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**GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF DEFENCE**

NO. 527

02 JUNE 2017

**DEFENCE ACT, 2002****REGULATIONS FOR THE RESERVE FORCE**

I, Nosiviwe Noluthando Mapisa-Nqakula, the Minister of Defence, hereby under section 82(1)(r) and (zD), read with section 53 of the Defence Act, 2002 (Act No. 42 of 2002), make the regulations in the Schedule.

**N N MAPISA-NQAKULA****Minister of Defence and Military Veterans****SCHEDULE****Definitions**

1. In these Regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and, unless the context otherwise indicates—

**"continuous utilisation"** means any period when a member renders service for an uninterrupted time which is longer than one day, and which is reckoned in days for as long as the member continues to render service without a break;

**"member"** means a member of the Reserve Force;

**"non-continuous utilisation"** means any period of time reckoned in hours during which a member renders service and which does not constitute continuous utilisation;

**"the Act"** means the Defence Act 2002, (Act No. 42 of 2002);

**"utilisation"** means the period when a member renders service in terms of a call-up order.

## Scope of application

2. Subject to regulation 12, these Regulations apply to all members of the Reserve Force.

## Rank structure in Reserve Force

3. (1) Subject to regulation 9, the ranks set out in the table contained in Annexure A may be conferred on members of the Reserve Force, and each such rank—

- (a) is lower than the rank preceding it in the relevant column of the table; and
- (b) is equivalent to those ranks on the same horizontal line in the other columns of the table.

(2) Each other rank referred to in subregulation (1) also includes every other alternative nomenclature of such rank which may, with regard to military tradition, be used in a particular Service, Corps or branch of the Defence Force.

(3) Wherever a rank is referred to in these Regulations, it includes, unless the context otherwise indicates, those ranks which are equivalent thereto in terms of this regulation.

(4) An officer in command takes precedence over all officers under his or her command.

(5) Irrespective of his or her rank, a member in command of an aircraft or vessel exercises for the duration of any flight or voyage authority over the crew and all persons on such aircraft or vessel in connection with any matter relating to the successful completion of such flight or voyage.

(6) Despite the rank of chaplain in the table, the said rank is accorded the relative order of precedence of a colonel.

## Post requirements

4. (1) The Chief of the Defence Force must determine the requirements for appointment in any post or conferral of any rank in the Reserve Force on the basis of the inherent requirements of the job.

(2) In making an appointment in the Reserve Force, the Chief of the Defence Force must—

- (a) ensure that the appointment does not unfairly discriminate against any person;
- (b) ensure that the applicant complies with the requirements set out in the relevant Personnel Management Code for the applicable occupational category in the Defence Force; and
- (c) comply with any statutory requirement for the appointment of an applicant to a post.

### **Enrolment requirements, procedures and conditions**

5. (1) An applicant for enrolment as a Reserve Force member—

- (a) must be a citizen of the Republic: Provided that if a need for a specific service or capacity exists which cannot be filled by any other reasonable means, the Minister may authorise the enrolment of a non-citizen for a period not exceeding three years, renewable once for a period not exceeding three years;
- (b) may not be a learner with primary or high school-going commitments;
- (c) must be older than 18 years but not older than 65 years;
- (d) must comply with the required standards of medical fitness determined by the Surgeon General in respect of the service or duty to which that applicant is to be appointed;
- (e) must have the attributes and qualifications which are required for his or her training for, and the execution of the service or duties attached to, the post for which he or she applies; and
- (f) must hold or apply for the required security clearance applicable to the rank, post or position in which he or she is to be appointed.

(2) The previous convictions of an applicant must be considered before appointment.

(3) An applicant contemplated in subregulation (1)—

- (a) who is not subject to section 53(1) of the Act, must complete an application in the form determined by the Chief of the Defence Force and furnish certified copies of the documents required to accompany an application for enrolment and appointment to the relevant post; and
- (b) must appear before a selection board appointed in terms of regulation 7.

