

Pc Defence
28/05

[2] (amended)

RESERVE FORCE COUNCIL PROPOSED AMENDMENTS TO THE DEFENCE ACT, 2002, TO IMPOSE AN OBLIGATION TO SERVE ON RESERVE FORCE MEMBERS

Amendment of section 11

Section 11 of the principal Act is hereby amended by its substitution by the following;

“The South African National Defence Force established by section 224 (1) of the Constitution of the Republic of South Africa, 1993 (Act 200 of 1993), continues to exist and consists of the-

- (a) Regular Force, the members of which serve full-time until-
 - (i) reaching their age of retirement;
 - (ii) expiry of their contracted term of service; or
 - (iii) otherwise discharged from the Defence Force in accordance with the law; and

- (b) Reserve Force, the members of which serve on a part-time basis in accordance with section 53 and include - for such periods as they have been contracted for - persons who have concluded contracts binding them for service in the Reserve Force, unless their service is terminated in accordance with the law.

Amendment of section 53

Section 53 of the principal Act, 2002 is hereby amended and consolidated as follows:

“53 **Reserve Force**

Composition

(1) The Reserve Force consists of

(a) t[The members of the Defence Force who immediately before the commencement of this Act were serving voluntarily in a component known as the Citizen Force or the Commandos who must be regarded as having been enrolled as members of the Reserve Force in terms of this section, and any rights, privileges, duties, capacities and legal position not excluded by this Act that applied to them immediately before the commencement of this Act, apply to them for the remainder of the predetermined period of the said voluntary service; and.

(b) those persons who have been accepted for service and have contracted to serve in the Reserve Force until either reaching the maximum permissible age for service in the Reserve Force or the expiry of the specific number of years for which they have contracted to serve in the Reserve Force.

(1A) The Reserve Force shall only consist of persons not younger than 18 years of age and not older than 75 years who otherwise meet the standards prescribed for service in the Reserve Force.

53A

Liability to Serve

“(1) A member of the Reserve Force –

(a) is eligible to render voluntary additional service training or duty including temporary whole-time service which whole-time service may not be for longer than 2 years; and

(b) is liable to render the additional service prescribed in section 58; and

(c) subject to the provisions of section 18 (1), a member of a Reserve Force is liable to be called up for service, training or duty anywhere in the world.

(2) Subject to this Act, the contract of a member enrolled in terms of section 53 (1) (b) shall –

- (a) specify at least the prescribed minimum annual period of days for which the member concerned may be required to serve, undergo training or render duty; and
 - (b) specify the duration of the member's service in the Reserve Force; and
 - (c) may specify any other terms relating to the obligations undertaken by the member entering into it; and
 - (d) impose obligations in addition to any other obligations he or she may have as a member of the Reserve Force.
- (3) The calculation of the periods of continuous and non-continuous service, training or duty undertaken or to be undertaken by a member is as prescribed."

53B

Call-up

- "(1) Any Reserve Force member may be required to report for service training or duty by means of a call-up order issued by that member's commanding officer: Provided that - unless and until the Minister has authorised the call-out of Reserve Force members for the additional periods of service to be rendered in terms of section 58 - no call-up order may be issued in respect of such additional service.
- (2) Each call-up order shall specify -
- (a) the member to whom it applies;
 - (b) the member's force number, rank and unit;
 - (c) the date and time when, and place where, the member is to present him- or herself; and
 - (d) the period for which the member is to render service, undergo training or render duty.
- (3) Nothing in this section may be construed as prohibiting an application for exemption or deferment of service by a member in terms of this Act."

Amendment of Section 58

Section 58 of the principal Act is hereby amended by the insertion of sub-section (3A) as follows:

“(3A) Where a Reserve Force member’s contracted or voluntary period of service terminates, lapses or expires during any service contemplated in paragraph (a), (b), (c) or (d) of Section 18 (1), such contracted or voluntary service may be extended by the Minister to enable the member to remain in service for a continuous period not exceeding three months beyond his or her contracted or voluntary period of service.”

Amendment of Section 104

Section 104 (12) of the principal Act is hereby amended as follows:

“(12) Any person who is liable to render service in the Defence Force by virtue of a military service contract or this Act, and who refuses or fails to render such service, is guilty of an offence and liable on conviction to a fine or imprisonment not exceeding one year.”

Section 104(21) of the principal Act is hereby amended by the insertion of sub-paragraph (iv):

“(iv) having been duly notified of his or her call-up for service in the Reserve Force as contemplated in section 53B fails to present himself or herself at a place and time as specified in the call-up notice.”

Short Title and Commencement