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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

Department of Defence and Military Veterans

NO. R. 3949

6 October 2023

**MILITARY VETERANS ACT,
(ACT NO 18 OF 2011)
REGULATIONS REGARDING THE MILITARY VETERANS PENSION BENEFIT, 2023**

I, Thandi Ruth Modise - Minister of Defence and Military Veterans, hereby in terms of section 24 (3) of Military Veterans Act, 2011 Act No 18 of 2011, publish the Military Veterans Pension Benefit Regulations 2022 in the Government Gazette for implementation of the Pension Benefit.



Ms T.R. MODISE, MP**MINISTER OF DEFENCE AND MILITARY VETERANS**

DATE: 31.07.2023

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Definitions

1. In these Regulations any word or expression to which the meaning has been assigned in the Act has a meaning so assigned and, unless the context otherwise indicates—

“birth certificate” means unabridged birth certificate of the child reflecting the particulars of the parents of the child;

“Dependents” is defined in terms of the definition as defined in the Military Veterans Act 18 of 2011. In these regulations the following categories shall be accommodated: widows, widowers and children under 18 years of age and disabled dependent of any age.

“identity document” means the identity document or card referred to in the Identification Act, 1997 (Act No. 68 of 1997);

“national military veterans database” means the official computerised information system established and maintained by the Department of Military Veterans containing the names and personal information of verified military veterans and the list of the dependents registered;

“the Act” means the Military Veterans Act, 2011 (Act No.18 of 2011).

2. Scope of application

These Regulations shall apply to Military Veterans and dependants only.

3. Objectives

The object of these Regulations is to provide Pension to Military Veterans as prescribed in Section 5 (1)(h) of the Act.

4. Eligibility

- (1) Only Military Veterans and dependents may qualify for this pension benefit in terms of Subject to section 5 of the Act.
- (2) For the purpose of sub regulation (1), a Military Veteran is —
 - (a) a person who is —
 - (i) a citizen of the Republic of South Africa;
 - (ii) as defined in the Military Veterans Act, 2011, and
 - (iii) listed in the Department of Military Veterans' National Military Veterans database.
 - (iv) Widows, widowers and dependants must be residing within the borders of the Republic
- (3) A dependent refers to any person who is legally or factually dependent on a military veteran for support and maintenance.
- (4) A Military Veteran who receives another State provided pension or social grant that is more than the Pension amount is excluded from benefiting from this pension benefit, except if this pension will top-up what is already received.

5. Pension benefit amount

- (1) A qualifying Military Veteran will receive a monthly pension income, calculated based on the amount of the old age grant contemplated in section 10 of the Social Assistance Act, 2004 (Act No.13 of 2004) adjusted by a multiplier of 2,5.
- (2) Upon the death of a Military Veteran, a qualifying dependent / widow / widowers of a Military Veteran who immediately prior to his or her death, was in receipt of a this pension benefit, may receive up to 50% of the pension benefit with effect from the first day of the month

following immediately on the month in which the Military Veteran died, provided they are not receiving any form of State pension above the mentioned 50% threshold from the Military Veteran pension benefit.

(3) A dependant, who became an orphan, is entitled to receive the monthly pension in terms of paragraph 5 (2):-

- (a) until the orphan reaches the age of 18; or
- (b) until the orphan reaches the age of 23, if the orphan is a fulltime student (provided he/she provides proof that he/she is still attending an educational institution annually);
or
- (c) is suffering for total disability or permanent impairment by the time of death of the main member, will continue to receive monthly pension benefit until he/she dies

6. Procedure for application for a military veterans pension benefit

(1) An application for a military veterans pension benefit must be submitted on a form MVP01_2022 contained in Annexure A.

(2) An application contemplated in sub-regulation (1), must be accompanied by —

- (a) certified copy of the identity document of the Military Veteran;
- (b) certified copy of the identity document of the spouse;
- (c) a recognized marriage certificate;
- (d) certified copies of the unabridged birth certificates of the dependents of the Military Veteran, and;
- (e) signed bank entity form with applicant's account numbers, stamped by the bank

(3) The applicant must submit an application to the Government Pensions Administration Agency (GPAA) either by —

- (a) hand;
- (b) registered post; or
- (c) electronically.

(4) On receipt of an application made in terms of sub-regulation (1), the Government Pensions Administration Agency (GPAA) must furnish the Military Veteran with an acknowledgement of receipt of such application within 90 days which must:

- (a) reflect the name and identity number of the Military Veteran;
- (b) reflect the names of the designated officials acknowledging receipt thereof; and

- (c) be dated and stamped with the official stamp of the GPAA.
- (5) The Government Pensions Administration Agency must keep a register of all applications received. The register must record the following:
- (a) acknowledgement of receipts of the applications;
 - (b) the particulars of the Military Veteran;
 - (c) the date of the application;
 - (d) the date on which the application is approved or rejected; and the date of the 1st payment contemplated.
- (6) If an application for the military veteran pension benefit is approved, the Government Pensions Administration Agency must inform the Military Veteran, in writing or by electronic communication or any other means of communication of such approval.