(4) A person is enrolled as a member of the Reserve Force on condition that—

- (a) his or her utilization is regulated by a contract of service as contemplated in regulation 15; and
- (b) his or her enrolment or appointment in a post is subject to the applicable probation periods provided for in regulations 10 and 11.

## Prohibition on enrolment of certain former Defence Force members

6. The Chief of the Defence Force may not enrol a former member of the Defence Force as a member of the Reserve Force if—
- (a) that former member resigned from or left the Defence Force on the condition that he or she would not accept or seek re-appointment;
  - (b) the original grounds for termination of service in the Defence Force militate against enrolment;
  - (c) the services of the former Regular Force member were terminated in terms of section 59(1)(d) or (e) or (2) of the Act; or
  - (d) that former member left the Defence Force for medical or psychological reasons and cannot produce recent and conclusive evidence of recovery that is verified by the Surgeon-General.

## Selection boards

7. (1) The Chief of the Defence Force, or an officer designated by him or her for that purpose, must appoint selection boards to make recommendations for—
- (a) the enrolment of suitable applicants from outside the Defence Force as members of the Reserve Force;
  - (b) the appointment of serving members as officers; and
  - (c) the ranks to be conferred on the successful applicants.
- (2) A selection board contemplated in subregulation (1) must consist of—
- (a) at least three members who are in rank equal to or higher than the rank of the vacancy to be filled;
  - (b) a chairperson, who must be of the rank of Major or Warrant Officer Class 2 or a rank higher than the vacancy to be filled: Provided that the rank of a chairperson of a selection board for the selection of members for the appointment of officers may not be lower than that of Colonel; and
  - (c) not more than three members, who may be determined by Chiefs of Services and Divisions to provide for their requirements.
- (3) Persons who are not members of the selection board may provide secretarial or advisory services to the board regardless of their ranks.
- (4) A selection board must make recommendations on the suitability of an applicant after considering—
- (a) information based on valid methods, criteria or instruments for selection that are free from any bias or unfair discrimination;
  - (b) the training, skills, competence and knowledge necessary to meet the inherent requirements of the post; and

- (c) the needs of the corps, classification or mustering where the post is located.

(5) A selection board must record the reasons for its decision with reference to the requirements mentioned in subregulation (4).

(6) When the Chief of the Defence Force, or an officer designated by him or her for that purpose, does not approve a recommendation of a selection board, he or she must record the reasons for his or her decision in writing.

### **Appointment to professional posts**

8. A person who complies with the provisions of regulation 5 and the professional or academic requirements for a professional post or rank, may be considered for appointment in the post and rank recommended, with due regard to—

- (a) his or her competency and appropriate experience; and
- (b) the inherent requirements of that post.

### **Appointment as officer or candidate officer**

9. (1) Subject to section 13(1A) of the Act, the Minister, or an officer designated by him or her for that purpose, may with due regard to the qualifications, appropriate experience, previous military service, age, the requirements of the applicable post and the recommendation by a selection board, authorise the appointment of a serving Reserve Force member or an applicant as an officer in the Reserve Force: Provided that in those instances in which the filling of a post of Lieutenant-general is to be effected, the Minister in consultation with the National Executive must fill the post.

(2) (a) The Chief of the Defence Force, or an officer designated by him or her for that purpose, may approve that an applicant who is selected to undergo training as an officer in the Reserve Force, be appointed in the rank of candidate officer if a member of the SA Army, the SA Air Force or the SA Military Health Service, or if a member of the SA Navy, in the rank of midshipman.

(b) A member who on the date of an appointment contemplated in paragraph (a) holds any other rank—

- (i) shall cease to hold the said other rank with effect from such date; and
- (ii) must be paid as if he or she holds the said other rank, unless the conditions of pay of a candidate officer or midshipman are more favourable than those attached to the said rank.

(3) A candidate officer or midshipman in the Reserve Force—

- (a) may in the course of his or her training or the execution of his or her duties be placed in a position of authority over any non-commissioned other rank; and
- (b) must, while exercising the authority contemplated in paragraph (a), be regarded in relation to any other rank over whom he or she exercises such authority, to hold the rank of Warrant Officer Class One.

