

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
MILITARY DISCIPLINE
SUPPLEMENTARY MEASURES
BILL**

[B 31—99]

(As agreed to by the Portfolio Committee on Defence (National Assembly))

[B 31A—99]

REPUBLIEK VAN SUID-AFRIKA

**PORTEFEULJEKOMITEE-AMENDEMENTE
OP
WETSONTWERP OP
AANVULLENDE MAATREËLS
VIR MILITÊRE DISSIPLINE**

[W 31—99]

(Soos goedgekeur deur die Portefeuljekomitee oor Verdediging (Nasionale Vergadering))

[W 31A—99]

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AMENDMENTS AGREED TO

MILITARY DISCIPLINE SUPPLEMENTARY MEASURES BILL [B 31—99]

CLAUSE 8

1. On page 12, in line 27, to omit “appeals” and to substitute “Appeals”.
2. On page 12, from line 39, to omit paragraph *(d)* and to substitute:

(d) if it has upheld the finding, or substituted a finding, vary the sentence.
3. On page 12, from line 44, to omit “, but subject thereto that the consequences shall not be more favourable to the offender”.
4. On page 12, from line 53, to omit subsection (4).

CLAUSE 29

1. On page 28, in line 26, to omit the second “shall be”.

CLAUSE 30

1. On page 32, in line 3, to omit “be”.

CLAUSE 32

1. On page 36, in line 17, to omit “or” and to substitute “and”.

CLAUSE 34

1. On page 40, in line 15, to omit “director” and to substitute “the Director: Military Judicial Reviews”.

CLAUSE 39

Clause rejected.

NEW CLAUSE

1. That the following be a new Clause:

Language

39. Any accused in a military trial is entitled to have the proceedings interpreted into a language preferred by the accused.

CLAUSE 40

1. On page 44, in line 5, to omit “ensuring the”.

CLAUSE 42

1. On page 44, in line 28, to omit “being charged with any offence” and to substitute “appearing as an accused”.

CLAUSE 44

1. On page 44, from line 47, to omit subsection (2) and to substitute:

(2) All trial and disciplinary proceedings which immediately before the commencement of this Act were underway or pending before a court martial or a commanding officer shall be terminated and may start afresh under the control of the relevant prosecution counsel in accordance with the provisions of this Act.

(3) All review and appeal processes which immediately before the commencement of this Act were underway or pending shall proceed in accordance with the provisions of this Act.

SCHEDULE 2

1. On page 52, in item 7, to omit section 116 and to substitute:

116. Any finding, **[or]** sentence or order of a military court as [confirmed] upheld, substituted or varied by a **[confirming or reviewing authority or the council of]** review authority, shall be deemed to be the finding of the court which passed the original sentence or made the original finding or order.”.

2. On page 54, after item 8, to insert:

9. Amendment of section 128 by the substitution in paragraph (j) of subsection (1) for the expression “Adjutant General” of the expression “Chief of the South African National Defence Force”.