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## THE PRESIDENCY

No. 1376 14 December 2001

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

**No. 43 of 2001: Demobilisation Amendment Act, 2001.**

## DIE PRESIDENSIE

No. 1376 14 Desember 2001

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

**No. 43 van 2001: Wysigingswet op Demobilisasie, 2001.**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

**GENERAL EXPLANATORY NOTE:**

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

*(English text signed by the Acting President.)  
(Assented to 11 December 2001.)*

# ACT

**To amend the Demobilisation Act, 1996 (Act No. 99 of 1996), so as to amend a definition in order to further regulate the submission of an application for a demobilisation gratuity.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 99 of 1996, as amended by section 1 of Act 128 of 1998**

1. Section 1 of the Demobilisation Act, 1996 (hereinafter referred to as the principal Act), is amended by the substitution for the definition of “closing date” of the following definition:

- “ ‘closing date’, for the purposes of section 8(1)(c), means 31 March 1999, but in respect of persons who are entitled to be integrated into the South African National Defence Force in terms of the Termination of Integration Intake Act, 2001, but who—
- (a) cannot be integrated because they do not satisfy the employment policies and terms and conditions of service of the South African National Defence Force; or
- (b) no longer wish to pursue a military career,
- means 31 December 2002;”.

**Short title**

2. This Act is called the Demobilisation Amendment Act, 2001.

**ALGEMENE VERDUIDELIKENDE NOTA:**

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

\_\_\_\_\_  
(Engelse teks deur die Waarnemende President geteken.)  
(Goedgekeur op 11 Desember 2001.)

# WET

Tot wysiging van die Wet op Demobilisasie, 1996 (Wet No. 99 van 1996), ten einde 'n woordomskrywing te wysig met die oog daarop om die voorlegging van 'n aansoek om 'n demobilisasie-gratifikasie verder te reël.

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 99 van 1996, soos gewysig deur artikel 1 van Wet 128 van 1998**

1. Artikel 1 van die Wet op Demobilisasie, 1996 (hierna die Hoofwet genoem), word gewysig deur die omskrywing van “sluitingsdatum” deur die volgende omskrywing te vervang:

“ ‘sluitingsdatum’, by die toepassing van artikel 8(1)(c), 31 Maart 1999, maar ten opsigte van persone wat geregtig is om ingevolge die “Termination of Integration Intake Act”, 2001, in die Suid-Afrikaanse Nasionale Weermag geïntegreer te word, maar wat—

(a) nie geïntegreer kan word nie aangesien hulle nie aan die indiensnemingsbeleid en die bedinge en voorwaardes vir diens van die Suid-Afrikaanse Nasionale Weermag voldoen nie; of

(b) nie langer 'n militêre loopbaan wil volg nie,

beteken dit 31 Desember 2002;”.

**Kort titel**

2. Hierdie Wet heet die Wysigingswet op Demobilisasie, 2001.

Act No. 44, 2001

TERMINATION OF INTEGRATION  
INTAKE ACT, 2001**GENERAL EXPLANATORY NOTE:**

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

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

*(English text signed by the Acting President.)  
(Assented to 11 December 2001.)*

**ACT**

**To provide for the termination of the intake of members of non-statutory forces into the South African National Defence Force for integration purposes; to provide for the integration of the members of the said forces who are likely to be granted amnesty; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Definitions**

1. In this Act unless the context indicates otherwise—
  - “agreement” means the agreement contemplated in section 236(8)(d) of the Interim Constitution which continues to be in force in terms of item 24 of Schedule 6 to the Constitution; 5
  - “certified personnel register” means the certified personnel register referred to in section 16(3) or (9) of the Transitional Executive Council Act, 1993 (Act No. 151 of 1993); 10
  - “Constitution” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
  - “Interim Constitution” means the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993);
  - “member” means a member of a non-statutory force; 15
  - “Minister” means the Minister of Defence;
  - “National Defence Force” means the South African National Defence Force established by section 224(1) of the Interim Constitution which continues to be in force in terms of item 24 of Schedule 6 to the Constitution;
  - “non-statutory force” means an armed force referred to in section 224(2)(c) of the Interim Constitution as amended by item 3 of Annexure D of Schedule 6 to the Constitution which was formerly known as the Azanian People’s Liberation Army or uMkhonto weSizwe, as the case may be; 20
  - “personnel list” means the personnel list referred to in section 224(2)(c) of the Interim Constitution as amended by item 3 of Annexure D of Schedule 6 to the Constitution. 25

MOLAO WA PHEDIŠO YA KOPANYO YA  
BAAMOGELWA, 2001

Molao Nmro. 44, 2001

## LEFOKO LA TLHALOSO LA KAKARETŠO:

[ ] mantšu ao a gatišitšwego ka bokoto ka gare ga mašakana a laetša tlogelo go tšwa go molao o lego gona.  
\_\_\_\_\_ mantšu ao a thaletšwego ka mothaladi wo moso a bontšha tsentšho ka go melao yeo o lego gona.