(4) Despite subregulation (3), the rank of candidate officer or midshipman is, for disciplinary purposes, equivalent to the rank of private or seaman.

(5) Every person appointed in the rank of candidate officer or midshipman in the Reserve Force must for the duration of his or her training to become an officer wear the insignia of a candidate officer or midshipman.

### **Probationary service**

**10.** (1) (a) An applicant selected for enrolment in the Reserve Force, serves on probation for a period of 12 months from the date of his or her enrolment, whereafter his or her membership may be terminated, his or her membership may be confirmed or his or her period of probation may be extended for a further maximum period of 12 months.

(b) Paragraph (a) does not apply to former members of the Regular Force or members who have served in the Military Skills Development System in terms of which members serve voluntarily for two years.

(2) Every first appointment as an officer in the Reserve Force shall be on probation for a period of 12 months, after expiry of which the appointment may be confirmed or the probationary period extended for a period not exceeding 12 months: Provided that an officer who is appointed during any period of training or studies at a military or tertiary institution, must render probationary service until the officer has successfully completed the training or studies concerned, and for 12 months thereafter.

(3) The officer commanding of a member who is on probation, must—

- (a) at the commencement of his or her probation, inform the member of the performance and other requirements to be complied with before his or her appointment may be confirmed;
- (b) inform the member in writing of his or her performance and compliance with other requirements on a quarterly basis;
- (c) provide the member with the evaluation, instruction, training, guidance or counselling that may be necessary to meet the requirements for confirmation;
- (d) afford the member the opportunity to state his or her case before a recommendation is made for the termination of the member's service: Provided that a member on whom a temporary commission has been conferred may be permitted to revert to the rank he or she held prior to the conferment of such temporary commission; and
- (e) inform the member in writing whether or not his or her appointment has been confirmed.

## Appointment of officer commanding

11. (1) The Chief of the Defence Force, or an officer designated by him or her for that purpose, may appoint a Reserve Force officer to any post of officer commanding in the Reserve Force for which such officer is qualified.

(2) An officer who is appointed as an officer commanding of a unit is on probation during the first 12 months after his or her appointment, which period may be extended for a further period not exceeding 12 months.

(3) The Chief of the Defence Force, or an officer designated by him or her for that purpose, may—

- (a) terminate an appointment contemplated in subregulation (1) if it appears to him or her that the officer concerned is not competent to serve as officer commanding, but only after having informed the officer of his or her reasons for not regarding the person as competent, and having afforded the officer a reasonable opportunity to respond thereto; or
- (b) at the end of his or her probation, if he or she considers the officer concerned qualified to perform the duties efficiently, confirm him or her in his or her appointment as officer commanding with effect from the date of such appointment.

(4) Unless the Chief of the Defence Force or the designated officer at the time of his or her appointment of an officer commanding as contemplated in subregulation (1) specifies a longer or a shorter period, the appointment shall be for a period of five years.

## Honorary appointments and ranks

12. (1) The Chief of the relevant Service may, with the approval of the Minister, appoint an honorary Colonel, Captain (SAN), Lieutenant Colonel or Commander (SAN) to a Regular or Reserve Force unit or structural component.

(2) An appointment contemplated in subregulation (1) confers no military status or power of command on the holder thereof, but entitles the holder to wear the uniform of the unit or other establishment concerned on the occasions determined by the Chief of the relevant Service, and to qualify for Defence Force medals and decorations.

