 deleted by GN R969/64]

## 9. Purchase of a Rifle

(1) Subject to the conditions prescribed by [section forty](#) of the Act, a member enrolled under [section thirty-six](#) of the Act may be permitted to purchase a rifle from available Government stocks at a price determined by the Secretary in consultation with the Treasury, on condition that -

- (a) he applies therefor in writing through his commandant and at the same time acknowledged in writing that he is conversant with the conditions of purchase of a rifle under [section forty](#) of the Act and these regulations;
- (b) he acknowledges that he is aware of the fact that, while he is a member of a commando, he may not sell, barter or otherwise dispose of the rifle without the permission of the officer commanding command, and that before he at any time sells, barter or otherwise disposes of the rifle, any customs duties payable in respect thereof, shall be paid to the Commissioner of Customs and Excise; and
- (c) he complies with the conditions stipulated in paragraphs (a), (b) and (c) of regulation 7 of this chapter until such time as the certificate referred to in sub-section (5) of [section forty](#) of the Act has been issued to him.

(2) Any power, duty or function conferred or imposed by any provision of [section forty](#) of the Act upon a prescribed authority or a prescribed officer, shall be exercised or discharged by the officer commanding command concerned.

## 10. Provision of Free Ammunition

Ammunition for training purposes, including target practices and demonstrations, and as a reserve in case of emergency may, in accordance with scales determined under regulation 1 of Chapter IV, be provided to any member at public expense.

## 11. Purchase of Ammunition

In accordance with scales determined under regulation 1 of Chapter IV, any member may be permitted to purchase through his commandant ammunition for target practices and competitions from available Government stocks at a price determined by the Secretary in consultation with the Treasury, on condition that -

- (a) he does not sell or otherwise dispose of the ammunition so obtained;
- (b) he undertakes to safeguard the ammunition; and
- (c) he reports any loss of such ammunition to the SA Police and to his commandant without delay to the SA Police and to his commandant.

## 12. Purchase of Rifle Components and Accessories

In accordance with scales determined in terms of regulation 1 of Chapter IV, any member may be permitted to purchase rifle components and accessories from available Government stocks at such prices as determined by the Secretary in consultation with the Treasury on condition that-

- (a) his commandant or an officer authorised thereto by him, certifies that the rifle components and accessories are needed for the maintenance or improvement of a rifle which he uses in connection with his service in the commando; and
- (b) he shall not sell or otherwise dispose of rifle components and accessories so obtained:

Provided that any stock or barrel, which is replaced under this regulation, shall without compensation be returned to Government stores for destruction.

## CHAPTER XVII

### REMUNERATION, TRANSPORT AND ACCOMMODATION

#### 1. Claim to Pay

(1) Pay in accordance with rates which the Public Service Commission may recommend from time to time in terms of [section eighty-two bis](#) of the Act, shall, subject to sub-regulation (2), be payable for every day or part thereof on which -

- (a) a member who is enrolled in terms of [section thirty-five](#) of the Act, attends a training camp, course, cadet camp or bivouac;

- (b) an officer or an other rank not referred to in paragraph (a), attends a course;
- (c) a member renders any additional service referred to in regulation 2(1) of Chapter VII which is in the nature of a training camp or course;
- (d) a member performs special duty in terms of regulation 2(5) of Chapter VII;
- (e) the member concerned travels to or from a place which has been appointed for any training or duty referred to in paragraphs (a), (b), (c) and (d);
- (f) a member concerned is detained beyond the stipulated duration of any training or service referred to in this regulation, at the place appointed therefor owing to unavoidable circumstances arising from his service; or
- (g) a member is in terms of regulation 4 of Chapter XVIII, entitled thereto;
- (h) a member being a commander attending a conference convened on authority of the Chief of the Army.

(2) A member shall, in respect of any day, only be paid in pursuance of the provision of one of the paragraphs of sub-regulation (1), and a member is not entitled to pay in terms of paragraph (e) for a number of days exceeding that which the journey would have taken if he had used public or Government transport in accordance with sub-regulation (1) or (2) of regulation 6 of this chapter.

(3) A member who performs service in terms of Chapter X of the Act shall be entitled to the pay and allowances which may be recommended for this purpose by the Public Service Commission in terms of [section eighty-two bis](#) of the Act.

[Reg. 1 substituted by GN R969/64 and amended by GN R1254/67 and GN R266/69]

## 2. Professional Allowance

Any medical officer who is not a service member shall for every day on which he is entitled to pay in terms of regulation 1 of this chapter, be paid a professional allowance of thirty shillings per day.

## 3. Rations or Ration Allowance

(1) Any member entitled to pay in term of paragraph (a), (b), (c), (d) or (f) of sub-regulation (1) of regulation 1 of this chapter, shall be provided with rations at public expense or shall be paid an allowance of not exceeding four shillings per day in lieu thereof.

(2) Any member who under [section one hundred and forty-five](#) or [one hundred and forty-six](#) of the Act, is in a hospital, medical or nursing institution or sick bay controlled by the Surgeon-General or who is in a detention barracks or in military custody, shall be provided with rations at public expense.

## 4. ....

[Reg. 4 deleted by GN R1186/70]

## 5. Servant's Allowance

Any officer who in terms of paragraph (a), (b), (c), (d) or (f) of sub-regulation (1) of regulation 1 of this chapter is entitled to pay, shall be paid a servant's allowance of one shilling per day if the services of a servant are not made available to him by the Government.

## 6. Transport Provided at Public Expense

(1) A member who is required to travel to or from a place appointed for any training or duty in respect of which, in terms of regulation 1, he is entitled to receive pay, or for service in terms of Chapter X of the Act, shall, subject to sub-regulation (3), make use of public or Government transport and the cost of such transport shall be defrayed from Public Funds.

[Subreg. (1) substituted by GN R969/64]

(2) Whenever, owing to the non-availability of such transport from his residence to the nearest railway station or other public transport terminal or from the nearest railway station or public transport terminal to his residence, any such member is required to make use of a private motor vehicle as a means of conveyance to or from any such railway station or transport terminal, he shall be compensated for the use of such vehicle at the mileage rate prescribed for an official or employee of the Government who makes use of a private motor vehicle on official duty.

(3) Any member who is required to travel to or from any place referred to in sub-regulation (1) shall, save as provided in sub-regulation (4), make use of a private motor vehicle to travel to or from such place and may, if he makes use of such vehicle, be paid an allowance of not more than the cost to the Department of Defence if he had been provided with free transport under sub-regulation (1) and, where applicable, had been re-imbursed in terms of sub-regulation (2).

(4) Where a troop train or other Government transport has been specially provided for the conveyance of members to or from any place referred to in sub-regulation (1) and such member for whom such transport has been provided makes use of a private motor vehicle, he shall not be paid any compensation except the allowances which would have been payable to him in terms of sub-regulation (2) if he made use of the troop train or other Government transport.

(5) The expenses incurred in connection with any member who in terms of sub-regulation (1) is required to travel by rail, shall not exceed -

(a) in the case of an officer or a warrant officer, the first-class rail tariff payable by the Government; and

(b) in the case of other ranks, the second class rail tariff payable by the Government.

## 7. Passenger Allowance

Any member who in terms of sub-regulation (2) or (3) of regulation 6 of this chapter, makes use of a private motor vehicle to travel to or from any place referred to in sub-regulations (1) and (2) of that regulation, and conveys as a passenger in such vehicle, any other member who is required to travel to or from such place, shall, in respect of such passenger be paid an allowance at the rate prescribed for the conveyance of passengers in similar circumstances by officials or employees of the Government: Provided that no such allowance shall be payable in respect of more than three such passengers.

## 8. Subsistence allowance

Subject to regulation 6 and the other provisions of this regulation, a member who is necessarily absent from his normal place of residence by reason of his attending a period of service during which he is, in terms of section 44 of the Act, liable to render continuous service, shall for the duration of the period of service, be supplied with departmental accommodation and rations, and while travelling by rail to or from the place where he is required to render or has rendered such service with meal and bedding warrants at Government expense: Provided that if he is not thus supplied with the said accommodation and rations or meal and bedding warrants, the member shall be entitled to a subsistence allowance to an amount and on the conditions approved from time to time by the Treasury on the recommendation of the Public Service Commission in terms of [section 82bis](#) of the Act.

[Reg. 8 substituted by GN R1186/70]

## 9. ....

[Reg. 9 deleted by GN R1186/70]

## 10. Allowance of a chief commandant

A commuted subsistence and transport allowance to an amount and subject to the conditions which may be determined from time to time by the Treasury on the recommendation of the Public Service Commission, shall be paid to a chief commandant.

[Reg. 10 deleted by GN R969/64 and inserted by GN R266/69]

## 11. Only Authorised Deductions may be Made from Pay

The pay of any member shall be paid to him without any deductions other than those authorised under section *one hundred and twenty-seven* of the Military Discipline Code.

## 12. When Payments in Terms of these Regulations are Made

The payment of any pay, allowance or remuneration in terms of these regulations shall be made at such times or for such periods determined by the Secretary in consultation with the Treasury.

## 13. Subsidies

(1) A subsidy to an amount and on the conditions as determined from time to time by the Treasury on the recommendation of the Public Service Commission, may be granted to members of a mounted section of any commando in respect of the use or the purchase and maintenance of -

- (a) horses;
- (b) motorcycles

(2) An allowance to an amount and on the conditions as determined from time to time by the Treasury on the recommendation of the Public Service Commission, may be paid to dog handlers.

[Reg. 13 inserted by GN R266/69]



**CHAPTER XVIII**

[Chapter XVIII amended by GN R235/62, GN R969/64, GN R1254/67 and deleted by GN R206/70]

**CHAPTER XIX**

[Chapter XIX amended by GN R969/64, GN R1254/67, GN R266/69 and deleted by GN R2214/71]

**CHAPTER XX****GENERAL****1.** .....

[Reg. 1 amended by GN R969/64 and deleted by GN R273/66]

**2. Funeral Expenses**

- (1) The funeral expenses of a member whose death occurred while he was on military service or undergoing training, shall be paid out of public funds.
- (2) Such expenditure shall not exceed the amount fixed in the current contract arranged by the Union Tender Board for burials in the area where the funeral takes place.
- (3) Where no such contract exists, the amount payable under sub-regulation (1) shall not exceed twenty five pounds.
- (4) The expenses arising from the conveyance or the corpse for burial in the Union may, in addition to the funeral expenses referred to in sub-regulations (2) and (3), be paid out of public funds.
- (5) For the purpose of this regulation a member shall be deemed to be on military service or undergoing training in the circumstances prescribed in regulation 12 of Chapter XVIII and whilst he serves in terms of Chapter X of the Act.

**3. Departures from these Regulations May be Authorised**

Where a situation arises for which these regulations do not make adequate provision, or where in an exceptional case it is necessary, for giving proper effect to the Act or in the interest of the system of commandos, to depart from the regulations, the Commandant-General, SADF, may authorise a departure from the regulations: Provided that, if such departure entails that a particular provision in the regulations for the expenditure of public funds will be exceeded, the authority for such excess expenditure shall not be given without the approval of the Secretary in consultation with the Treasury.

**4. Powers of a Person Acting in a Temporary Capacity**

Whenever any provision of these regulations confers a power, jurisdiction or right or imposes a duty on the holder of an office as such, then, unless the contrary intention appears, the power, jurisdiction or right may be exercised and the duty shall be performed from time to time by the holder for the time being of the office or by the person lawfully acting in the capacity of such holder.

**CHAPTER XXI**

[Chapter XXI inserted by GN R969/64, amended by GN R1254/67 and deleted by GN R2214/71]



**ANNEXURE A**

**HANDING-OVER CERTIFICATE.**

.....Commando

Place.....

Date of handing over .....

In terms of the provisions of the Commando Regulations, we hereby certify that we have completed the handing over of all Government property under the control of the Commandant, .....Commando and that, subject to the discrepancies enumerated on this and the following pages, numbered..... the serviceable property on hand is in accordance with the balances of the stores records.

We further certify that the following list of discrepancies includes all items which have not hitherto been submitted for authority to adjust.

.....  
Signature and Designation of Officer Handing Over

.....  
Signature and Designation of Officer Taking Over

Article	Unit	Quantities				Value (exclusive of Worn out or Broken Articles)	Explanation
		As per Records	Actually on Hand	Surplus	Deficiency		

**ANNEXURE B**

**SERVICE OATH**

I, ....., a citizen of the Republic of South Africa / domiciled in the Republic of South Africa, declare under oath / solemnly declare -

That I engage myself to serve in commando in terms of section thirty-six of the Defence Act, 1957 (Act No. 44 of 1957) for the period and under the conditions prescribed in the Commando Regulations; and

That during my service as a member of a commando I shall be loyal to the Republic of South Africa and shall execute my duties and the orders of my superiors conscientiously and diligently.

.....  
Signature

Sworn / Declared and signed before me on this.....day of.....  
19.....at.....

.....  
Signature of Attesting Officer /  
*Ex Officio* Commissioner of Oaths

[Annexure B inserted by GN R969/64]

# DEFENCE ACT 44 OF 1957

## REGULATIONS IN TERMS OF SECTION 72G

Published under Government Notice R588 in *Government Gazette* 9142 of 30 March 1984 and amended by:

GN R1315	GG 9277	29/6/84 (Correction)
GN R2402	GG 9483	2/11/84
GN R1040	GG 11326	3/6/88
GN R169	GG 12271	2/2/90
GN R973	GG 13894	3/4/92
GN R125	GG 15453	28/1/94

The State President has in terms of [section 72G](#) of the Defence Act, 1957 (Act 44 of 1957), made the regulations contained in the Schedule hereto.