*(English text signed by the Acting President.)  
(Assented to 11 December 2001.)*

# MOLAO

Go kgonagatša phedišo ya go amogelwa ga maloko a madira ao a sa hlongwago ka molao ka Kgorong ya Afrika-Borwa ya Madira a Setšhaba a Tšhireletšo, gore a kopanywe; go kgonagatša go kopanyetšwa ga maloko a madira ao a šetšego a hlalositšwe, ao a ka fiwago tebalelo; le go kgonagatša merero ye e amanago le seo.

**P**alamente ya Rephaboliki ya Afrika-Borwa e bea Molao ka sebopego se:—

## Ditlhalošo

1. Ka Molaong wo, ntle le ge kwišišego e laetša ka mokgwa o mongwe—  
“kwano” ke kwano ye e ukangwago karolong 236(8)(d) ya Molaotheo wa 5  
lebakanyana wo o tšwelago pele go šoma go ya ka ntlha 24 ya Šetulo 6 ya  
Molaotheo;  
“registara ye e kgonthišetšwego ya bašomi” ke registara ye e kgonthišetšwego ya  
bašomi, ye e boletšwego karolong 16(3) goba 9 ya Molao wa Khanselephethiši ya  
Lebakanyana, 1993 (Molao wa Nomoro 151 wa 1993); 10  
“Molaotheo” ke Molaotheo wa Rephaboliki ya Afrika-Borwa, 1996 (Molao wa  
Nomoro 108 wa 1996);  
“Molaotheo wa Lebakanyana” ke Molaotheo wa Rephaboliki ya Afrika-Borwa,  
1993 (Molao wa Nomoro ya 200 wa 1993);  
“leloko” ke leloko la madira ao a sa hlongwago ka molao; 15  
“Tona” ke Tona ya Tšhireletšo;  
“Kgoro ya Madira a Setšhaba a Tšhireletšo” ke Kgoro ya Afrika-Borwa ya Madira  
a Setšhaba a Tšhireletšo ye e hlomilwego ka karolo 224(1) ya Molaotheo wa  
Lebakanyana wo o fetošitšwego ke ntlha ya 24 ya Šetulo 6 ya Molaotheo;  
“madira ao a sa hlongwago ka molao” ke madira ao a ihlamilego ka dibetša ao a 20  
boletšwego karolong ya 224(2)(c) ya Molaotheo wa Lebakanyana bjalo ka ge o  
fetošitšwe ke ntlha ya 3 ya Tlaleletšo D ya šetulo 6 ya Molaotheo, ao peleng a bego  
a tsebjwa bjalo ka Azanian People’s Liberation Army goba UMkhonto weZiswe,  
go ya le gore go amega ofe;  
“lenaneo la maina a bašomi” ke lenaneo leo le boletšwego karolong ya 224(2)(c) 25  
ya Molaotheo wa Lebakanyana bjalo ka ge o fetošitšwe ke ntlha ya 3 ya Tlaleletšo  
D ya Šetulo 6 ya Molaotheo.

## Act No. 44, 2001

TERMINATION OF INTEGRATION  
INTAKE ACT, 2001**Application**

2. This Act applies to all members whose names and other particulars are included in the certified personnel register or the personnel list.

**Termination of integration intake**

3. (1) Every member, except a member referred to in section 4, must enter into an agreement with the National Defence Force on or before the date referred to in section 236(8)(d) of the Interim Constitution. 5

(2) Subsection (1) does not preclude the enrolment into the National Defence Force of any person in terms of the Defence Act, 1957 (Act No. 44 of 1957).

**Integration of members granted amnesty**

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4. (1) Despite the provisions of section 3(1), a member—

(a) who was unable to enter into an agreement with the National Defence Force due to his or her imprisonment for purposes of serving a sentence in respect of an act, omission or offence that is associated with a political objective as defined in the Promotion of National Unity and Reconciliation Act, 1995 (Act 15 No. 34 of 1995);

(b) who has been granted amnesty in terms of section 20(1) of the said Act; and

(c) whose name and other particulars are included in the certified personnel register or personnel list,

may, subject to subsection (2), enter into an agreement with the National Defence Force after the date referred to in section 3(1). 20

(2) A member referred to in subsection (1) must enter into such agreement within 90 days after being notified of the decision to grant him or her amnesty.