(3) Appointments contemplated in subregulation (1) are subject thereto that—

- (a) only one appointment of honorary Colonel or honorary Captain (SAN) per unit or larger organisation or staff Division may be made;
- (b) in the case of a large or combined unit of various corps, an additional honorary Lieutenant-Colonel or Commander (SAN) may be appointed on the same terms and conditions as a honorary Colonel or Captain (SAN);
- (c) the person must be between 40 and 75 years of age;
- (d) the person must have permanent residence in South Africa;
- (e) the person must be of good standing in the community;

- (f) the person must have a commitment to the unit or organisation;
- (g) the person must possess an appropriate military bearing, have such officer-like qualities as are generally required of officers of the Defence Force and his or her conduct must be beyond reproach;
- (h) the person does not need previous military experience;
- (i) the appointment of serving Defence Force officers is discouraged;
- (j) the appointment of persons holding political office is discouraged;
- (k) the person does not have vested business interests in the defence or related enterprises in order that indirect benefits are avoided;
- (l) the person is entitled to the appellation of his or her rank, and must be paid the appropriate compliments when officiating in his or her honorary capacity;
- (m) the person may not receive remuneration or be issued with a military weapon;
- (n) for the purposes of the issuing and wearing of military uniform, badges, insignia and accoutrements as well as qualification for the awarding of Defence Force medals and decorations the person appointed must, if not a member of the Defence Force, be regarded as a serving member thereof for the duration of his or her appointment.
- (o) the person is appointed for a fixed period of time or have an initial tenure of five years which may be extended; and
- (p) termination of the person's appointment occurs—
  - (i) if the person cannot perform the duties expected of him or her;
  - (ii) if, due to the person's advancing age, medical condition or physical profile, he or she no longer meets the required standards;
  - (iii) if his or her conduct or actions are to the detriment of the unit, organisation or the Defence Force;
  - (iv) when his or her unit or structural component disbands; or
  - (v) on request of the person.

(4) Save when a person voluntarily requests the termination of his or her appointment, the Chief of the Defence Force, or an officer designated by him or her for that purpose, must inform the person of the reasons for the intended termination of his or her appointment and afford that person a reasonable opportunity to respond thereto before finally deciding the matter and advising the affected person accordingly.

### **Honorary members**

- 13.** (1) The Chief of the relevant Service may, with the approval of the Minister, appoint a person as an honorary member of a Reserve Force unit of the Defence Force.
- (2) An honorary member is not entitled to—
- (a) any privilege or right, or be liable to any duty or obligation, of a Reserve Force member;
  - (b) wear a Defence Force uniform; or
  - (c) any Defence Force medal or decoration.
- (3) The number of honorary members may not exceed 10 in any one unit.
- (4) Save when a honorary member voluntarily requests the termination of his or her appointment, the Chief of the Defence Force, or an officer designated by him or her for that purpose, must inform the honorary member of the reasons for the intended termination of his or her appointment and afford that honorary member a reasonable opportunity to respond thereto before finally deciding the matter with the approval of the Minister, and advising the affected honorary member accordingly.

### **Detached duty**

**14.** Should any unit, formation, Service or Division other than the unit, formation, Service or Division to which a member belongs, wish to utilise that member's services, authority must be requested in writing from the member's officer commanding for such utilisation.

### **Contract of service**

- 15.** (1) A person enrolled as a member must on enrolment enter in writing into a contract of service, which must contain at least the following terms:
- (a) That the person has volunteered his or her services to the Defence Force;
  - (b) the annual maximum number of days and periods of utilisation, either continuous or non-continuous, agreed upon;
  - (c) that the member may, on a voluntary basis, be utilised with or without remuneration in addition to the utilisation stipulated in the contract.
  - (d) that utilisation may occur on either more than one consecutive day or one or more non-consecutive days;
  - (e) the conditions of utilisation and benefits applicable to the form of utilisation; and
  - (f) the provisions regarding voluntary utilisation to occur outside the borders of the Republic.
- (2) Subject to compliance with subregulation (1), a contract of service must be in the general format contained in Annexure B.

## Format of call-up order

16. (1) A call-up order must at least state—
- (a) the purpose of the call-up;
  - (b) the time and place where the member must report;
  - (c) the expected duration of the call-up;
  - (d) the travel arrangements to the point of call-up;
  - (e) whether the call-up is for continuous or non-continuous utilisation; and
  - (f) any other information deemed necessary by the member's commanding officer.
- (2) Subject to compliance with subregulation (1), a call-up order must be in the general format contained in Annexure C or D, as the case may be.