### SCHEDULE

#### REGULATIONS GOVERNING THE COMMUNITY SERVICE TO BE RENDERED BY PERSONS CLASSIFIED AS CONSCIENTIOUS OBJECTORS IN TERMS OF SECTION 72D (1) (a) (iii) OF THE DEFENCE ACT, 1957

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##### 1. Definitions

##### PART II

##### 2. Enrolment for service

##### PART III - *Employment*

##### 3. General

##### 4. Duration of service

##### 5. Place of service

##### PART IV - *Training and obtaining of qualifications*

##### 6. General

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**PART V**

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**PART VII - *Duties and capacity of conscientious objectors***

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**PART XI - *Absence from duty owing to indisposition***

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**PART XII**

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- [34A. Medical, dental and hospital treatment](#)

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**PART XXI**

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**PART XXIII -*Discipline***

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- [52. Delegation of authority](#)

**PART XXV**

- [53. Offences and penalties](#)

[GN R125/94 amends these regulations by the substitution for the expressions “religious objector” and “religious objectors”, wherever they occur, of the expressions “conscientious objector” and “conscientious objectors”, respectively]

## PART I

### 1. Definitions

In these regulations, unless the context otherwise indicates-

**“disablement”** for the purpose of regulation 34 means disablement for service as defined in section 2 of the Workmen’s Compensation Act, 1941 (Act 30 of 1941).

**“community service”** means service referred to in [section 72E](#) (3) of the Act.

**“conscientious objector”** means a person who has been classified as a conscientious objector in terms of [section 72D](#) (1) (a) (iii) of the Act.

**“accommodation”** means lodging, bedding, meals, liquid refreshments, water and electricity, washing and ironing, including Hotel Board levy, service charge and Value-Added Tax which may be levied on any of the said items or any combination of those items, but excluding alcoholic beverages and dry-cleaning;

[Definition of “accommodation” substituted by GN R125/94]

**“headquarters”** means the city, town or place designated by the Minister of Manpower or an officer authorised thereto by him, as the headquarters of a conscientious objector where he is obliged to render such community service.

[Definition of “headquarters” corrected by GN R1315/84]

**“accident”** for the purpose of regulation 34 means an accident arising out of and in the course of a conscientious objector’s employment and resulting in a personal injury.

**“post”** .....

[Definition of “post” deleted by GN R125/94]

**“employer”** means a department, institution, council, board or body referred to in [section 72E](#) (4) of the Act, with whom a conscientious objector is obliged to render community service.

[Definition of “employer” substituted by GN R125/94]

**“the Act”** means the Defence Act, 1957 (Act 44 of 1957).



## PART II

### 2. Enrolment for service

An employer shall take a conscientious objector who is liable to render community service with him into his employment from a date determined by the Minister of Manpower, and in the event of such conscientious objector already being in his employment on such a date, the service contract of such conscientious objector shall be deemed to be suspended for the duration of the community service which he is obliged to render.

## PART III

### *Employment*

### 3. General

A conscientious objector shall be employed solely for such community service as the Minister of Manpower or an officer authorized thereto by him has determined and as set out on the duty sheet referred to in regulation 10: Provided that the employer may, with the concurrence of the Minister of Manpower or an officer authorised thereto by him assign other duties to the conscientious objector.

[Reg. 3 substituted by GN R125/94]

### 4. Duration of service

The Minister of Manpower shall notify an employer of the duration of the continuous community service to be rendered, depending on whether the conscientious objector is a person referred to in [section 72E](#) (3) (a) or (b) of the Act, which service shall in each case not exceed the period determined by the Minister by virtue of his powers under the proviso to that subsection: Provided that the Minister or a person authorised by him may order that the duration of a conscientious objector's continuous community service may be extended by the period or periods of unauthorised absence from his place of service.

[Reg. 4 substituted by GN R1040/88]

### 5. Place of service

Community service shall be rendered in the city, town or place which is from time to time designated as the conscientious objector's headquarters.

[Reg. 5 substituted by GN R125/94]

## PART IV

## *Training and obtaining of qualifications*

### **6. General**

If the work connected with a post in which community service is to be rendered, requires special expertise and knowledge on the part of the incumbent, the conscientious objector conceded shall at the expense of his employer undergo such training or obtain such qualification as such employer may deem necessary to qualify him for his work.

### **7. Registration**

Any conscientious objector who is qualified in a particular profession for the practice of which registration with any body, board, society, association or similar organisation is a legal prerequisite, shall at the expense of his employer, where registration fees are payable, register with such body, board, society, association or organisation if, in the rendering of the community service he is obliged to render, he is to be employed in his profession, and shall, if required during his community service, have his registration renewed.

## **PART V**

### **8. Immunization, prophylaxis and examination**

If the work connected with a post in which community service is to be rendered, requires a specific standard of medical and physical fitness of the incumbent, or if circumstances connected with such work require that the incumbent be submitted to immunization or prophylaxis against communicable, infectious or epidemic disease, the conscientious objector concerned shall, if so required by his employer, and at the expense of his employer, submit to the medical and physical examinations and tests as well as to such immunization and prophylaxis as the Minister of Manpower in consultation with the Director-General: Health and Welfare may from time to time prescribe for this purpose.

## **PART VI**

### **9. Persons excluded from service referred to in regulations 6 and 8**

The Minister of Manpower shall not order community service to be rendered in a post referred to in regulations 6 and 8-

- (a) unless the duration of the community service to be rendered by the conscientious objector concerned in a post referred to in regulation 6 is sufficient to qualify him for

such work and for his productive employment after completion of his community service; and

(b) unless, in the event of work in a post referred to in regulation 8, the religious objector concerned is a person whose religious or conscientious beliefs allow him to undergo medical and surgical treatment and examination.

## **PART VII**

### *Duties and capacity of conscientious objectors*

#### **10. Duty sheets**

An employer shall issue to every conscientious objector in his employment upon commencement of community service and every time thereafter when the conscientious objector is transferred to another headquarters, a personal duty sheet in which shall be clearly specified the work he is required to do in the post in which he is employed as well as his duties, capacity and responsibilities with regard to such work.

[Reg. 10 substituted by GN R125/94]

#### **11. Authority**

Any conscientious objector who is employed in a supervisory or controlling post over other employees shall have the authority normally vested in an incumbent of such post if he were an officer or employee employed in a post on the fixed permanent establishment.

## **PART VIII**

### *Official hours of duty and overtime*

#### **12. General**

A conscientious objector shall work the official hours of duty on the days and during the times -

(a) which employees on the fixed establishment and of the same or a corresponding category or grade as the conscientious objector are normally required to work according to the applicable regulations and conditions of service; or

(b) as determined by his employer from time to time.

[Reg. 12 substituted by GN R1040/88]

#### **13. Overtime**

(a) Notwithstanding the provisions of regulation 12, the head of the office where a conscientious objector is rendering community service may reasonably require him to perform official duties on any day of the week or at any time of the day or night at his normal place of work or elsewhere.

[Para. (a) substituted by GN R125/94]

(b) When any service required in terms of subregulation (a), involves exceeding the official hours of duty which a conscientious objector is normally required to work, such conscientious objector shall not be entitled to overtime remuneration.

## PART IX

### 14. Remuneration and benefits

Subject to the provisions of [section 72G](#) (1 A) of the Act, a conscientious objector shall receive such salaries, wages, benefits and allowances for his community service as may be determined from time to time by the Minister of Manpower with the concurrence of the Minister of State Expenditure and the Commission for Administration.

[Reg. 14 substituted by GN R2402/84, GN R1040/88 and GN R125/94]

## PART X

### *Annual vacation leave*

### 15. Duration of leave

An employer shall grant to a conscientious objector rendering community service in terms of [section 72E](#) (3) (a) of the Act 14 consecutive days' leave of absence on full pay in respect of a first period of 12 consecutive months for which the conscientious objector is employed by him in terms of an order of the Minister of Manpower under [section 72E](#) (4) of the Act and thereafter 21 consecutive days' leave of absence on full pay in respect of every succeeding 12 consecutive months: Provided that the periods of leave may be reduced by the number of days for which such conscientious objector was during a relevant cycle of 12 months granted occasional leave of absence on full pay at his written request.

### 15A. Occasional leave may be granted to a conscientious objector only-

(a) during official religious holidays of the denomination of which the conscientious objector concerned is a member; or

- (b) in cases where a conscientious objector's personal attention and presence are necessary in connection with-
- (i) the death or serious illness of his spouse, child, parent, grandparent, parent-in-law, brother, sister, grandchild, brother-in-law, sister-in-law or legal guardian; or
  - (ii) serious domestic problems; or
  - (iii) serious damage to the premises occupied by his dependants, and which results in their suffering undue hardship; or
  - (iv) any other unforeseen circumstances which the Minister of Manpower or his delegate deems sufficient and which is submitted through the mediation of the employer, to the Department of Manpower for a decision; or
- (c) for the period for which the employer decides to close the place of work during the Christmas season.

[Reg. 15A inserted by GN R1040/88 and amended by GN R125/94]

**15B.** If his last day of service occurs before the completion of any following 12-month cycle, *pro rata* leave may be granted to a conscientious objector, which shall be calculated at  $\frac{1}{12}$  of the 21 days' leave accrual per 12-month cycle for every completed month of community service after completion of the previous 12-month cycle: Provided that any fraction of a day leave accrued shall fall away from the *pro rata* leave so calculated.

[Reg. 15B inserted by GN R125/94]

## 16. Granting of leave

- (a) The leave of absence referred to in regulation 15 shall be granted by an employer as from a date determined by him after the completion of the relevant period of 12 consecutive months, but not later than four months after the expiration of the relevant 12-months' cycle.
- (b) With regard to the leave of absence referred to in regulation 15, 15A or 17, an application for leave shall be made on the official application forms as determined by the employer.
- (c) A conscientious objector may not depart on vacation or occasional leave before his employer has informed him that his application for leave has been approved.

- (d) (i) The employer shall forthwith notify the Department of Manpower in writing should the conscientious objector be absent from work without leave for more than nine consecutive working days.
- (ii) The Department of Manpower may terminate the payment of the salary, pay or allowances in terms of regulation 14, to a conscientious objector until a comprehensive investigation into the reason for his absence has been completed.  
[Reg. 16 substituted by GN R1040/88 and amended by GN R125/94]

## PART XI

### *Absence from duty owing to indisposition*

#### 17. As a result of natural causes

- (1) Sick leave with full pay may be granted to a conscientious objector while he is rendering community service when he becomes indisposed as a result of natural causes.
- (2) Notwithstanding the provisions of subregulation (1) no sick leave with full pay shall be granted to a conscientious objector for more than three consecutive days unless the application for such leave is supported by a certificate from a registered medical practitioner or registered dentist on the prescribed form, and such certificate shall -
- (a) clearly describe the nature of the illness or indisposition;
  - (b) declare that the conscientious objector is not able to render his official duties; and
  - (c) indicate the period that is necessary for his recovery.
- (3) Sick leave with full pay in respect of which a certificate referred to in subregulation (2) need not be furnished may be granted for only 10 days in the aggregate during any 12-months' cycle.
- (4) The employer may in his discretion require a certificate contemplated in subregulation (2) to be handed in also in respect of periods of sick leave of three days or less.
- (5) Absence as a result of illness or indisposition not supported by a certificate as required by subregulation (2) or (4), or such absence for more than 10 days in contravention of the provisions of subregulation (3), shall be deemed to be unauthorised

absence and no remuneration shall be payable for the duration thereof.

[Reg. 17 substituted by GN R1040/88]

## **18. As a result of injury on duty**

A conscientious objector who, whilst rendering community service, becomes indisposed owing to an injury sustained whilst on duty, shall for the purpose of remuneration be deemed to be on duty for the full duration of such indisposition.

## **PART XII**

## **19. Absence not to be entered as leave**

Whenever a conscientious objector is required to be absent from duty owing his having been summoned to appear as a witness before a civil or criminal court or to his having been apprehended to appear before a criminal court on a charge of which he is subsequently acquitted, the period of such absence shall not be noted as leave for the purposes of regulation 15.

[Reg. 17 substituted by GN R1040/88]

## **PART XIII**

### ***Accommodation***

**20.** An employer is required to provide at his own expense accommodation which is officially at his disposal to a conscientious objector in his employ.

[Reg. 20 substituted by GN R1040/88]

**21.** Utilisation of accommodation contemplated in regulation 20 by a conscientious objector, shall, with the exception of any obligation to pay any rental, be subject to all such rules and regulations as are applicable to staff who are on the fixed establishment who may be required to utilise such accommodation.

[Reg. 21 substituted by GN R1040/88]

**22.** If an employer does not have accommodation as contemplated in regulation 20 at his disposal, such employer shall, in consultation with the Minister of Manpower, at his own expense, provide alternative suitable accommodation to a conscientious objector in his employ: Provided that such expense shall not exceed the amount of the allowance contemplated in regulation 23.

[Reg. 22 substituted by GN R1040/88]

**23.** If no accommodation as contemplated in regulations 20 and 22 is available, an



employer shall pay a conscientious objector in his employ an accommodation allowance determined, subject to the provisions of regulation 14, by the Minister of Manpower from time to time, to cover personal living costs.

[Reg. 23 substituted by GN R1040/88]

**24.** If a conscientious objector refuses to avail himself of accommodation as contemplated in regulations 20 and 22-

(1) he shall be responsible for his own accommodation arrangements and the expenditure attached to such accommodation; and

(2) he shall not receive the allowance contemplated in regulation 23.

[Reg. 24 substituted by GN R1040/88]

**24A.** A conscientious objector shall be entitled to accommodation for himself only.

[Reg. 24A inserted by GN R1040/88]

## **PART XIV**

### **25. Subsistence allowance**

An employer shall pay to a conscientious objector who is rendering community service and who is required to be absent from his headquarters on official duties in another city, town or place, in addition to any other allowances for accommodation to which he shall be entitled under these regulations, a subsistence allowance determined by the Minister of Manpower from time to time.

## **PART XV**

### **26. Camp allowance**

An employer shall pay to a religious objector who is rendering community service and who is required to be absent from his headquarters on official duties under circumstances where accommodation is not available, in addition to any other allowances to which he shall be entitled under these regulations, a camp allowance determined by the Minister of Manpower from time to time.