**Amendment of section 236 of Act 200 of 1993, as amended by section 241 of Act 108 of 1996**

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5. Section 236 of the Interim Constitution is amended by the substitution in subsection (8) for paragraph (d) of the following paragraph:

“(d) The continuance of membership of members of the South African National Defence Force referred to in section 224(2)(c) shall be subject to such members entering into an agreement for temporary or permanent appointment with the South African National Defence Force [**within a reasonable time**] on or before 31 March 2002: Provided that such agreements shall be in accordance with normal employment policies and terms and conditions of service.”. 30

**Short title**

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6. This Act is called the Termination of Integration Intake Act, 2001.

**Tirišo**

2. Molao wo o ama maloko ka moka ao maina a wona le dintlha tše dingwe tša wona di akareditšwego rejistareng ye e kgonthišetšwego ya bašomi goba lenaneo la maina a bašomi.

**Phedišo ya kamogelo ye e kopantšwego.**

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3. (1) Leloko le lengwe le le lengwe, ntle le leloko le le boletšwego go karolong ya 4, le swanetše go tsenela kwano le Kgoro ya Madira a Setšhaba a Tšhireletšo ka la, goba pele ga le tšatši le go boletšwego ka lona ka go karolo 236(8)(d) ya Molaotheo wa Lebakanyana.

(2) Karolwana (1) ga e tlogele go ngwadiswa ga motho ofe goba ofe go Madira a Setšhaba a Tšhireletšo go ya ka Molao wa Tšhireletšo, 1957 (Molao wa Nomoro ya 44 wa 1957). 10

**Go kopanywa ga maloko ao a filwego tebelelo**

4. (1) Go sa šetšwe ditaelo tša karolo 3 (1), leloko:

- (a) leo le bego le sa kgone go tsenela kwano le Kgoro ya Madira a Setšhaba a Tšhireletšo ka lebaka la go golegwa ga gagwe, ka morero wa go direla kotlo go ya ka molao, go tshela molao goba molato wo o amanywago le maikemišetšo a sepolitiki bjale ka ge a hlalošetšwe Molaong wa Tšweletšo ya Botee bja Setšhaba le Poelano, 1995 (Molao Nomoro 34 wa 1995); 15
  - (b) leo le filwego tebelelo go ya ka karolo 20(1) ya Molao wo o boletšwego; le 20
  - (c) leo le leina la lona le dintlha tše dingwe tša lona di akareditšwego rejistareng ye e kgonthišetšwego ya bašomi goba lenaneong la maina a bašomi, 25
- le ka re go ya ka karolwana (2) la tsenela kwano le Kgoro ya Madira a Setšhaba a Tšhireletšo, morago ga letšatši le le boletšwego karolong ya 3(1).

(2) Leloko le le boletšwego karolwaneng ya (1) le swanetše go tsenela kwano ya mohuta woo lebakeng la matšatši a 90 morago ga go tsebišwa ka ga sephetho sa go mo fa tebelelo. 25

**Phetolo ya karolo 236 ya Molao wa bo 200 wa 1993, bjalo ka ge o fetotšwe ke karolo 241 ya Molaotheo wa bo 108 wa 1996**

5. Karolo 236 ya Molaotheo wa lebakanyana e fetolwa ka go bea sekakarolo (8) legatong la temana (d) ya temana yeo e latelago: 30

“(d) Tšwelopele ya boleloko bja maloko a Madira a Setšhaba a Tšhireletšo a Afrika Borwa yeo go boletšwego ka yona ka go karolo 224(2)(c) e tla ba go ya ka ge maloko a bjalo a tsenela kwano ya go thwala nakwana goba ruri ke Madira a Setšhaba a Tšhireletšo a Afrika Borwa [lebakeng la nako la go kwala] ka goba pele ga 31 Matšhe 2002: Ge fela e le gore dikwano tše bjalo di tla ba go ya ka melaotshepetšo ya go thwala yeo e tlwaelegilego le dikwano le ditlamo tša tirelo.”. 35

**Hlogo ye kopana**

6. Molao wo o bitšwa Molao wa Phedišo ya Kopanyo ya Baamogelwa, 2001.

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