## Obligation to report change of address

17. (1) A member must give his or her officer commanding notice in writing of any change in his or her residential address within 14 days of such change.
- (2) Despite subregulation (1), every member must during the month of June each year give his or her officer commanding notice in writing of his or her residential address.

## Calculation of utilisation

18. In calculating a member's utilisation to determine whether he or she qualifies for utilisation benefits, credit of one day's utilisation must be given—
- (a) for each day served by a member during continuous utilisation; and
  - (b) for the periods of non-continuous utilisation which singly or in combination add up to eight hours: Provided that if more than eight hours are served on any one day, the credit must be limited to eight hours for that one day.

## Transfers

19. (1) A member may apply in writing for any of the following transfers and, if the transfer is considered to be in the interest of the Defence Force, it may be authorised in writing by the Chief of the relevant Service:
- (a) Inter-unit;
  - (b) inter-corps; or
  - (c) inter-Service.

- (2) A member may not be transferred without his or her consent where such transfer—
- (a) will have the effect of altering his or her remuneration or conditions of service, or of reversion to a lower rank; or
  - (b) will bestow professional status upon the member concerned or deprive him or her of such status.

### Promotion

**20.** (1) The Minister, or an officer designated by him or her for that purpose, may subject to subregulation (2) and regulation 21, promote a member to the substantive next higher military rank.

- (2) Promotion to the next higher rank is subject thereto that—
- (a) a suitable vacancy exists;
  - (b) the member's efficiency has been determined by a prior assessment of his or her performance that indicated the suitability of the member for promotion;
  - (c) the member has obtained the applicable military and academic qualifications, in accordance with the inherent requirements of the post and that his or her suitability for promotion has taken into account his or her proficiency, potential, age, command experience, operational experience, on the job training and specialist civilian training, experience and qualifications;
  - (d) if the member, as a result of circumstances beyond his or her control, could not become suitably course-qualified, he or she may be promoted but may not be considered for a further promotion until the outstanding qualifying course has been successfully completed;
  - (e) the member's health status complies with the requirements of the post;
  - (f) the member's grade of security clearance is in accordance with the requirements of the vacancy;
  - (g) the member has been at least for the minimum required period in his or her present rank; and
  - (h) the member has successfully completed the probation period as contemplated in regulation 10(1)(a).

(3) The Chief of the Defence Force may determine the necessary administrative procedures for promotion.

### Taking effect of promotion

**21.** (1) A promotion in terms of these Regulations takes effect on the first day of the month following the month during which the Minister, or an officer designated by him or her for that purpose, approves the promotion.

(2) A member has no right to promotion to a vacant post until the Minister or an officer designated by him or her for that purpose has approved his or her promotion in writing.

### **Promotion in exceptional circumstances**

**22.** The Minister, or an officer designated by him or her for that purpose, may in exceptional circumstances promote a member to the next higher rank, without regard to regulation 20(2).

### **Acting in higher posts**

**23.** (1) Subject to subregulation (2) and section 55 of the Act, the Minister may determine that—

- (a) a member who is acting in a higher funded post; or
- (b) a member who is acting in a post of which the actual incumbent is acting in a higher vacant post or is temporarily assigned to duty other than his or her actual post,

may be remunerated at the salary attached to the higher post: Provided that no more than two members may simultaneously be so remunerated as a result of a single vacancy.

(2) A member may not act in a higher post for an uninterrupted period exceeding 12 months.

### **Warrant of appointment**

**24.** A warrant of appointment bearing the Minister's signature or a replica thereof must be issued to a member who has been promoted to the substantive rank of Warrant Officer.

### **Temporary higher rank**

**25.** (1) The Minister or an officer designated by him or her for that purpose may confer a temporary higher rank with the pay attached to it on a member who, due to the exigencies of the service—

- (a) is appointed in a post to which a rank is attached higher than that held by the member; and
- (b) is charged with duties normally allotted to a member of a rank higher than that of his or her rank.