7. Appeals

- (1) If an application for the military veterans pension benefit is rejected, the GPAA must inform the Military Veteran in writing by electronic communication or any other means of communication of such rejection and of—
- (a) the reasons for such rejection; and
 - (b) the applicant's right, if he or she disagrees with the GPAA's decision, to lodge an appeal with the Military Veterans Appeal Board established in terms section 19 of the Act.
- (2) If the Military Veteran disagrees with the decision of the GPAA, the Military Veteran may within a period not exceeding 90 days of the date of the decision, lodge an appeal.
- (3) When lodging an appeal, the Military Veteran may not submit any evidence or information which was not provided to the GPAA at the time of the application.
- (4) The Appeal Board must consider the appeal by reassessing the decision of the Department against the available information at its disposal and has the powers to either confirm or set aside the decision of the GPAA.
- (5) The Appeal Board must finalise the appeal within 90 days from the date on which the appeal was received and must inform the Military Veteran by electronic communication or any other means of communication of the decision and reasons thereof.

8. Short title and date of commencement

These Regulations are called the Military Veterans Pension Regulations, 2023. The effective date in respect of the commencement of this benefit will not be retrospective, but only applicable upon the signing off of these regulations by the respective authority. Payment to Military Veterans will not be retrospective but applicable upon the approval of the application.

ANNEXURE A

**PENSIONS
BENEFIT
ACCESS
FORM -
MVP01_2022**

MILITARY
VETERANS
ACT, (Act no.
18 of 2011)
SECTION 5(1)
(h).

1. PERSONAL DETAILS																			
1.1. SURNAME						1.2. FULL NAMES													
1.3. INITIALS				1.4. IDENTITY NUMBER					1.5. GENDER										
1.6. CELL NO					1.7. ALTERNATIVE CELL NO.														
1.8. FORCE NUMBER																			
1.9. RESIDENTIAL ADDRESS																			
											1.10. PROVINCE								
1.11. POSTAL CODE				1.12. EMAIL ADDRESS															
1.13. MARITAL STATUS				MARRIED				WIDOWED				NEVER MARRIED				DIVORCED			
2. DETAILS OF SPOUSE (S) IF MARRIED																			
2.1. INITIALS AND SURNAME	2.2. IDENTITY NUMBER			2.3. TYPE OF MARRIAGE APPLICABLE (E.g. CIVIL, CUSTOMARY, ETC)				2.4. CONTACT DETAILS											
3. DETAILS OF DEPENDENTS (Proof of dependency required if not reflected in the unabridged certificate)																			
3.1. INITIALS AND SURNAME	3.2. IDENTITY NUMBER			3.3. RELATIONSHIP				3.4. CONTACT DETAILS											

4. CRITERIA TO QUALIFY FOR PENSIONS BENEFIT			
4.1. ARE YOU REGISTERED IN THE NATIONAL MILITARY VETERANS DATABASE OF THE DEPARTMENT OF MILITARY VETERANS?	YES	NO	
4.2. WHICH MILITARY FORCE WERE YOU A MEMBER OF PRIOR TO 1994?			
4.3. ARE YOU A RECIPIENT OF PENSION OR SOCIAL GRANT FROM ANY INSTITUTION?	YES	NO	
4.4. IF YOU ANSWERED YES IN QUESTION 4.3 ABOVE, STATE WHICH PENSION OR SOCIAL GRANT ARE YOU A RECIPIENT OF?			
4.5. STATE THE INSTITUTIONS PROVIDING PENSION OR SOCIAL GRANT			
4.6. WHAT IS YOUR NET MONTHLY PENSION OR SOCIAL GRANT?			
4.7. WHAT IS YOUR TAX REFERENCE NUMBER?			

5. DECLARATION AND CONSENT

I, the undersigned (*Full Names*)

.....
I consent to and authorise the Department of Military Veterans to contact any person or entity for purposes of obtaining or verifying such information or documentation related to my application to access the Pension Benefit.

I further acknowledge that the Department of Military Veterans is committed to protecting and promoting the privacy of my personal information and any other individuals or organisations to give effect to the right to privacy and to fulfil its obligations under the Protection of Personal Information Act No 4 of 2013 (Hereinafter 'POPI').

The DMV acknowledges and agrees that the Personal Information will not, under any circumstances, be processed for purposes prohibited by POPI and/or the principles contained in POPI and that the processing of Personal Information will be done fairly and in accordance with legal provisions, given that the purpose for which processing of the Personal Information is adequate, relevant and not excessive. I herewith defend, indemnify and hold harmless the DMV from any action or claim of any nature, personal loss, injury or damage arising directly or indirectly from any act or omission on my part relating to or incidental to the failure from my part to honour the above provisions, or otherwise, as the case may be.

I am the applicant whose details appear in this application form, acknowledge and agree that I have read this form in its entirety and that I fully understand the nature, content and implications hereof and further agree that should I give wrong information, my application may be rejected accordingly, and that I shall be fully bound hereto from date of signature.

The content of the said application form falls within my personal knowledge, unless stated otherwise, and are both true and correct.

APPLICANT'S SIGNATURE

IDENTITY NUMBER

DATE

Before submitting the form first verify if you are registered on the DMV Database and your information is up-to-date

THIS FORM IS NOT FOR SALE.

FOR OFFICIAL PURPOSES

DOCUMENT CHECKLIST

DOCUMENT REQUIRED	ATTACHED	NOT ATTACHED
Application form - MVP01_2022		
Certified Identity Documents of the Military Veteran		
Certified copy of Identity Documents of the Spouse (s)		
Certified copy of an officially recognized marriage certificate(s)		
Certified copies of the unabridged birth certificates of the dependents of the Military Veteran		
Signed bank entity form with applicant's account numbers, stamped by the bank		

Completed application form together with the required supporting documents can be submitted
at any GPAA

offices or emailed to Milvet.applications@gpaa.gov.za.

Enquiries should be directed to Milvet.enquiries@gpaa.gov.za contact number 080 7723 646

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