

REPUBLIC OF SOUTH AFRICA

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# DEMOBILISATION AMENDMENT BILL

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*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill published in Government Gazette No 21599 of 22 September 2000) (The English text is the official text of the Bill)*

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(MINISTER OF DEFENCE)

[B 5—2001]

ISBN 0 621 29735 6

No. of copies printed ..... 1 800

**GENERAL EXPLANATORY NOTE:**

Words underlined with a solid line indicate insertions in existing enactments.

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## **BILL**

**To amend the Demobilisation Act, 1996 (Act No. 99 of 1996), so as to amend a definition in order to further regulate the submission of an application for a demobilisation gratuity.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 99 of 1996, as amended by section 1 of Act 128 of 1998**

1. Section 1 of the Demobilisation Act, 1996 (hereinafter referred to as the principal Act), is amended by the substitution for the definition of “closing date” of the following definition:

“ ‘closing date’, for the purposes of section 8(1)(c), means 31 March 1999, but in respect of persons who are entitled to be integrated into the South African National Defence Force in terms of the Termination of Integration Intake Act, 2001, but who—

(a) cannot be integrated because they do not satisfy the employment policies and terms and conditions of service of the South African National Defence Force; or

(b) no longer wish to pursue a military career,

means a date determined by the Minister by notice in the *Gazette*;”.

**Short title**

2. This Act is called the Demobilisation Amendment Act, 2001.

## **MEMORANDUM ON THE OBJECTS OF THE DEMOBILISATION AMENDMENT BILL, 2001**

### **PURPOSE**

1. The Bill seeks to amend the definition of “closing date” in the Demobilisation Act, 1996 (Act No. 99 of 1996), so as to make it possible to demobilise members of APLA and MK who are unable to conclude agreements of appointment with the SANDF on account of them not satisfying the terms and conditions of service of the SANDF. Unlike the principal Act, the Bill does not designate a particular date as the “closing date”. Such date will be determined by the Minister by notice in the *Gazette*.

### **CLAUSE BY CLAUSE ANALYSIS**

2.1 Section 1 of the Demobilisation Act, 1996, is being amended by providing that “closing date” in respect of the persons contemplated in paragraph 1 will be a date determined by the Minister by notice in the *Gazette*.

2.2 Clause 2 provides for a short title.

### **CONSULTATION**

3. The Bill was sent to all Government Departments for their comments and inputs before it was referred to Cabinet.

### **FINANCIAL IMPLICATIONS FOR STATE**

4. It is envisaged that funds required to demobilise persons who are likely to be eligible for demobilisation as a result of the determination of a new closing date will be obtained from the current budget.

### **PARLIAMENTARY PROCEDURE**

5. The Department of Defence and the State Law Advisers are of the view that this Bill should be dealt with in terms of section 75 of the Constitution since it contains no provision to which section 74 or 76 of the Constitution applies.

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ISBN 0 621 29735 6