(2) The Minister or an officer designated by him or her for that purpose may temporarily confer a higher rank without the pay attached to it on a member for command and control purposes if the level of functionality remains the same: Provided that the member must relinquish that temporary higher rank when he or she ceases to perform that command and control function: Provided further that such temporary rank and appointment without pay shall not exceed a period of three months.

### **Reversion in rank**

**26.** (1) A member may, on his or her request in writing, be permitted, with the approval of the Minister, to revert to a lower rank: Provided that no member may revert to a lower rank if it may result in avoidance of disciplinary action against him or her.

(2) Despite subregulation (1) and regulation 9(2), the Chief of the Defence Force or an officer designated by him or her for that purpose may approve an application by an other rank who had been appointed as a candidate officer or midshipman to revert to his or her original rank: Provided that such member's seniority in that rank shall run from the date on which that rank originally became effective and be deemed to have been uninterrupted.

### **Seniority in general**

**27.** (1) The seniority of a member, including an officer on whom a temporary commissioned rank is conferred under section 54(4) of the Act, in any substantive or temporary rank is, in relation to other members of the same or equivalent substantive or temporary rank, determined by the date of his or her appointment or reappointment in or promotion to that substantive or temporary rank: Provided that a member holding a substantive rank is senior to all members holding temporary ranks of the same or equivalent grade.

(2) If two or more members are appointed in the same rank on the same date, the order of their seniority is determined with due regard to their qualifications, appropriate experience, previous military service and age, and the seniority which they held in their previous ranks.

### **Seniority of professional members**

**28.** (1) A person appointed in a professional capacity in the Reserve Force takes seniority amongst serving members of equal rank of the same profession with effect from the date he or she has been appointed in the relevant profession.

(2) If two or more members are appointed on the same level of the same profession on the same date, the order of their seniority is determined with due regard to their qualifications, appropriate experience and age, and the seniority which they held in their previous ranks.

### **Retirement age**

**29.** (1) A member of the Reserve Force must be retired from the date he or she attains the age of 65 years: Provided that—

- (a) the date of retirement of a member may be extended to the date on which he or she attains the age of 75 years; and

(b) he or she consents to such extension.

(2) The conditions for the extension of the retirement age beyond the age of 65 years are as follows:

(a) A motivation in writing—

(i) in which is stated the specific purpose and period for which the extension is requested; and

(ii) which must include reasons why another member who has not yet reached the age of 65 years cannot be utilised in the place of the member whose retirement age is requested to be extended, which must be submitted for approval to the Chief of the Defence Force, or an officer designated by him or her for that purpose;

(b) the member's consent in writing for the proposed purpose and duration of the utilisation must be obtained; and

(c) the request must be signed by the member's officer commanding, or by higher authority.

### **Termination of membership of Reserve Force**

**30.** (1) The membership of a member of the Reserve Force is terminated—

(a) upon the expiration of one month after the date on which the member lodged his or her resignation, or upon the expiration of any shorter period approved by the Chief of the Defence Force;

(b) upon the member's death;

(c) if the member has reached the prescribed age of retirement as provided for in regulation 29;

(d) if the member is sentenced to a term of imprisonment by a competent civilian criminal court or a military court without the option of a fine, or if a sentence involving discharge or dismissal is imposed upon him or her under the Code;

(e) if the Surgeon-General or any person authorised thereto by him or her issues a certificate to the effect that due to medical or psychological reasons, the member is permanently unfit to serve in the Defence Force;

(f) on his or her appointment in the Regular Force, the South African Police Service, including the South African Police Service Reserves, the State Security Agency or the Department of Correctional Services; or

(g) upon proof of the termination of the member's South African citizenship.