### **26A. Maritime allowance**

An employer shall pay to a conscientious objector who is required to serve on a ship, excluding any other allowances to which he may be entitled in terms of these regulations, a

maritime allowance determined, subject to the provisions of regulation 14, by the Minister of Manpower.

## **26B. Clothing allowance**

An employer shall pay to a conscientious objector who is rendering community service, a non-recurrent clothing allowance determined from time to time by the Minister of Manpower in terms of regulation 14.

[Reg. 26B inserted by GN R973/92]

## **PART XVI**

### ***Conveyance***

## **27. General**

A conscientious objector may for the purpose of the community service is obliged to render, be conveyed at the expense of his employer by any means determined by his employer.

### ***Conveyance between accommodation and place of work***

## **28. If public transport is available**

An employer shall pay to a conscientious objector, whose accommodation is more than three kilometres distant from his place of work and who is not conveyed by his employer, a travelling allowance sufficient to enable him to travel by means of available public transport from such accommodation to his place of work and back: Provided that such travelling allowance is not payable to a conscientious objector contemplated in regulation 24.

[Reg. 28 substituted by GN R1040/88]

## **29. If no public transport is available**

An employer shall pay to a conscientious objector to whom no public transport is available between his accommodation and his place of work, a travelling allowance as determined, subject to the provisions of regulation 14, by the Minister of Manpower from time to time, to enable the conscientious objector to travel between his accommodation and place of work by means of private transport: Provided that-

- (a) the travelling allowance in question -

- (i) shall only be payable to a conscientious objector whose accommodation is more than three kilometres distant from his place of work and who is not transported by his employer;
  - (ii) shall be based in each individual case on the true kilometre distance between the conscientious objector's accommodation and place of work, but limited to a maximum distance of 20 kilometres per single trip; and
  - (iii) shall not be payable to a conscientious objector contemplated in regulation 24, and
- (b) a conscientious objector makes use of private transport at his own risk.  
[Reg. 29 substituted by GN R1040/88]

### **30. Transport on commencement and completion of service**

Transport of a type and class determined by an employer shall be provided at the expense of the employer to a conscientious objector -

- (a) when he is required to travel from his home or place of residence to his headquarters to commence his community service;  
[Para. (a) corrected by GN R1315/84]
- (b) who is required to perform duties away from his headquarters in connection with or for the purpose of the community service he is obliged to render;
- (c) who must temporarily render community service from a camp where conveyance is required between the nearest shop and such camp for his personal subsistence; and
- (d) upon completion of his community service to return to his home or last place of residence.

### **31. Death**

Should a conscientious objector die whilst rendering community service, his body shall be conveyed at the expense of his employer to his last place of residence or to a place within the Republic of South Africa indicated by his next of kin as the place for his burial.

## **PART XVII**

### ***Uniform, protective clothing, equipment and tools***

### **32. General**

An employer shall issue to conscientious objectors at his own expense and at a scale applicable to officers and employees on his fixed establishment, the uniform, protective clothing, equipment, tools and other articles to be worn or used by them during and for the rendering of community service.

### **33. Maintenance**

A conscientious objector to whom issues have been made in terms of regulation 32, shall comply with all directives from his employer regarding the use, application, maintenance and storage of articles issued and any loss of or damage to such articles resulting from his intent or negligence, may be recovered from him by means of deductions from remuneration.

## **PART XVIII**

### **34. Indemnity-Application of the Workmen's Compensation Act, 1941(Act 30 of 1941)**

(a) The provisions of the Workmen's Compensation Act, 1941, are hereby made applicable *mutatis mutandis* for purposes of compensation for disablement caused by accidents or industrial diseases as defined in that Act or for death resulting from such accidents and diseases-

(i) to a conscientious objector who for any of the said reasons becomes disabled or dies whilst rendering community service under the Act; and

(ii) to an employer in whose employ such disablement or death occurs whilst community service is rendered under the Act.

(b) For the purposes of subregulation (a) -

(i) a conscientious objector who renders community service, shall be deemed to be a workman within the definition thereof in section 3 of the Workmen's Compensation Act, 1941,

(ii) an employer in whose employment community service is rendered, shall be deemed to be an employer within the definition thereof in section 5 of the said Act.

(c) For purposes of sections 38, 39 and 40 of the Workmen's Compensation Act, 1941, the monthly earnings of a conscientious objector shall be the salary, pay or allowances, to which he is entitled in terms of regulation 14 with the exception of the value of accommodation, allowances in connection with accommodation, living allowance, subsistence allowance, camp allowance and travelling allowance referred to in regulations 20, 21, 22, 23, 24, 25, 26 and 28 as well as any other benefit or privilege which can be calculated in terms of money.

[Para. (c) corrected by GN R1315/84]

### **34A. Medical, dental and hospital treatment**

The Minister of Manpower can, in consultation with the Minister of National Health and Population Development, determine conditions in respect of the payment of expenses for medical treatment incurred by conscientious objectors: Provided that expenses in respect of an illness existing prior to the commencement of the community service and expenses arising from a conscientious objector's own doing, shall not be refunded.

[Reg. 34A inserted by GN R1040/88]

## **PART XIX**

### *Use of official transport, vehicles, equipment and property and indemnity with regard to such use*

### **35. Definitions**

In this part, unless the context otherwise indicates-

- (a) "Official transport" means motor transport, being the property of the State or of an institution or body referred to in [section 72E](#) (4) (b) of the Act or hired by the State or such institution or body for use by its officers or employees in connection with their duties;
- (b) "property" means property of an employer required by his officers and employees for the performance of their duties, with the exclusion of mechanically propelled vehicles and equipment;
- (c) "regular use" means the driving, control, use and application of official transport, vehicles, equipment and property under circumstances and in a manner and for purposes which will not cause the conscientious objector to forfeit the indemnity referred to in regulation 38 for any of the reasons set out in regulation 40;

(d) “vehicles and equipment” means mechanically propelled vehicles and equipment of the employer required by his officers and employees for the performance of their duties.

### **36. Presumption of status**

A conscientious objector who is required or whose duty it is, whilst rendering community service, to make use of official transport in connection with his duties, or to use and to apply vehicles, equipment and property for the performance of his duties, shall in the regular use thereof be deemed to be an officer or employee of the employer with whom such community service is rendered by him.

### **37. Training in the use and application**

An employer shall at his own expense take the necessary steps to ensure that a conscientious objector becomes proficient in the driving, control, use and application of official transport, vehicles, equipment and property which he is required to use in connection with or for the performance of his duties and shall issue to him or cause to be issued to him the drivers' licences and proficiency certificates required for such use.

### **38. Exemption for damage**

A conscientious objector shall not be liable for any damage or loss resulting from or in connection with the regular use by him of official transport, vehicles, equipment and property, unless the circumstances giving rise to such damage or loss are attributable to a wilful act or omission on his part.

### **39. Security**

An employer shall at his own expense furnish the usual or necessary or legally required security for the use and application of official transport, vehicles, equipment and property, unless he is an employer who carries his own security and is exempted from the furnishing thereof by law.

### **40. Forfeiture of exemption**

A conscientious objector shall forfeit the exemption provided for in regulation 38-

(a) if he drives, controls uses and applies official transport, vehicles, equipment and property without being properly trained for the purpose and without being competent

and without being in possession of the necessary driver's licences or proficiency certificates;

(b) if he drives, controls, uses and applies official transport, vehicles, equipment and property without prior authority from an officer or employee entitled to grant such authority and where authority is required;

(c) if, whilst driving, controlling, using and applying official transport, vehicles, equipment and property, he is under the influence of intoxicating liquor or drugs;

(d) if he drives, controls, uses or applies official transport, vehicles, equipment and property for a purpose other than the purpose for which it is intended;

(e) if, whilst driving official transport or vehicles, he uses a route other than a route for which the trip was authorised;

(f) if, in the event of an accident whilst driving official transport or vehicles or of a mishap during the control, use or application of equipment or property, he makes admissions towards anybody which may compel an employer to responsibility for loss or damage resulting from or connected with such accident or mishap.

## **PART XX**

### *Granting of additional benefits disallowed*

#### **41. General**

An employer shall not in any manner whatsoever, either by way of remuneration, *in natura*, special benefits or allowances grant to a conscientious objector for the community service he must render, benefits other than those provided for in these regulations.

#### **42. ....**

[Reg. 42 substituted by GN R1040/88 and deleted by GN R125/94]

#### **43. No bursary benefits**

A conscientious objector shall not qualify for bursaries of any kind offered by his employer whilst rendering community service.

## **PART XXI**



#### 44. **Application of the Moratorium Act, 1963 (Act 25 of 1963)**

The provisions of the Moratorium Act, 1963, are hereby made applicable *mutatis mutandis* to conscientious objectors in respect of the first two years of community service which they shall be obliged to render in terms of [section 72E](#) (3) (a) of the Act, and “conscientious objector” and “community service” shall for this purpose have meanings corresponding to those of “citizen” and “service” within the definition thereof in [section 1](#) of the Act.

### **PART XXII** *Unsuitability for service*

#### 45. **General**

Whenever the chief executive officer in the service of an employer is of the opinion that a conscientious objector who is rendering community service with that employer-

- (a) has for any reason become unsuitable to continue with the service which he was ordered to render; or
- (b) refuses or fails to render the community service which he was ordered to render;

he shall cause a report to be prepared on an investigation conducted by him into the matter and shall submit such report together with his recommendations, to the Minister of Manpower for consideration.

[Reg. 45 corrected by GN R1315/84]

#### 46. **Minister determines another post or orders discharge**

Upon receipt of a report and recommendations in connection with a matter referred to in regulation 45 (a), the Minister of Manpower may order such further investigation as he may deem necessary, and if satisfied that the unsuitability is not attributable to any action on the part of the conscientious objector with intent to evade community service, he may-

- (a) order that community service for which the conscientious objector is suitable be continued in another post with an employer determined by him, or
- (b) order that the conscientious objector be discharged from a date determined by him if he is of the opinion that the unsuitability is of so grave a nature as to make continued community service impossible.

## 47. Refusal or failure to render service

If, after consideration of a report and recommendations in connection with matters referred to in regulation 45 (a) and (b), the Minister of Manpower is satisfied or reasonable suspects that an unsuitability for service is attributable to circumstances tantamount to refusal or failure on the part of the conscientious objector to render community service or that he has refused or failed to render such service, he shall cause such steps to be taken as may be necessary-

- (a) in the case of a conscientious objector, other than one referred to in subregulation (b) or (c), to charge him in a magistrate's court with the offence referred to in [section 72I](#) (2) (a) of the Act;
- (b) in the case of a conscientious objector referred to in [section 72I](#) (3) (b) of the Act, to secure his appearance before the court which imposed the sentence or another competent court for investigation and, if warranted, an order as provided for in that subsection; or
- (c) in the case of a conscientious objector whose refusal or failure to render community service is in conflict with the conditions of suspension of a sentence of detention imposed upon him in terms of [section 72I](#) (2) (a), to secure his appearance before a competent court for the enforcement of such sentence or the unexpired portion thereof.

[Reg. 47 corrected by GN R1315/84]

## PART XXIII *Discipline*

## 48. Channels of communication

Any request or communication from a conscientious objector shall be directed in writing to his employer who shall immediately forward it to the Director-General: Manpower and no direct request or communication, either written or oral, in connection with any matter regulated by these Regulations may be directed to the Minister of Manpower or his delegate: Provided that a conscientious objector may demand that such request or communication be submitted to the Director-General: Manpower or an officer authorised thereto by him.

[Reg. 48 substituted by GN R125/94]

## 49. Lawful instructions

- (1) (a) A conscientious objector who renders community service shall obey unconditionally a lawful instruction in relation to such community service given to him by a person authorised to do so.
- (b) During the rendering of community service a conscientious objector may-
  - (i) be a member and serve on the executive of a lawful political party; and
  - (ii) attend a public political meeting, but may not-
    - (aa) chair such a meeting or act as a speaker; or
    - (bb) draft a document or publish it, nor make a public speech to promote or to prejudice the interests of any political party.
- (2) A conscientious objector commits a disciplinary contravention if he-
  - (a) performs or permits to be performed or connives at any act which is prejudicial to the administration, discipline or efficiency of any department, institution, council, board or body;
  - (b) is negligent or indolent in the carrying out of his duties as defined in his duty sheet;
  - (c) without leave from his employer or due to circumstances other than circumstances beyond his control, absents himself from community service, or if he participates in a strike, protest march, stay-away or walk-out;
  - (d) uses threatening or insulting language towards any of his employer's clients or his colleagues or seniors or if he in word or deed opposes such clients, colleagues or seniors or assumes a scornful attitude towards them;
  - (e) conducts himself in a disgraceful, improper or unbecoming manner;
  - (f) uses intoxicants or stupefying drugs excessively;
  - (g) unlawfully misappropriates or makes improper use of any property of his employer;

- (h) with a view to obtaining any privilege or advantage in connection with his community service makes a false or incorrect statement, knowing it to be false or incorrect;
- (i) without the permission of his employer accepts or demands any commission, fee or pecuniary or other reward (not being the salary, pay or allowances payable to him in terms of regulation 14) for the performance of his duties; and
- (j) without obtaining permission beforehand from his employer, makes known other than in the performance of his duties, any information obtained as a result of his community service, or misuses such information.

[Reg. 49 substituted by GN R125/94]

## 50. Disciplinary procedure

- (1) (a) Should a conscientious objector commit an offence referred to in regulation 49,
  - his employer shall, within a reasonable time after the alleged offence was committed, hand to him a written warning and within 12 working days send a copy of the written warning and an explanation of the factual evidence that led to the warning, to the Director-General: Manpower marked for the attention of the Director: Personnel Management.
  - (b) The conscientious objector may within 10 working days after the date of the written warning, appeal at the chief executive officer in the service of the employer against the warning and shall be informed accordingly.
  - (c) The appellant shall provide full reasons for his appeal.
  - (d) The chief executive officer in the service of the employer, or someone authorised thereto by him, shall, within 10 working days after the lodging of the appeal, appoint a person who has no direct interest in the warning concerned as an independent investigating officer who shall investigate the facts which gave rise to the warning and consider the appeal and, within 10 working days after his appointment, make known his findings to the conscientious objector and to the employer.
- (2) If a conscientious objector again commits the same or a related offence, his employer shall hand him a final written warning, and should he then again commit the same or a related offence, or another offence which justifies more severe disciplinary

action, a disciplinary hearing shall be held.

