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THE PRESIDENCY

No. 1377 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. 44 of 2001: Termination of Integration Intake Act, 2001



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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.

(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.

BE 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;

"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);

"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;

"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;

"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.

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.

(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

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 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).

(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

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.".

Short title

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