- (2) The membership of a member of the Reserve Force may be terminated—
- (a) as a result of the abolition of the post of that member or any reduction or adjustment in the post structure of the Reserve Force or the Department of Defence;
  - (b) if for reasons other than the unfitness or incapacity of the member, such discharge is likely to promote efficiency or increased cost-effectiveness in the Reserve Force or the Department of Defence;
  - (c) on account of unfitness for his or her duties or inability or incapability to carry them out efficiently, for a reason other than contemplated in subregulation (1)(e);
  - (d) if, after serving a period of probation in terms of these Regulations, his or her enrolment is not confirmed;
  - (e) if the continued employment of that member constitutes a security risk to the State, or if the required security clearance for his or her appointment in a post is refused or withdrawn;
  - (f) if the member, while serving, has been convicted by a competent civilian criminal court or a military court of an offence which, in view of its gravity and the nature of the sentence imposed, renders the continued employment of that member in the Reserve Force undesirable;
  - (g) if, before or since the member has been appointed, he or she has been convicted by a competent civilian criminal court or a military court on more than one occasion of offences which, considered individually, would not justify or did not lead to the dismissal of the member on account of misconduct, but considered collectively renders continued employment of that member in the Reserve Force undesirable;
  - (h) if, due to recurrent convictions of that member by military courts, the member is considered not to be amenable to military discipline;
  - (i) if the member has been convicted on five or more charges of contravening section 14(a) of the Code during a period of 24 months of continuous service;
  - (j) if any condition of the conditional appointment of the member is not fulfilled;
  - (k) by reason of any material representation of his or her position with regard to a condition for the appointment of the member to any rank or post in the Reserve Force;
  - (l) if at any time during the formative or specialised training of the member in the corps or mustering in which he or she has been appointed it becomes apparent that the member is unsuitable for such training and is not regarded as suitable to be remustered for employment in any other corps or mustering in the Reserve Force;
  - (m) if the member, after he or she has been lawfully instructed to submit himself or herself to a compulsory immunisation of the members of the Defence Force, has refused to do so;

- (n) if the member is charged but not yet convicted in a competent civilian criminal court or a military court and the continued enrolment of the member in the Reserve Force is rendered undesirable, with reference to—
  - (i) the gravity of the charges or allegations against him or her;
  - (ii) the publicity that the charges or allegations was given in the public and social media;
  - (iii) the prejudice or potential prejudice for the reputation of the Defence Force as a result of such publicity;
  - (iv) the impact of the charges or allegations and its publicity on the confidence or respect of the public in the Defence Force; and
  - (v) the constitutional imperative for the Defence Force to be structured and managed as a disciplined military force;
- (o) if, for just cause, the relationship of trust or respect between the member and the Defence Force has deteriorated to such an extent that it renders his or her continued enrolment in the Reserve Force untenable or undesirable; and
- (p) if the member does not conclude a contract of service as contemplated in regulation 15 within 90 days of his or her enrolment as a member of the Reserve Force.

(3) A member who is entitled to be discharged in terms of subregulation (1)(a) or (c) may not, without the prior consent of the Chief of the Defence Force, be permitted to obtain his or her discharge—

- (a) while he or she is rendering service during a time of war, a state of national defence or a state of emergency; or
- (b) while disciplinary proceedings are still pending against him or her.

(4) A member contemplated in subregulation (1)(a), (d) or (f) who has undergone or who was undergoing education or training at State expense remains liable for the repayment of such money as is repayable in terms of a contractual agreement in respect of that education or training.

(5) (a) The officer commanding of a member may apply to the Chief of the Defence Force for the termination of the services of that member on any of the grounds in subregulation (2).

(b) The application contemplated in paragraph (a) must—

- (i) be in writing;
- (ii) comply with the procedure and directives applicable to members of the Regular Force.

(c) The Chief of the Defence Force must, after ascertaining that subregulation 5(b) has been complied with, consider the application and may—

- (i) decide to terminate the membership of the member;

- (ii) decide not to terminate membership of the member; or
- (iii) refer the application back to the officer commanding for further investigation in the prescribed manner before he or she make a final decision.

(d) The Chief of the Defence Force must inform the officer commanding and the member in writing within seven days of his or her final decision and must provide reasons for the decision.

(e) A termination of services in terms of subregulation (2) becomes effective on the last day of the month following the month in which the member was notified in terms of paragraph (d).