(3) For the purposes of such a disciplinary hearing the chief executive officer in the service of the employer, or someone authorised thereto by him, shall appoint an investigating officer who shall investigate the alleged offence and if he is satisfied that the offence was committed, he shall collect the necessary evidence and proof thereof.

(4) (a) A hearing committee, consisting of a presiding officer and three other senior employees of the employer appointed by the chief executive officer in the service of the employer, or someone authorised thereto by him, shall arrange, through the good offices of the employer, as soon as possible after the alleged offence was committed a date, time and place for the hearing to take place: Provided that the conscientious objector shall be given a reasonable time to prepare his case.

(b) The presiding officer shall -

(i) if the employer is a department as defined in section 1 of the Public Service Act, 1984 (Act No. 111 of 1984), be a person with the rank of at least Deputy Director;

(ii) if the employer is an institution, council or body contemplated in section 84 (1) (f) of the Provincial Government Act, 1961 (Act No. 32 of 1961), be a person with the rank of at least a Deputy Director;

(iii) if the employer is a council as defined in section 1 of the Regional Service Councils Act, 1985 (Act No. 109 of 1985), be a person with the rank of at least a Deputy Director; and

(iv) if the employer is a board as defined in section 1 of the KwaZulu and Natal Joint Services Act, 1990 (Act No. 84 of 1990), be a person with the rank of at least a Chief Executive Officer.

(c) The presiding officer shall ensure that all those concerned are timeously notified of such date, time and place.

(d) The presiding officer shall also ensure that the conscientious objector in respect of whom a hearing is to be held is timeously notified of -

(i) the reasons for the hearing including sufficient particulars of the

accusation against him to allow him to prepare his defence;

(ii) the date, time and place of the hearing;

(iii) his right-

(aa) to be present at the hearing;

(bb) to be assisted or represented at the hearing by any representative (excluding a legal representative);

(cc) to call witnesses and to cross-examine witnesses called to testify against him;

(dd) to demand that an appropriate interpreter be provided to act at the hearing;

(iv) the fact that, should he fail to attend the hearing without good cause shown beforehand, the hearing could continue in his absence.

(5) The conscientious objector shall, within three working days after the delivery to him of the notice of the hearing, notify the presiding officer at the hearing-

(i) of the names and particulars of the witnesses he wishes to call;

(ii) whether he intends to appoint someone to represent him; and

(iii) whether, and for what reasons, it is necessary to arrange for an interpreter.

(6) During the hearing the investigating officer shall act as a prosecutor and the presiding officer or any other member of the hearing committee may ask questions for clarification of evidence or arguments.

(7) If the majority of the members of the hearing committee should find the conscientious objector guilty of the offence, the committee may-

(a) issue a warning to or reprimand the conscientious objector; or

(b) impose a fine not exceeding R50.

(8) The presiding officer shall notify the conscientious objector of the decision, the reasons for the decision and the penalty.

(9) The presiding officer shall keep complete minutes of the hearing by, and findings of, the hearing committee, and shall, within 14 working days after the hearing, send a copy of the minutes to the Director-General: Manpower.

(10) The conscientious objector shall have the right to appeal to the Director-General: Manpower, or an officer authorized thereto by him, and such appeal shall be forwarded to the Director-General: Manpower through the good offices of the employer of the conscientious objector within 15 working days after the findings of the hearing committee have been made known.

[Reg. 50 substituted by GN R125/94]

## **51. Guidelines in considering appropriate disciplinary action**

The following guidelines shall be taken into account in considering the appropriate disciplinary action:

- (a) The seriousness of the offence.
- (b) The circumstances under which the offence was committed.
- (c) The conscientious objector's general behaviour and conduct during the rendering of his community service.
- (d) Precedents created by the employer (in other words the action usually taken under similar circumstances).
- (e) Personal circumstances of the conscientious objector.
- (f) Any extenuating or aggravating circumstances.
- (g) How often the specific offence is usually committed.
- (h) The effect of the disciplinary action on the other employees on the fixed establishment of the employer.
- (i) The effect of the disciplinary action on the conscientious objector concerned, for example the probability of rehabilitation.



(j) The extent of any damage caused for the employer.

[Reg. 51 corrected by GN R1315/84 and substituted by GN R125/94]

## **PART XXIV**

### **52. Delegation of authority**

(a) A person upon whom any authority has been conferred by these regulations, may, if he

deems it expedient for the efficient administration of the business of his employer, delegate that authority in whole or in part to a subordinate on such conditions as he may determine.

(b) A delegation made in terms of this regulation may be revoked at any time.

## **PART XXV**

### **53. Offences and penalties**

Any person who contravenes any provision of these regulations, or fails to comply therewith, shall be guilty of an offence and liable on conviction to a fine, or to imprisonment for a period not exceeding six months.

[Reg. 53 substituted by GN R125/94]

# DEFENCE ACT 44 OF 1957

## DETENTION BARRACKS REGULATIONS

Published under Government Notice R1190 in *Government Gazette Extraordinary* 131 of 8 December 1961 and amended by:

**GN R1949**

**GG 5317**

**22/10/76**

The State President has been pleased, in terms of paragraph (q) read with paragraph (s) of sub-section (1) of [section eighty seven](#) of the Defence Act, 1957 (Act No. 44 of 1957), as amended, read with sub-section (3) of section one hundred and twenty of the [First Schedule](#) to the said Defence Act, 1957, as amended, to repeal the Regulations for the Government, Control and Management of Detention Barracks and Military Prisons promulgated under Government Notice No. 924, dated 10th June, 1938, and subsequent amendments thereof, and to make the following Detention Barracks Regulations: -

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#### CHAPTER I PRELIMINARY

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### **1. Definitions**

In these regulations unless the context otherwise indicates -

- (i) **“arrested person”** means any person who is confined in a detention barracks in terms of Rule *five*; (ii)
- (ii) **“Code”** means the Military Discipline Code; (xii)
- (iii) **“Commandant General, SADF”** includes the General Officer Commanding referred to in the Code and the Rules; (vii)
- (iv) **“convicted person”** means any person who is confined in a detention barracks pending confirmation or review or both confirmation and review of his conviction or sentence; (v)
- (v) **“detention barracks”** means any place, prison or detention barracks appointed or established in terms of [section one hundred and twelve](#) of the Act or section one hundred and twenty or one hundred and twenty-one of the Code; (iii)
- (vi) **“hospital”** includes any medical or nursing institution or sick bay; (vi)
- (vii) **“inmate”** means any person in a detention barracks who is an arrested or convicted person or a person serving a sentence; (i)
- (viii) **“medical officer”** means any registered medical practitioner and where applicable any registered dentist serving as a medical or dental officer in the SADF or designated for the treatment of an inmate; (ix)
- (ix) **“officer commanding command”** means the officer commanding any territorial command, air force group or equivalent command or formation controlling a detention barracks; (viii)
- (x) **“person serving a sentence”** means any person who, subject to the provisions of sub-rule (4) of rule *one hundred and twenty*, is serving a sentence of imprisonment, detention or field punishment, in a detention barracks; (xvii)
- (xi) **“prohibited article”** means anything referred to in regulation 20 of Chapter III of these regulations; (xviii)
- (xii) **“rule”** means a rule promulgated in terms of subsection (3) of [section one hundred and four](#) of the Act and published in Government Notice No. 760, dated 30th May, 1958, as amended from time to time; (xi)

- (xiii) **“SA”** means South Africa or South African; (xiii)
- (xiv) **“SACMP”** means the South African Corps of Military Police; (xv)
- (xv) **“SADF”** means South African Defence Force; (xiv)
- (xvi) **“Secretary”** means the Secretary for Defence; (xvi)
- (xvii) **“staff member”** means any person referred to in regulation 1 of Chapter II of these regulations other than the officer commanding command; (x) and
- (xviii) **“the Act”** means the Defence Act, 1957 (Act No. 44 of 1957). (iv)

## 2. Title

These regulations shall be called the Detention Barracks Regulations

### CHAPTER II

#### ORGANISATION AND CONTROL

## 1. Command over and Staff of Detention Barracks

(1) Every detention barracks shall be controlled by the officer commanding command concerned and shall be commanded by an officer of the SACMP who shall be appointed and designated as superintendent: Provided that where an officer of the SACMP is not available, any other officer of the SADF may be so appointed and designated.

(2) The staff of a detention barracks shall consist of members of the SACMP or, if such members are not available, of other members of the SADF or Auxiliary Services.

## 2. Organisation of Detention Barracks

(1) Subject to the provisions of sub-regulation (2), every detention barracks shall, in so far as the available facilities and staff permit, be organised, controlled and managed so that a person serving a sentence shall be treated and trained in such manner that, on his release, he may be better equipped to adjust himself in employment and the community.

- (2) Every detention barracks shall be organised so that -
- (a) categories of or individual inmates may, in accordance with the provisions of these regulations, be segregated or solitarily confined;
  - (b) mutual contact between arrested persons and other inmates shall as far as possible, be avoided;
  - (c) where circumstances permit accommodation or other suitable facilities are made available for-
    - (i) the administration of the detention barracks, its staff and inmates;
    - (ii) the medical examination and treatment of inmates;
    - (iii) the reception of visitors by inmates;
    - (iv) divine services; and
    - (v) productive employment and training; and
  - (d) where possible, a library containing literature of a constructive and educational nature may be placed at the disposal of inmates.

### **3. Duties of Superintendent**

Every superintendent shall, in addition to any other duty imposed upon him by the Act or these regulations, be responsible -

- (a) for the proper administration of his detention barracks in accordance with the laws, instructions and orders applicable to such detention barracks;
- (b) for the safe custody and officially authorised use of Government property under his control;
- (c) to ensure that sentences are executed with due regard to regulation 2 of this chapter;
- (d) for the training, discipline and efficiency of staff members and the training, discipline and welfare of inmates:



- (e) to ensure the proper receipt, custody and accounting for the money and property of inmates; and
- (f) to check regularly the registers referred to in regulation 3 of Chapter III and to ensure that these are properly maintained.

#### **4. Duties of Staff Members**

Every staff member shall, in addition to any other duty imposed upon any staff member by these regulations, be responsible to -

- (a) ensure that the provisions of these regulations and any other applicable orders and instructions are meticulously complied with and that the orders of the superintendent and higher authority are carried out;
- (b) acquaint himself with the personal characteristics of every person serving sentence;
- (c) act strictly but judiciously towards and to avoid harsh treatment of inmates;
- (d) set an example of integrity and justice at all times; and
- (e) avoid familiarity and fraternisation with inmates and to command their respect.

#### **5. Duties of Medical Officers**

A medical officer designated for the purpose by the Surgeon General or his duly authorised representative shall, in addition to any other duty imposed upon him under these regulations be responsible -

- (a) for the examination and medical treatment of inmates;
- (b) to visit sick inmates, those in solitary confinement or under mechanical restraint and persons sentenced to death, as frequently as necessary or as prescribed by these regulations;
- (c) to advise the superintendent of any case where the execution of a duty, any training or punishment, or the application of mechanical restraint should, because it may affect the health of the inmate concerned, be terminated or modified; and

(d) to report to the superintendent any medical or health matter concerning the detention barracks or any inmate thereof, which should be brought to the notice of the superintendent.

## **6. Duties of Chaplains**

Every chaplain shall, in addition to any other duty imposed on him by these regulations, be responsible to -

- (a) minister to the spiritual needs and welfare of inmates and to officiate at such divine services as may be arranged;
- (b) inform the superintendent of any complaint or dissatisfaction which to his knowledge exists among inmates; and
- (c) assist the superintendent in connection with any matter affecting the welfare of inmates and their next-of-kin.

## **7. Inspections**

- (1) The officer commanding command or an officer (not being the superintendent) designated by him for the purpose, shall inspect every detention barracks under his control at least once every week.
- (2) The superintendent or a staff member designated by him shall inspect his detention barracks and all inmates at least once every day and the superintendent shall visit the detention barracks at least once every week during the hours of darkness.
- (3) A medical officer or other suitably trained person designated for the purpose by the Surgeon General or his duly appointed representative, shall inspect every detention barracks concerned, at least once every week, to ensure an adequate standard of hygiene is maintained in such detention barracks

## **8. Annual Reports**

The superintendent shall, as soon as possible after 1<sup>st</sup> January of every year and in respect of the preceding year furnish the officer commanding command with a written report in respect of his detention barracks setting forth particulars of-

- (a) the number of inmates admitted to and released from the detention barracks;
- (b) the training and productive employment of the inmates and staff members;
- (c) the discipline, morale and health of inmates;
- (d) the effect of new instructions and orders issued;
- (e) proposals regarding improvements;
- (f) the condition and suitability of buildings and accommodation;
- (g) the discipline, morale and efficiency of staff members; and
- (h) any other matter which he considers should receive attention or in connection with which the officer commanding command requires that a report be made.

## **CHAPTER III**

### **ADMINISTRATION**

#### **1. Orders and Instructions**

Subject to direction by the office commanding command concerned, the superintendent shall issue orders and instructions for giving effect to these regulations and for the proper control, functioning and administration of his detention barracks

#### **2. Publication of Regulations, Orders and Instructions.**

The superintendent shall ensure that staff members and inmates are given every facility to acquaint themselves with these regulations and such orders and instructions of which they should have knowledge, issued under regulation 1 of this chapter.

