

REPUBLIC OF SOUTH AFRICA

DEMOBILISATION AMENDMENT BILL

(As introduced in the National Assembly as a section 75 Bill)

(MINISTER OF DEFENCE)

[B 136—98]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP DEMOBILISASIE

(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp)

(MINISTER VAN VERDEDIGING)

[W 136—98]

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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.
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BILL

To amend the Demobilisation Act, 1996, so as to amend certain definitions; to further regulate the payment of a dependant's benefit; and to effect certain technical amendments; and to provide for matters connected therewith.

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

Amendment of section 1 of Act 99 of 1996

1. Section 1 of the Demobilisation Act, 1996 (hereinafter referred to as the principal Act), is hereby amended— 5
- (a) by the substitution for the definition of “closing date” of the following definition:
- “ ‘closing date’, for the purposes of section [6(1)(c)] 8(1)(c), means [the date 12 months after the date on which this Act comes into operation] 31 March 1999;” and 10
- (b) by the substitution in the definition of “dependant” for the words preceding paragraph (a) of the following words:
- “ ‘dependant’, for the purposes of section [5] 7, includes—”.

Amendment of section 3 of Act 99 of 1996

2. Section 3 of the principal Act is hereby amended— 15
- (a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:
- “(b) determine whether an applicant is eligible to benefit under the demobilisation programme in terms of sections [4 and 5] 5 and 7;” and
- (b) by the substitution for paragraph (e) of subsection (1) of the following paragraph: 20
- “(e) determine the validity of the mandate of any person to act on behalf of the applicant referred to in section [6(2)] 8(2); and”.

Amendment of section 7 of Act 99 of 1996

3. Section 7 of the principal Act is hereby amended— 25
- (a) by the substitution for subsections (1) and (2) of the following subsections, respectively:
- “(1) Notwithstanding the provisions of any other law, a surviving dependant of any person who, but for his or her death, would have been

eligible for demobilisation in terms of section [4] 5 shall, subject to subsection (3), be entitled to receive the demobilisation gratuity to which that person would have been entitled, had he or she survived.

(2) For the purposes of this section, section [4(c)] 5(1)(c) shall not apply in determining the eligibility of the deceased.”; and

(b) by the deletion of subsection (4).

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Short title and commencement

4. This Act is called the Demobilisation Amendment Act, 1998, and shall be deemed to have come into operation on 18 February 1997.

MEMORANDUM ON THE OBJECTS OF THE DEMOBILISATION AMENDMENT BILL, 1998

1. The main object of the Bill is to extend the closing date for the submission of applications for benefits in terms of the Demobilisation Act, 1996 (Act No. 99 of 1996) ("the Act"), to 31 March 1999. The reason for the extension is that the process of integration was not completed as envisaged.

2. It is also proposed that the provision in the Act that a dependant's benefit shall only be paid out after the closing date for the submission of applications, be deleted.

3. Lastly, the Bill seeks to correct certain incorrect references in the Act.

4. PARLIAMENTARY PROCEDURE

The State Law Advisers and the Department of Defence are of the opinion that this Bill must be dealt with in accordance with section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.