#### **3. Registers**

The superintendent shall, in addition to any other registers maintained in accordance with administrative instructions for the SADF, ensure that the registers, referred to in the following paragraphs and reflecting at least the information prescribed therein, are maintained for his detentions barracks, namely -

- (a) a Gate Register in which, in respect of every person entering or leaving the detention barracks, shall be reflected-
  - (i) his name and address; and
  - (ii) the date and time of, and reason for his entry into or exit from such detention barracks;
- (b) a Register of Inmates in which shall be recorded the -
  - (i) particulars referred to in regulation 12 of this chapter;
  - (ii) date and time of, and reason for the admission of any inmate as stated in the warrant applicable to him; and
  - (iii) date and time of, and reason for the release of any inmate;
- (c) a Register of Inmates' Property in which, in respect of any property referred to in regulation 14 of this chapter, shall be reflected-
  - (i) the number, rank, full names and unit of the inmate concerned;
  - (ii) full details of every article handed over by or taken from such inmate; and.
  - (iii) the signature of such inmate at the handing over, taking away or return of property and of the staff member making the entry;
- (d) an Occurrence Book in which shall be reflected the-
  - (i) date, time and a short description of every occurrence affecting inmates or the control and management of the detention barracks including the performance of routine duties by staff members, immediately after such occurrence has taken place;
  - (ii) signature of the staff member who made the entry; and
  - (iii) signature of any officer who in terms of these regulations carried out an inspection of the detention barracks;
- (e) a Remission of Sentence Register in which shall be recorded at least the -

- (i) number, rank, full names and unit of every inmate to whom remission of sentence has been granted in terms of regulation 12 of Chapter IV;
  - (ii) number of days remission of sentence granted, or forfeited in terms of regulation 13 of Chapter IV; and
  - (iii) date and reason for forfeiture of remission of sentence;
- (f) a Punishment Register in which shall be recorded-
- (i) the number, rank, full names and unit of every inmate who, while he is detained commits an offence and is tried and sentenced therefor;
  - (ii) particulars of the trial officer or court which imposed the sentence and the date of imposition thereof;
  - (iii) brief particulars of the offence and full particulars of the sentence;
- (g) a Key Register in which shall be reflected the -
- (i) number of every key and of the door or gate for which it is intended;
  - (ii) date and time of the removal of any key from and return of every key to the key-cupboard referred to in regulation 19 of this chapter; and
  - (iii) signature of the staff member who removes or returns the key; and
- (h) a Medical Register in which shall be recorded at least -
- (i) the name of any visiting medical officer and the date and time of his visit;
  - (ii) a brief entry by such medical officer regarding the tasks performed by him during such visit;
  - (iii) any instructions by such medical officer in connection with the medical treatment of an inmate including instructions in regard to his admission to hospital, or any advice in terms of paragraph (c) of regulation 5 of Chapter II in respect of any limitation of his employment, training or service of a sentence as a result of his physical unfitness; and

- (iv) the signature of the medical officer making the entry.

#### **4. Admission to Detention Barracks**

Subject to the provisions of regulation 5 of this chapter, no person shall be admitted to any detention barracks without the approval of the superintendent or, in his absence, the senior staff member on duty

#### **5. Control of Visitors and Vehicles**

(1) The superintendent or the senior staff member on duty at a detention barracks may allow the admission of any person or vehicle to the detention barracks, subject to such reasonable conditions as he may determine and may require any person who desires admission to the detention barracks to subject himself or any article in his possession or in his vehicle, to search.

(2) No person shall, without the approval of the superintendent, be permitted to make a sketch or take a photograph of any person or thing in a detention barracks or make contact with any inmate and no person shall remain inside a detention barracks after he has been requested or ordered to leave by any staff member.

(3) Any person who refuses to comply with any condition imposed in terms of sub-regulation (1) or abuses the privilege of visiting or consulting with an inmate or fails to comply with any condition so imposed, may be refused admission to the detention barracks or forthwith removed from such detention barracks.

(4) Any staff member who on reasonable grounds suspects that a person has contravened these regulations or committed any other offence whilst in a detention barracks, may detain such person or cause him to be detained and shall report the occurrence without delay to the superintendent or the officer commanding command and such superintendent or officer commanding command, as the case may be, may if necessary, order that the person suspected be searched.

(5) No article shall be handed to or received from an inmate by any person except with the approval of and in the presence of a staff member who may in his discretion examine such article.

#### **6. Scales of Provision**

- (1) The Quartermaster General shall, where necessary in consultation with the Chiefs of Staff and Heads of Sections, and having regard to the requirements of detention barracks and inmates and subject to the approval of the Commandant General, SADF, determine scales in respect of the kind, model, design or pattern, number or quantity of the stores, arms, ammunition, equipment, mechanical restraint, articles of clothing, necessaries, training aids and toilet articles of any nature whatsoever which may be provided to any detention barracks, staff member or inmate at public expense, and in which the times of issue thereof shall be detailed.
- (2) The scales referred to in sub-regulation (1) may make provision for service or loan issues to detention barracks, staff members or inmates either for utilisation or as a reserve.
- (3) The Adjutant General in consultation with the Quartermaster General may determine the articles of clothing and personal equipment which a member of the SADF, Reserve, Cadet Officers Training Corps or Auxiliary Services shall have in his possession on admission to a detention barracks.
- (4) Subject to the provisions of sub-regulation (3) and any scale of provision drawn up in accordance with sub-regulation (1), the superintendent shall determine the dress of inmates in his detention barracks.

## **7. Disinfecting and Cleansing of Articles of Clothing and Shaving Equipment**

Every article of clothing or shaving equipment which has been issued on loan and which has come into contact with the body of the user, shall not be issued to another staff member or inmate until such articles have been cleaned and disinfected as determined by the Surgeon General from time to time.

## **8. Rations and Other Edibles**

- (1) The scale of rations issued in respect of inmates, shall be the same as that applicable to members of the SADF or Auxiliary Services, as the case may be: Provided that an inmate sentenced to spare diet shall be entitled only to one pound of bread per day and as much water as he wants to drink.
- (2) An inmate shall, subject to the provisions of regulation 20 of this chapter, not be permitted to receive or consume any edibles other than the rations under sub-regulation (1): Provided that a medical officer may, in exceptional cases, in his discretion prescribe foodstuffs other than those provided for in the ration scale.



## **9. Applicability of Financial Regulations**

The Financial Regulations published in Government Notice No. 535 of 1926, as amended from time to time, and the Departmental Stores Instructions of the Department of Defence issued in terms of the said Financial Regulations shall be applicable with regard to the purchase, control, care, custody, maintenance and issue of any arms, equipment, articles of clothing or any other stores which are Government property, and which are used in a detention barracks, or by a staff member or any inmate.

## **10. Warrants**

- (1) No person shall be admitted to a detention barracks or shall during his detention be released or removed to another detention barracks, prison or gaol unless a warrant for his remand, committal, release or removal has been lodged with the superintendent.
- (2) Subject to the provisions of paragraph (b) of regulation 35 of this chapter, the superintendent shall retain in safe keeping all warrants and other documents in connection with the remand or committal in or release or removal from a detention barracks of an inmate.

## **11. Search**

- (1) Every inmate shall be searched on admission to a detention barracks and when he returns from any place of work outside the detention barracks, and may be searched at any time during detention.
- (2) Any search in terms of sub-regulation (1) and regulation 5 of this chapter shall be conducted in a seemly manner and as far as possible without injury to self-respect, and shall only serve the object of and be sufficiently thorough for, detecting any unauthorised articles.
- (3) Every search shall be carried out only by a staff member, a person of one sex shall not be permitted to search any person of the opposite sex or to be present during the search of a person of the opposite sex, a white person shall not be searched by a non-white person and undressing for the purpose of search shall as far as possible, not take place within the presence or sight of other persons.

## **12. Recording of Personal Particulars**

On the admission of any inmate to a detention barracks, the following personal particulars shall be recorded in the Register of Inmates referred to in paragraph (b) of regulation 3 of this chapter namely his -

- (a) number, rank, full names and unit;
- (b) marital status;
- (c) date of birth;
- (d) height, general physique, complexion, the colour of his eyes and hair and any scars or marks on his body;
- (e) next-of-kin's full name and address, and
- (f) religious denomination.

### **13. Medical Examination on Admission**

- (1) Every inmate shall as soon as possible after his admission to a detention barracks be examined by a medical officer.
- (2) No person serving a sentence shall be required to carry out any duties or work pursuant to his sentence unless he has been examined by a medical officer.
- (3) Any medical officer conducting an examination in terms of sub-regulation (1) or (2) shall enter details thereof in the Medical Register referred to in paragraph (h) of regulation 3 of this chapter.

### **14. Disposal of Property of Inmates**

- (1) Any inmate who on admission to a detention barracks or during his detention, has in his possession any money or any other private or Government property not required for the execution of his duties or any unauthorised article referred to in regulation 20 of this chapter, shall hand such money, property or article, to a staff member and if any such inmate fails to do so, such money, property or article shall be taken from him by a staff member.
- (2) Full details of any money, property or article handed over or taken in terms of sub-regulation (1) shall be entered by the staff member to whom it is handed or who takes it

from the inmate, in the Register of Inmates' Property referred to in paragraph (c) of regulation 3 of this chapter and the entry shall be signed by the inmate and the staff member concerned.

(3) Such money, property or article shall be clearly marked, locked up in a strong-room or other secure place and, subject to the provisions of sub-regulations (4) and (5), be returned to the inmate concerned against his signature on his release or removal to another detention barracks.

(4) The superintendent may on the written application of any inmate, authorise that any money, property or article taken from or handed over by him, be returned to him for authorised use or despatch out of the detention barracks: Provided that a receipt shall be obtained from the inmate for such money, property or article, the entry in the Register of Inmates' Property shall be amended accordingly and such amendment shall be signed by the staff member effecting the return.

(5) Whenever any inmate is removed from one detention barracks to another, any money, property or article handed over or taken in terms of sub-regulation (1) which in terms of this regulation is retained on his behalf (except any property or article which he could use to effect his escape or physically injure himself or any other person) shall be returned to him and any property or article which is not so returned shall, together with an inventory thereof, be sent to the superintendent of the detention barracks to which he is being removed.

(6) Where any inmate dies or is executed, or escapes and is not taken into custody within six months, any Government property handed over or taken in terms of sub-regulation (1) shall be returned to the nearest stores depot in the normal manner, and any property so handed over or taken, which is his private property, shall be listed, packed and forwarded at State expense or handed to his next-of-kin who shall be required to acknowledge receipt thereof.

## **15. Confinement of Inmates**

(1) No cell shall be used for the confinement of any inmate unless the Surgeon General or his authorised representative is satisfied that the size, lighting, heating, ventilation and equipment thereof complies with health requirements, and every cell shall be so equipped that while any inmate is confined therein, he may summon a staff member

(2) Every inmate shall be locked up separately and where separate confinement is not

possible, not less than three inmates shall be locked up in one and the same cell.

(3) Where the exigencies of the service so demand, the superintendent may, as a temporary measure, approve a departure from the provisions of this regulation.

## **16. Safe Custody of Inmates**

Every inmate shall at all times be held in safe custody and shall either be confined in a cell or be guarded by a staff member, as the case may be: Provided that the superintendent may determine the number of inmates who may, under varying circumstances, be guarded by one and the same staff member.

## **17. Continuous Guarding**

(1) Every inmate who has been sentenced to death, who is being treated beyond the confines of the detention barracks in a hospital [except an institution established in terms of the Mental Disorders Act, 1916 (Act No. 38 of 1916)], who is being taken from one place to another or who is performing any duty outside a detention barracks, shall be guarded continuously.

(2) Any inmate who is taken to or from any detention barracks or who is for any reason outside a detention barracks, shall be subjected to a minimum of exposure to the public and adequate steps shall be taken by the person in whose charge he is to protect him from public insult or curiosity.

## **18. Cell Patrols**

Every inmate confined in a cell, shall be visited at regular intervals by a staff member as the superintendent may determine and such staff member shall ascertain the condition of the inmate by looking through the peep-hole and shall not enter such cell alone.

## **19. Control of Keys**

(1) All keys in use at a detention barracks, other than such keys in the personal custody of any staff member, shall, when not in use, be locked in a key-cupboard, the key of which shall be entrusted to the senior staff member on duty.

(2) The duplicate of any key in the personal custody of a staff member, shall be kept in such key-cupboard in a sealed envelope which shall only be opened in case of emergency and, where such envelope is so opened, the occurrence shall be recorded in

the Occurrence Book referred to in paragraph (d) of regulation 3 of this chapter and reported to the superintendent as soon as possible.

(3) When a key is removed from or replaced in the key-cupboard, an entry to this effect shall be made in the Key Register referred to in paragraph (g) of regulation 3 of this chapter and such entry shall be signed by the person who removes or replaces the key.

## **20. Unauthorised Articles**

Any article other than an article which any inmate may, on his admission, be permitted to have in his possession in accordance with these regulations or which may be issued to him from Government sources for the purpose of his detention, shall be considered to be an unauthorised article which such inmate may not have in his possession and which shall not, without the authority of a staff member, be handed to, supplied or in any other manner be made available to such inmate by any person.

## **21. Examination of and Attachment of Postal Matter and Other Articles**

Subject to the provisions of any regulations promulgated in terms of [section one hundred and one](#) or [one hundred and three](#) of the Act, the superintendent or any staff member authorised by him for the purpose, may open or examine any postal matter, package, article or thing which may be brought into or taken out of any detention barracks by any means whatsoever and where such postal matter, package, article or thing is or contains an unauthorised article referred to in regulation 20 of this chapter or is required as an exhibit in any prosecution or disciplinary step which may be contemplated, he may attach such postal matter, package, article or thing: Provided that such postal matter, package, article or thing which has been attached or which, after it has served as an exhibit, is returned to the superintendent, shall be disposed of in accordance with the provisions of regulation 14 of this chapter: Provided further that where such postal matter, package, article or thing contains any perishable goods the inmate concerned may decide how such goods are to be disposed of.

## **22. Medical Treatment of Inmates who are Members of the SADF, Reserve, Cadet Officers Training Corps or Auxiliary Services**

Any inmate who requires medical treatment while he is a member of the Permanent Force, Citizen Force, Commandos, Reserve, Cadet Officers Training Corps or Auxiliary Services, shall receive such treatment, as the case may be, in accordance with the regulations for the Permanent Force, Citizen Force, Commandos, Reserve, Cadet Corps or Auxiliary Services,

read where necessary, with the provisions of [section one hundred and forty-five](#) or [one hundred and forty-six](#) of the Act.

### **23. Medical Treatment of Other Inmates**

(1) Any inmate other than an inmate referred to in regulation 22 of this chapter who requires medical treatment in terms of [sections one hundred and forty-five](#) and [one hundred and forty six](#) of the Act and sub-regulations (2) and (3), shall receive such treatment at Government expense by a medical officer or a district surgeon and, in applicable cases, in a military or provincial hospital: Provided that where in exceptional circumstances, such treatment is provided by any other registered medical practitioner or dentist or in any other hospital the Surgeon General may, in consultation with the Secretary and with due regard to what it would cost the Government if the treatment were provided in accordance with the provisions of this regulation, authorise the payment from public funds of the costs in connection therewith.

(2) The medical and other treatment provided for in [section one hundred and forty-six](#) of the Act shall be provided for the period of detention and treatment which was commenced during such period may, with the approval of the Surgeon General, be continued for a period not exceeding 90 days after the release of the inmate from detention: Provided that the Surgeon General may, in exceptional cases, authorise an extension of the aforesaid period of 90 days.

(3) Except in cases where dental treatment of an inmate is necessary for an illness, wound or injury caused or aggravated by the execution of any duty or function imposed upon him in pursuance of his detention, such treatment shall, while he is detained, be limited to dental advice, simple extractions and temporary fillings of teeth in urgent cases.

### **24. Maintenance of Personal Cleanliness**

(1) An inmate shall, in addition to any other duty imposed upon him in pursuance of these regulations, devote such and so much attention to his personal cleanliness and the cleanliness of his cell or other place of detention as may be demanded of him by the superintendent and he shall carry out any task which may be imposed upon him in this connection.

(2) The hair on an inmate's head shall be cut at least once per week to conform to the requirements of cleanliness and tidiness but no person's hair shall be cropped or shaved unless he so requests or a medical officer so orders on medical grounds.



(3) the face of an inmate shall be clean shaven: Provided that -

(a) if on admission he has a beard or moustache, he shall not be required to shave it off; and

(b) a medical officer may on medical grounds, authorise or order a departure from the provisions of this regulation.

## **25. Daily Routine and Duties of Inmates**

(1) The superintendent shall, subject to the provisions of sub-regulations (3), (4) and (5) and with due regard to the principle that inmates must work in association with each other and be separated at all other times and with the approval of the officer commanding command concerned, determine the daily routine for inmates and every inmate shall comply with such routine.

(2) Subject to any limitation which a medical officer may impose on his employment or training and the provisions of sub-regulations (4) and (6), a person serving a sentence may, over and above the performance of personal hygiene, be required to perform or undergo physical or other labour, duty or training of at least six and not more than nine hours every day, excluding meal times: Provided that any extra labour or military instruction imposed upon such person in accordance with regulation 3 of Chapter IV, shall not be included in the calculation of such number of hours.

(3) If at any time it appears to be in the interests of the good order and discipline of a detention barracks or of any person serving a sentence, that he should work alone, the superintendent may order that such person shall work in isolation in his cell or elsewhere: Provided that the superintendent shall, in consultation with the medical officer, ensure that such isolation is not detrimental to the physical and mental well being of the person serving his sentence.

(4) An inmate sentenced to solitary confinement with or without spare diet, shall, except for the performance of his personal hygiene, not be required to perform or undergo physical or other labour, duty or training while serving such sentence.

(5) An arrested or convicted person shall, except for the performance of his personal hygiene, not be required to perform or undergo physical or other labour, duty or training, but may be required to take exercise for not more an one hour per day.



(6) Except for the performance of personal hygiene and domestic barrack duties, a person serving a sentence shall not be required to perform or undergo physical or other labour, duty or training on a Sunday, Christmas Day, Day of the Covenant, Good Friday or Ascension Day: Provided that where the Sabbath of any person serving a sentence is any day other than a Sunday, such other day shall be deemed to be his Sunday.

## **26. Prohibition on unauthorised work**

The services of an inmate shall not be utilised directly or indirectly for the personal benefit of any person.

## **27. Postal Privileges**

(1) Subject to the provisions of regulations 14 and 21 of this chapter and sub-regulation (2), an inmate shall be permitted to receive every postal article addressed to him and to write as many letters as he may wish: Provided that a person serving a sentence shall be permitted to write only one letter per week.

(2) Where an inmate does not possess the necessary funds to purchase writing materials or stamps, writing materials may be furnished to him within reasonable limits from Government stores and one letter per week may be franked for him at State expense.

## **28. Smoking Privileges**

(1) Save as otherwise provided in these regulations and subject to the provisions of sub-regulation (2), an inmate shall be permitted to smoke and the superintendent shall indicate the places where and determine the times when and the conditions under which an inmate may have access to and use his smoking requisites.

(2) An inmate shall not smoke in any cell or keep tobacco, a pipe, cigarettes, matches, cigarette lighters or anything of a similar nature in his cell or on his person or in any other place other than that indicated by the superintendent for the purpose.

## **29. Purchases**

The superintendent may permit an inmate to purchase with money held on his behalf anything which such inmate may have in his possession or use.

## **30. Visits by Relatives and Friends**

(1) An inmate, other than an inmate in solitary confinement, may, at the discretion of the superintendent and at such times and places as he may determine, receive visits from relatives and friends.

(2) Any visit in accordance with sub-regulation (1) shall not be of more than two hours duration on any day and shall be arranged so that a staff member may at all times see and hear what transpires.

### **31. Consultation with Counsel**

(1) An inmate who is a party to or a witness in any legal proceedings, shall be afforded every reasonable opportunity and facility of consulting with counsel concerned and any such consultation shall be arranged so that a staff member can see but not hear what transpires.

(2) An inmate may, with the approval of the superintendent, consult with his counsel on any other legal matter: Provided that such consultation takes place in the detention barracks and within the sight and hearing of a staff member: Provided further that where such counsel fails to confine his consultation to the legal matter concerned such approval may be withdrawn by the superintendent who may order his removal from the detention barracks and such counsel shall comply with such order.

### **32. Visits by Chaplains or Medical Officers**

Where a chaplain or medical officer visits or consults with an inmate, the superintendent or senior staff member on duty may, at the request of the chaplain or medical officer, dispense with direct supervision of the inmate for the duration of the visit or consultation.

### **33. Attendance at Religious Services**

Any inmate other than an inmate in solitary confinement, shall be permitted to attend any divine service or religious instruction held or given in the detention barracks.

### **34. Study Facilities**

An inmate shall be given every reasonable opportunity and facility to study in his cell or in any other place in the detention barracks which the superintendent may determine: Provided that expenditure in this connection shall not be met from public funds.

### 35. Transfer

Where an inmate is transferred from one detention barracks to another, the superintendent of the barracks which he leaves shall furnish the escort for transmission by him to the superintendent of the barracks to which the inmate is being transferred with-

- (a) the personal records of the inmate if these are in his possession;
- (b) in the case of a person serving a sentence, the committal warrant and any other documents relating to his conviction or sentence;
- (c) a medical certificate issued in accordance with paragraph (b) of regulation 5 of Chapter II; and
- (d) a certified extract of any entries in the Remission of Sentence Register in respect of the inmate concerned.

### 36. Procedure on Payment of Fines

- (1) Any unexpired period of imprisonment imposed in terms of paragraph (a) of subsection (6) of section *ninety-three* of the Code shall, on payment of the fine or part thereof, be terminated or reduced, as the case may be, in accordance with the provisions of sub-regulation (2) or (3): Provided that-
  - (a) In any calculation in accordance with sub-regulations (2) and (3) any part of a day shall be disregarded;
  - (b) an amount which could reduce the period of imprisonment by a fraction of a day shall not be accepted; and
  - (c) payment of fines shall be accepted only during normal working hours.
- (2) A person serving a sentence shall be released on payment of an amount which bears the same ratio to the fine imposed, as that which the unexpired period of his imprisonment bears to the full period imposed upon him: Provided that-
  - (a) the day on which payment is made, shall be included in the period served; and
  - (b) such unexpired period of imprisonment shall be reduced by a period of remission of sentence calculated in accordance with the provisions of regulation 12

of Chapter IV, in respect of the period of imprisonment already served, less any period of forfeiture of remission of sentence in terms of the provisions of regulation 13 of that chapter.

- (3) Where any person serving a sentence pays a portion of the fine imposed upon him [other than that portion referred to in sub-regulation (2)], his period of imprisonment shall be reduced by a period which bears the same ratio to the full period imposed upon him, as that which the amount paid, bears to the full fine imposed upon him.
- (4) An official receipt shall be issued in respect of any money received in accordance with this regulation.

### **37. Interruption of Sentences**

- (1) The period of any sentence of detention, or field punishment or imprisonment served in any detention barracks, shall be interrupted by any period of-
- (a) unauthorised absence from the detention barracks after a period of parole granted in terms of regulation 14 of Chapter IV, has lapsed or expired;
  - (b) absence from the detention barracks as a result of escape, calculated from the date of escape up to and including the date of re-arrest or voluntary surrender; or
  - (c) full-time treatment in a hospital as a result of an illness, wound or injury caused or aggravated by the own serious misconduct of the convicted person or person serving a sentence while detained in a detention barracks;

and the date of termination of such sentence shall be deferred for a period equal to the period of such absence or treatment.

- (2) Where a person serving a sentence is unlawfully released from a detention barracks on a date prior to the date determined for his release in accordance with these regulations, he may on the authority of the Commandant General, SADF or an officer authorised by him for the purpose, be required to serve the unexpired portion of such sentence.

### **38. Date and Time of Release**

- (1) In calculating the date on which a sentence served in a detention barracks shall terminate, and subject to the provisions of section *one hundred and eighteen* of the

Code and. paragraph (b) of section *twenty-two* of the Military Discipline Code for the Auxiliary Services -

- (a) a day shall be deemed to be a period of twenty-four hours extending from mid-night to mid-night, or any portion thereof;
- (b) a month shall be deemed to be any period extending from any specific day in any month up to and including the day preceding the day in the following month which corresponds numerically to that day; and
- (c) a year shall be deemed to be any period extending from any specific day in any month of any year up to and including the day preceding the day in the corresponding month in the following year which corresponds numerically with the first mentioned day:

Provided that where, in determining a date of release in accordance with paragraph (b) or (c), there is in the month in which the sentence should terminate no such day which corresponds numerically, the sentence shall terminate on the last day of that month.

(2) Subject to the provisions of these regulations, a person serving a sentence shall be released from the detention barracks at any time after two o'clock in the afternoon of the day on which his sentence terminates: Provided that -

- (a) where the day of release falls on a Sunday or public holiday, he shall be released on the working day which immediately precedes such Sunday or public holiday; and
- (b) the superintendent may, in exceptional circumstances, authorise release before two o'clock in the afternoon.

### **39. Medical Examination on Release**

Every person serving a sentence shall be medically examined as shortly as possible before release and the medical officer shall record the result of such examination in the Medical Register referred to in paragraph (h) of regulation 3 of Chapter III.

### **40. Delay of Release**

If a medical officer certifies that a person serving a sentence who is due for release is

suffering from an acute or dangerous disease of such serious or infectious nature or if it is suspected that he is suffering from such disease and that his immediate release is likely to result in his death or serious injury to his health or may be a source of danger or infection to others, his release may be delayed for as long as the medical officer may determine  
Provided that-

- (a) where such person is in a hospital outside the detention barracks, his release shall not be so delayed; and
- (b) any such person whose release is delayed in accordance with this regulation, shall not forfeit any emoluments for the duration of the delay.

#### **41. The Date or Period of Delay of Release shall be Published in Orders**

The date of release of every person serving a sentence and every period of delay of release in terms of regulation 40 of this chapter, shall be published in the orders of the detention barracks concerned, or if the detention barracks does not publish orders, in the orders published by the officer commanding command concerned.

#### **42. Return to Unit and Provision of Transport on Release**

- (1) A person serving a sentence who is a member of the S.A.D.F., Reserve, Cadet Officers Training Corps or Auxiliary Services engaged on whole-time service or undergoing whole-time or continuous training shall, on his release from a detention barracks, be returned at public expense to his unit or training establishment, as the case may be.
- (2) The superintendent may, with the approval of the Quartermaster General, provide any person serving a sentence, to whom the provisions of sub-regulation (1) are not applicable and who on release has not at his disposal sufficient money to defray his own travelling expenses, with a second-class single rail ticket for the journey to his ordinary place of residence in the Republic and with the necessary bedding and meal tickets: Provided that where such journey is undertaken by any person who is not a white person as defined in section one of the Population Registration Act, 1950 (Act No. 30 of 1950), the Secretary may determine in what class he may travel and what sleeping and feeding necessaries may be provided.

#### **43. Treatment of Inmates Sentenced to Death**

- (1) Notwithstanding anything to the contrary contained in these regulations, an

inmate who is awaiting confirmation, endorsement, approval or execution of the death sentence, shall-

- (a) be solitarily confined and where possible, completely isolated from other inmates;
  - (b) not be in possession of any articles or things which are in any way considered dangerous or undesirable to be in his possession;
  - (c) be continuously guarded by day and by night by at least one staff member;
  - (d) not be required to carry out any physical or other labour, duty or training other than to keep his cell and his person clean and tidy;
  - (e) not be required to take any exercise and if he chooses to take such exercise, it shall be taken out of sight of other inmates;
  - (f) be visited at least once per day by the superintendent and at least once per day by a medical officer; and
  - (g) in addition to any other privileges to which he may be entitled in terms of these regulations, and if he so wishes, be granted special postal and smoking privileges and be allowed, with the approval of the superintendent, to receive visitors at any time: Provided that all such visits shall take place out of sight and hearing of other inmates but within the sight and hearing of the staff member guarding him.
- (2) Where the finding and sentence of death imposed in respect of an inmate has, in terms of section *one hundred and four* of the Code, been approved by the State President, the inmate concerned shall be surrendered to the Chief or assistant disciplinary officer on presentation by such disciplinary officer of a warrant in accordance with regulation 10 of this chapter.

#### **44. Action in Cases of Serious Illness or Death**

Where any inmate becomes seriously ill or dies his next-of-kin and any other authorities necessary shall be notified thereof and the necessary funeral arrangements made in terms of the regulations or instructions which, as the case may be, are applicable to members of the SADF, Reserve, Cadet Corps or Auxiliary Services.



## **45. Funeral Expenses**

- (1) The funeral expenses of an inmate who dies while he is a member of the SADF, Reserve, Cadet Officers Training Corps or Auxiliary Services shall be payable in terms of the regulations for the Permanent Force, Citizen Force, Commandos, Reserve, Cadet Corps or Auxiliary Services as the case may be.
- (2) The funeral expenses of any other deceased inmate shall be paid from public funds: Provided that -
  - (a) such expenditure shall not exceed that amount fixed in the current contract arranged by the State Tender Board for burials in the area where the funeral takes place;
  - (b) where no such contract exists, the amount payable under this sub-regulation shall not exceed fifty rand in the case of a white person or Cape Coloured and twenty rand in the case of a Bantu; and
  - (c) the expenses arising from the conveyance of the corpse for burial in the Republic may, in addition to the funeral expenses, be paid from public funds.

## **CHAPTER IV**

### **DISCIPLINE**

#### **1. Offences**

- (1) Any person who -
  - (a) aids, abets, induces, incites, instigates, instructs or commands any inmate to escape from any detention barracks or to commit any contravention of these regulations;
  - (b) gives, hands, supplies or in any other manner makes available to any inmate, any unauthorised article;
  - (c) brings an unauthorised article into any detention barracks or is found in possession thereof in any detention barracks;
  - (d) interferes with or obstructs any staff member in the execution of any duty;

- (e) fails to obey any lawful or reasonable order or instruction given by any staff member;
- (f) without authority speaks or makes contact with any inmate;
- (g) contravenes or fails to comply with any provision of these regulations with which it is his duty to comply; or
- (h) attempts to commit any offence referred to in this sub-regulation,

shall be guilty of an offence and liable to conviction to a fine not exceeding one hundred rand or imprisonment for a period not exceeding six months.

(2) An inmate shall be guilty of an offence if he -

- (a) by any act or omission causes prejudice to the good order and military discipline;
- (b) neglects or fails to obey any order or instruction issued in terms of regulation 1 of Chapter III or disobeys any lawful command given to him by a staff member;
- (c) neglects or fails to comply with any condition on which he was released on parole or to return to the detention barracks after the period for which he was released on parole has lapsed in terms of sub-regulation (8) of regulation 14 of this chapter or by the time such period expires;
- (d) aids, abets, induces, incites, instigates, instructs or commands any other inmate to commit any offence referred to in this sub-regulation; or
- (e) attempts to commit any offence referred to in this sub-regulation.

(3) An inmate who has been tried for any offence referred to in sub-regulation (2), shall not, in pursuance of the facts upon which the charge at such trial was based, be tried by any military court and any inmate who has been tried by a civil or military court, shall not, in pursuance of the facts upon which the charge at such trial was based, be charged with a contravention of sub-regulation (2).

## **2. Trial by and Jurisdiction of Superintendent**

An inmate who commits any offence referred to in sub-regulation (2) of regulation 1 of this chapter may be tried by the superintendent of the detention barracks in which he is detained and on conviction be sentenced to any of the punishments provided for in regulation 3 of this chapter: Provided that if the superintendent is not available, the officer commanding command may confer in writing upon any other officer under his command any or all of the powers conferred upon a superintendent under this regulation.

### **3. Sentences**

An inmate convicted of any offence referred to in regulation 1 of this chapter may, irrespective of the number of offences upon which he has been found guilty, be sentenced in respect of all such offences to only one of the following sentences: -

- (a) solitary confinement with spare diet not exceeding six days, of which not more than two days shall be served in any period of seven consecutive days: Provided that where possible, no inmate shall be subjected to spare diet during the twenty-four hours preceding his release or appearance before a court outside the detention barracks;
- (b) solitary confinement not exceeding a period of fourteen consecutive days, at the termination of which he shall not within forty-eight hours be required to serve any further punishment of solitary confinement with or without spare diet;
- (c) extra labour not exceeding three hours per day for a maximum period of three days;
- (d) extra military instruction not exceeding one hour per day for a maximum period of seven days;
- (e) partial or complete forfeiture of privileges or facilities for such period as the trial officer may determine; or
- (f) reprimand

### **4. Applicability of the Code and the Rules**

The trial of an inmate under these regulations shall be conducted in accordance with the provisions of the Code and Rules relating to a summary trial before a commanding officer and the rules of evidence and the review procedure applicable to such summary trial shall apply *mutatis mutandis* in respect of such trial.

## **5. Inmates shall not be Employed in Disciplinary Capacities**

No inmate shall exercise discipline over another but an inmate specially selected by the superintendent may be placed in a position of responsibility and leadership within such limits as the superintendent may determine.

## **6. Complaints, Grievances and Requests**

Subject to the provisions of section *one hundred and thirty-four* of the Code, the superintendent shall determine the procedure which shall be followed by any inmate who has a bona fide complaint, grievance or request and shall, if he deems it necessary, interview such inmate or take such steps as may be justified or expedient in the circumstances.

## **7. Relationship between Staff Members and Inmates**

- (1) No fraternisation or familiarity shall take place between staff members and inmates whether inside or outside the detention barracks.
- (2) No staff member shall accept, receive or use any present, gift or privilege offered to him by any inmate, bargain or trade with any inmate or without the knowledge of the superintendent, in any manner act as agent for an inmate.

## **8. Corporal Punishment**

Notwithstanding anything to the contrary contained in any other law, no inmate shall in respect of any offence be sentenced to any form of corporal punishment.

## **9. Mechanical Restraint**

- (1) Mechanical restraint shall not be applied as a punishment measure, but may, subject to the provisions of these regulations, be used to prevent any inmate from -
  - (a) inflicting physical injury upon himself or any other person;
  - (b) behaving in a rebellious or violent manner;
  - (c) damaging or destroying property; and
  - (d) escaping or attempting to escape.

- (2) In the application of the provisions of sub-regulation (1), no form of mechanical restraint other than that issued in accordance with the provisions of regulation 6 of Chapter III and approved by the Surgeon General or his authorised representative, shall be used.
- (3) No inmate shall be subjected to mechanical restraint without the authority of the superintendent or in his absence, the officer commanding command.
- (4) The use of mechanical restraint shall be discontinued as soon as possible and no inmate shall be kept under such restraint for any continuous period of more than six hours unless a medical officer has examined him and approved the continuation of the use of the restraint for a further period which such medical officer may determine.
- (5) Where on the advice of a medical officer the use of any form of mechanical restraint should be discontinued, the officer who ordered the use thereof shall withdraw or in consultation with the medical officer, modify his order.
- (6) An inmate shall, while mechanical restraint is being applied to him, be confined by himself and visited at least once every hour by a staff member.
- (7) Any action in accordance with this regulation, shall be recorded in the Occurrence Book and where applicable, in the Medical Register.

## **10. Use of Force and Arming of Staff Members**

- (1) No force shall be applied by a staff member against an inmate except in self-defence or if the inmate behaves in a rebellious or violent manner, or passively resists discipline, or escapes or attempts to escape, and then only so much and such force may be used as may be necessary under the circumstances to restrain and calm the inmate to move him to his cell or to prevent his escape.
- (2) Any staff member may order any inmate to assist him in the handling of an inmate referred to in sub-regulation (1) and any inmate who is so ordered, shall assist the staff member.
- (3) The superintendent may, subject to the approval of the officer commanding command, determine under what circumstances any staff member shall be allowed to carry a firearm, baton or other weapon.

(4) Any staff member who in the execution of his duty uses force against any inmate in terms of this regulation, shall at the first opportunity, report the fact to the superintendent or senior staff member on duty and the superintendent or such staff member, as the case may be, shall make an entry thereof in the Occurrence Book.

## **11. Treatment during Solitary Confinement With or Without Spare Diet**

No inmate sentenced to solitary confinement, whether with or without spare diet, shall be solitarily confined or placed on spare diet unless a medical officer has certified that the inmate is fit to undergo such sentence and while such inmate serves such sentence, he shall -

- (a) be solitarily confined but his bedding and necessary articles of clothing shall not be taken from him;
- (b) subject to the provisions of paragraph (c), not be required to perform or undergo physical or other labour, duty or training;
- (c) be required to keep his cell, clothing and his person clean and tidy;
- (d) except in so far as it may be necessary for the purpose of complying with paragraph (c), not be allowed out of his cell or permitted to take any exercise outside his cell: Provided that where an inmate has been sentenced to more than three days solitary confinement he shall for the duration of the sentence, do such exercise in the open air as the superintendent may determine, for half an hour each morning and half an hour each afternoon;
- (e) be provided in his cell with the rations to which he is entitled in terms of his sentence and not be allowed to partake of any other food;
- (f) be deprived of all reading, writing, and postal privileges;
- (g) not be allowed to smoke, make any purchase or to receive any visitor other than a chaplain or his counsel; and
- (h) be visited at least once per day in his cell by the superintendent or senior staff member on duty and as often as may be necessary, by the medical officer.

## **12. Remission of Sentence**

A convicted person or person serving a sentence, other than a person convicted or serving a

sentence for a contravention of [section 126A](#) of the Act, shall be awarded remission of sentence of one quarter of his sentence of detention, or field punishment or imprisonment immediately on his admission to a detention barracks and an entry to that effect shall be made by the senior staff member on duty in the Remission of Sentence Register referred to in regulation 3 (e) of Chapter III: Provided that-

- (a) where any portion of a sentence is suspended under section 94 of the Code, remission shall be granted only in respect of that portion of the sentence which must be served;
- (b) where any suspended portion of a sentence is enforced under Rule 119, remission shall be granted also in respect of that portion of the sentence;
- (c) when calculating any period of remission of sentence, any portion of a day shall be disregarded; and
- (d) where any portion of a fine is paid in accordance with regulation 36 (3) of Chapter III, remission shall be granted only in respect of that portion of the sentence of imprisonment which must be served.

[Reg. 12 substituted by GN R1949/76]

### **13. Forfeiture of Remission of Sentence**

(1) Any convicted person or person serving a sentence who, in respect of an offence committed by him while he is detained in a detention barracks is, under any law, sentence to imprisonment, discharge with ignominy, detention, discharge or a fine, shall forfeit any remission of sentence awarded in his favour in terms of regulation 12 of this chapter and no remission of sentence shall be awarded in respect of any such sentence of detention, or imprisonment which is to be served in a detention barracks: Provided that if the sentence is a fine of ten rand or less, he shall forfeit only one half of any period of remission of sentence so awarded to him.

(2) A convicted person or person serving a sentence who is sentenced in terms of regulation 3 of this chapter, shall forfeit remission of sentence as follows: -

- (a) Six days in the case of a sentence referred to in paragraph (a) or (b);
- (b) three days in the case of a sentence referred to in paragraph (c), (d) or (e); and
- (c) one day in the case of a sentence referred to in paragraph (f) of that regulation.



## 14. Release on Parole

(1) The officer commanding command may on the written application of a convicted person or person serving a sentence, other than a person sentenced to death, and on the recommendation of the superintendent, release such person on parole for a period not exceeding seven days on such conditions as that officer commanding command may determine if -

(a) the personal attention of the person concerned and his presence in connection with the circumstances set out in sub-regulation (2), are essential; and

(b) with due regard to the general conduct of such person, there are reasonable grounds for believing that he will comply with the conditions on which he was released.

(2) Release on parole may be granted where the following circumstances prevail or necessitate such release -

(a) the death or serious illness of the wife of a convicted person or a person serving a sentence or his relative by consanguinity or affinity in the first or second degree;

(b) serious domestic difficulties;

(c) serious damage to the premises occupied by such person's dependents resulting in undue hardship to them;

(d) the solemnisation of such person's marriage to a pregnant woman; or

(e) any other circumstance which the officer commanding command deems sufficient.

(3) No person shall be released on parole unless he has signed a written undertaking in which he acknowledges that he understands the conditions under which he is released and undertakes to comply therewith.

(4) A person on parole may be required to report periodically to any military unit or SA Police Station as may be determined by the superintendent.

- (5) Every acknowledgement and undertaking referred to in sub-regulation (3) shall be countersigned by the superintendent and shall set forth -
- (a) the date of release on parole and the date on which the person concerned is to report back to the detention barracks;
  - (b) the address of the person during the period of parole;
  - (c) a declaration that such person will comply with the conditions on which he is to be released and that he is acquainted with the provisions of regulation 37 of Chapter III and of these regulations; and
  - (d) such conditions as the officer commanding command may determine in terms of sub-regulation (1).
- (6) A person released on parole who by virtue of the leave regulations applicable to him, has accumulative vacation leave with full pay to his credit, shall be granted such leave for the period of his parole or for that portion thereof which is covered by his leave credit, and if he has no or insufficient such leave to his credit, he shall, notwithstanding the provisions of sub-section (2) of section *one hundred and twenty-eight* of the Code, be deemed to be on special leave without pay for the period of parole not covered by his leave credit.
- (7) A person release on parole, shall not be entitled to any State transport or travelling expenses.
- (8) The officer commanding command or an officer acting under his authority may, if any condition attaching to a period of parole is not complied with by the person release on such parole, order such person to return to the detention barracks from which he was released, and such person shall thereupon without delay return to such detention barracks.
- (9) The officer commanding command may at any time alter the conditions attaching to parole or withdraw any unexpired period of parole and shall advise the person on parole of any such alteration or withdrawal.
- (10) No sentence shall be extended by any period of parole.
- (11) Every person released on parole shall be medically examined on his release and on his return to the detention barracks.

## **15. Making Inmates Available for Investigation of Offences or Legal Proceedings**

- (1) Any member of the SA Police or SADF charged with the investigation of an offence shall be given every reasonable opportunity to visit any inmate in connection with the investigation of any offence.
- (2) Where the presence of any inmate is required in connection with any judicial proceedings outside the detention barracks he shall, subject to the provisions of regulation 17 of Chapter III be made available provided the appropriate warrant referred to in regulation 10 of that chapter is furnished to the superintendent.
- (3) Where an inmate is summonsed or warned to appear before a civil or criminal court, the senior staff member on duty shall ensure that the inmate reports to the court on the day specified in the summons or warning and shall arrange for the guarding of the inmate in accordance with regulation 17 of Chapter III.

## **16. Procedure on Escape**

- (1) Where an inmate escapes from a detention barracks, the senior staff member on duty shall notify the occurrence and full personal particulars of the escapist to -
  - (a) the officer commanding command;
  - (b) the Chief Paymaster, SADF, and the unit commander concerned; and
  - (c) the local detachment of the SACMP, or if there is no such detachment, the nearest SA Police Station.
- (2) Where, forty-eight hours after escape, the escapist is still at large, the superintendent shall furnish a full description of the escapist for publication purposes, to the editor of the S.A. Police Gazette: Provided that where escape took place from a detention barracks outside the Republic and the superintendent has reasonable grounds to believe that the escapist is not in the Republic, the provisions of this regulation may be dispensed with.
- (3) Where an inmate escapes from a detention barracks outside the Republic, the assistance of the local police may be called in to trace and arrest him.
- (4) The superintendent shall forthwith notify all the persons or officials mentioned in

this regulation as soon as an escapist is taken into custody.

# DEFENCE ACT 44 OF 1957

## REGULATIONS FOR THE AUXILIARY SERVICE TO BE KNOWN AS THE SERVICE CORPS

Published under Government Notice R333 in *Government Gazette* 17008 of 1 March 1996 and amended by:

GN R207            GG 18663            13/2/98

The Minister of Defence has in terms of [section 80](#) (2) of the Defence Act, 1957 (Act No. 44 of 1957), made the regulations in the Schedule.

### SCHEDULE

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### 1. Definitions

In these regulations, unless the context otherwise indicates-

(i) **“applicant”** means any person who applies to become a member of the Service Corps and who-

(a) is a South African citizen in possession of an identity document issued in terms of section 8 (1) (a) of the Identification Act, 1986 (Act No. 72 of 1986);

(b) is a member of the Defence Force who has been or is to be rationalised under section 237 of the Constitution or who, being such a member in terms of section 224 (2) (c) of the Constitution, has, after 17 September 1995, been demobilized by the Defence Force; and

(c) is above the age of 16 years and is duly assisted by his or her legal guardian if he or she is under the age of 21 years,

and who, in making such application, is acting voluntarily: Provided that no person may so apply if he or she -

(i) is compelled by law to attend any school as defined in any national education law; or

(ii) is a pupil or student at any educational institution or is awaiting the result of his or her application for admission as a pupil or student to any such institution;

(ii) **“Defence Force”** means the South African National Defence Force referred to in section 224 (1) of the Constitution;

(iii) **“Department”** means the Department of Defence;

(iv) **“introductory phase”** means the phase in the training of members during which disciplinary, literacy, numeracy and basic life-skills training (but excluding weapon training) takes place at any military installation designated for that purpose by the Minister;

(v) **“member”** means any member of the Service Corps;

(vi) **“Minister”** means the Minister of Defence;

- (vii) **“practical phase”** means the period after completion of the introductory and the vocational training phases by a member, during which he or she may be given practical training in the Defence Force in the skills in which he or she has been trained during his or her vocational training phase, and during which he or she also renders service to the Defence Force and during which he or she may also be utilised by the Defence Force in support of any Department of State for purposes of socio-economic upliftment;
- (viii) **“Service Corps”** means the auxiliary service known by the proper name “Service Corps”, which has been established by the Minister in terms of [section 80](#) (1) of the Act;
- (ix) **“the Act”** means the Defence Act, 1957 (Act No. 44 of 1957);
- (x) **“trainee”** means a member engaged in the introductory or the vocational training phase; and
- (xi) **“vocational training phase”** means the phase in the training of a trainee during which he or she is trained in one or more skills at any training centre under the auspices of the Department of Labour or a suitable body which is approved by the Minister of Defence.

## 2. **Application to become a member**

- (1) Any applicant shall lodge his or her application to become a member with the Chief of the Service Corps, P.O. Box X159, Pretoria, 0001, or with any officer of the Defence Force at any place appointed by the Minister by public notice as an assembly place for applicants desirous of becoming members of the Service Corps, in the way and on a form set out in Appendix A.
- (2) Any applicant who has lodged an application under subregulation (1), shall submit to a medical and a psychometric examination by, respectively, medical and psychometric personnel appointed for that purpose by the Surgeon General of the Defence Force and such medical examination may include the taking and testing of urine, blood or sputum samples of an applicant for an indication of any condition of serious disease, as required by the Surgeon General.
- (3) No applicant shall be accepted as a member unless he or she voluntarily submits to any examination referred to in subregulation (2) and meets any requirement and standard which the Surgeon General may determine under this regulation.



(4) The said Surgeon General shall establish the standards of fitness and health of members in accordance with the requirements set by the Chief of the Service Corps.

### **3. Term of Service in the service Corps**

- (1) An applicant may be accepted once only by the Chief of the Service Corps, as a member for any period determined by that Chief, which shall not exceed 18 months.
- (2) Notwithstanding subregulation (1), the Head of Department may, in deserving cases, direct that the term of service of a member be extended for a period not exceeding 12 months in addition to the period contemplated in subregulation (1) which extension may be granted only once.

[Subreg. (2) inserted by GN R207/98]

### **4. Termination of membership**

The membership of the Service Corps of any member shall terminate-

- (a) upon the expiration of his or her term of service;
- (b) upon the expiration of 24 hours after notice of termination thereof, has been given by such member;
- (c) upon the expiration of 24 hours from the giving of notice of such termination of membership to the member by the Service Corps-
- (i) on account of a member having been convicted and sentenced to imprisonment or to a sentence which will prohibit him or her from undergoing sufficient training or from rendering service under these regulations;
- (ii) on account of a finding that the member is unfit for further training or that the member refuses to undergo training;
- (iii) on account of a finding that the member is unwilling or refuses to render service;
- (iv) on account of a finding that the member behaved in an unacceptable way (irrespective of whether or not he or she has been criminally charged with an offence related to such behaviour) in that such behaviour adversely affects the trainer/trainee or employer/employee relationship between the member and the

Defence Force or, if applicable, another Department of the State or body as the case may be; and

(d) an account of circumstances contemplated in regulation 16 (5).

**5.** Any of the following actions or omissions shall be deemed to constitute unacceptable behaviour within the contemplation of regulation 4 (c) (iv) -

(a) use of intoxicating liquor or drugs during working hours;

(b) incitement of any other member or other person in a military base or at a civilian training institution where trainees are undergoing training, to behave in an unacceptable way or to commit an offence, or intimidation of any such other member or person to conduct him- or herself in such a way or to commit an offence;

(c) participation in any strike, stay-away, go-slow or work-to-rule action;

(d) absence without official leave or abandonment of any training course or training phase;

(e) non-compliance with the prescribed training or working hour time schedule;

(f) theft;

(g) disobeying of lawful instructions, commands or orders;

(h) malicious damage to property or malicious damage of clothing or tools;

(i) damage due to grossly negligent handling or loss of items such as clothing, tools or training materials issued to any member; or

(j) non-compliance with any official code of conduct pertaining to any civilian training institution attended by such member.

**6.** The rules of administrative justice shall be applied in relation to members.

## **7. Discipline**

Any member who is a trainee at a military training institution, shall be subject to the Military Discipline Code in terms of [section 77](#) (3) (b) of the Act and any trainee attending

a civilian training institution shall be subject to any code of conduct, disciplinary measure and to the jurisdiction of any tribunal of or pertaining to such institution, as provided for in law.

**8.** Notwithstanding regulation 7, all members shall at all times be subject to the Discipline Code for the Auxiliary Service dated 10 November 1950, as amended.

## **9. Board and lodging**

Board and lodging in single military quarters or other suitable facilities, shall be supplied only to members requiring same.

## **10. Leave and holidays**

(1) No member shall be required to undergo training or to render service over weekends or on public holidays: Provided that this provision shall not prevent the Defence Force or the Service Corps or any other training institution under these regulations from requiring members to travel over weekends or on public holidays for purposes of giving effect to these regulations.

(2) No leave other than compassionate leave shall be granted to any member during the first two months of membership.

(3) Compassionate leave to a maximum of 12 days per annum maybe granted to any member on account of the death or serious illness of his or her parent, brother or sister, husband or wife, child or grandchild.

(4) Members shall be entitled to vacational leave, accumulated or otherwise, reckoned on the basis of one working day for each completed month of training undergone or service rendered.

(5) On termination of membership, no member shall be paid out for any unused leave irrespective of the reason therefor.

(6) A member shall be entitled to twelve (12) days' sick leave per *annum* or to a proportional part thereof for any shorter period: Provided that no such leave shall be granted due to the absence of a member for more than three days without submitting a doctor's certificate explaining satisfactorily the cause of illness.

(7) A proportional amount shall be deducted from a member's allowance in respect of

unauthorized leave.

## **11. Working hours**

Training shall be undergone and service rendered during working hours applicable to the Public Service.

## **12. Training and training materials**

All training materials shall be provided to members free of charge and members shall be responsible for the safe-keeping and loss-control of such materials.

## **13. Overalls and protective clothing**

(1) Overalls, protective clothing and footwear shall, where required, be issued to members and upon termination of membership, same shall be returned to the Service Corps.

(2) Any member shall be liable for any loss or damage to his or her overalls, protective clothing and footwear caused by his or her negligence.

(3) Replacements, in respect of any loss or damage to such items, which is not caused by a member's own negligence, shall be provided free of charge on an exchange basis.

## **14. Tool kit**

(1) A tool kit, suitable to the specific vocational skill in which the trainee is to be trained, shall be issued to a trainee on a lend-lease basis.

(2) At the successful completion of his or her service, the member shall hand such tool kit back to the Service Corps.

(3) Any member shall be liable for any loss or damage to his or her tool kit which has been caused by his or her negligence.

## **15. Remuneration**

(1) Members shall receive in respect of their service and any period of actual training, remuneration as recommended by the Public Service Commission from time to time, and such remuneration may also-

- (a) consist of a daily allowance payable to each member in his or her banking account on the last working day of each month by means of computerised action;
  - (b) be in kind, irrespective of whether or not it has been converted into cash value; and
  - (c) services rendered to members.
- (2) Members may, if requested thereto, voluntarily render overtime.
- (3) A proportionate part of a member's allowance shall be deducted by way of set-off in respect of any unauthorized leave by him or her.
- (4) Members shall not be liable to pay in cash for training provided to them under these regulations.
- (5) All transport necessary for purposes of training or service under these regulations, shall be provided to members free of charge.
- (6) Members shall receive medical treatment and hospitalization by the South African Medical Services of the Defence Force or such bodies determined by the Surgeon General, in respect of illnesses and injuries: Provided that no spectacles, lenses or any spectacle related service shall be rendered and only emergency dental treatment with the exclusion of crowns, bridges and dentures of whatever nature.

## **16. Training**

- (1) Training shall be provided in accordance with an adult-based education and training program, as approved by the Minister which shall be based on advancement according to individual competencies acquired.
- (2) The training syllabus for trainees shall consist of-
- (a) an introductory phase; and
  - (b) a vocational training phase,

whereafter, during a practical phase, members may receive training and shall render service, as provided for in these regulations.

- (3) A trainee may exercise a choice in respect of available training options at his or her Service Corps unit: Provided that if such trainee favours training in a direction which is only available at another unit, he or she may undergo such other training if training facilities and circumstances so allow and permission is given thereto, and in such instance, the trainee shall provide his or her own travelling arrangements thereto at own expense.
- (4) A trainee shall be evaluated and/or tested throughout his or her training phases and in the event of a trainee failing to progress sufficiently he or she may be allowed to repeat such training phase once only, alternatively, such trainee may be subjected to an assessment battery in order to determine his or her aptitude for a different skill.
- (5) If a trainee fails a second training phase referred to in subregulation (4), his or her term of service shall thereby and as or result thereof, be terminated.
- (6) Any activity whereby training is willfully disrupted, is prohibited.
- (7) Training undergone at civilian training institutions will be accredited and certificates will be issued to successful trainees.

## **17. Injuries and disability**

The members shall, under and subject to the provisions of the Compensation for Occupational Injuries and Diseases Act, 1993 (Act No. 130 of 1993), be entitled to compensation in respect of injuries or disabilities sustained in the course and scope of his or her official duties.

## **18. Funerals**

- (1) Subject to the provisions of subregulation (2), a member who dies shall be buried or cremated at State expense provided that his or her death occurs -
  - (a) at his or her place of work as provided for in these Regulations; or
  - (b) at his or her living quarters provided to him or her in terms of these Regulations; or
  - (c) at a hospital or sick bay where he or she is being medically treated in terms of these Regulations; or

(d) at a place other than one mentioned in paragraphs (a), (b) and (c), if his or her death was caused by service or training rendered or undergone, as the case may be, in terms of these Regulations.

(2) The expense to the State in respect of any burial or cremation under subregulation (1) shall not exceed the amount of the contract price determined annually by the State Tender Board for the delivery of burial or cremation services to the State.

## **19. Relationship with Defence Force**

Members shall pay respect to the Defence Force and its members and they shall comply with instructions, commands and orders given and issued to them by members of that Force posted to the Service Corps or to any unit thereof.

## **20. Retrospectivity**

These regulations shall be deemed to have come into force on 18 September 1995.