### Termination of call-up

31. (1) The call-up of a member for continuous or non-continuous utilisation may be terminated by his officer commanding—

- (a) for precautionary reasons;
- (b) if the task that the member was called up for is completed or terminated;
- (c) due to service requirements;
- (d) if a member no longer complies with his or her mustering, post profile or utilisation requirements;
- (e) for any reason as a result of which his or her membership of the Reserve Force may be terminated;
- (f) if the member participates in political activities;
- (g) if the member participates in—
  - (i) a strike or a secondary strike or incites other members to strike or to support or to participate in a secondary strike; or
  - (ii) a peaceful and unarmed assembly, demonstration, picket or petition in support of a strike or secondary strike, if this relates to any defence matter; or
- (h) if a member refuses to undergo a medical examination at a state institution, in order to confirm the member's health status requirements for the period of utilisation.

(2) When a call-up of a member is to be terminated as contemplated in subregulation (1), the Chief of the Defence Force, or an officer designated by him or her for that purpose, must inform the member concerned of the reasons for the intended termination of his or her appointment and afford that person a reasonable opportunity to respond thereto before finally deciding the matter and advising the affected person accordingly.

### **Certificate of service**

**32.** (1) A certificate of service must be issued by the Chief of the Defence Force, or an officer designated by him or her for that purpose, to each member who retires from the Reserve Force or whose service is terminated, and such certificate—

- (a) must contain the force number, identity number, rank on discharge, full names, dates of appointment and discharge, mustering and special qualifications of the member concerned and particulars of the decorations and medals which he or she is entitled to wear as well as of his or her mention in despatches or commendation; and
- (b) may be specially endorsed by his or her unit commander in recognition of outstanding merit in the performance of his or her duties, or exemplary or good conduct or character.

(2) An official testimonial may not be issued to a member of the Reserve Force.

### **Repeal of Regulations**

**33.** The Regulations for the Reserve Force, 2009, published under Government Notice No. R. 799 of 31 July 2009, are hereby repealed.

### **Short Title**

**34.** These Regulations are called the Regulations for the Reserve Force, 2017.

**ANNEXURE A****(Regulation 3)****RANK STRUCTURE FOR THE RESERVE FORCE**

<b>SA Army</b>	<b>SA Air Force</b>	<b>SA Navy</b>	<b>SA Military Health Service</b>
<b>(i) Officers</b>			
General Lieutenant-General Major-General Brigadier-General	General Lieutenant-General Major-General Brigadier-General	Admiral Vice-Admiral Rear-Admiral Rear-Admiral (Junior Grade)	General Lieutenant-General Major-General Brigadier-General
Colonel Lieutenant-Colonel Major Captain Lieutenant Second Lieutenant	Colonel Lieutenant-Colonel Major Captain Lieutenant Second Lieutenant	Captain Commander Lieutenant-Commander Lieutenant Sub-Lieutenant Ensign	Colonel Lieutenant-Colonel Major Captain Lieutenant Second Lieutenant
Chaplain	Chaplain	Chaplain	Chaplain
Candidate Officer	Candidate Officer	Midshipman	Candidate Officer
<b>(ii) Other Ranks</b>			
Warrant Officer Class 1 Warrant Officer Class 2 Staff Sergeant Sergeant Corporal Lance Corporal Private	Warrant Officer Class 1 Warrant Officer Class 2 Flight Sergeant Sergeant Corporal Lance Corporal Airman	Warrant Officer Class 1 Warrant Officer Class 2 Chief Petty Officer Petty Officer Leading Seaman Able Seaman Seaman	Warrant Officer Class 1 Warrant Officer Class 2 Staff Sergeant Sergeant Corporal Lance Corporal Private

**ANNEXURE B**

**(Regulation 15(2))**

**GENERAL FORMAT OF SERVICE CONTRACT FOR MEMBERS OF THE RESERVE FORCE**

**SOUTH AFRICAN NATIONAL DEFENCE FORCE**

**CONTRACT OF SERVICE**

This document will serve as the CONTRACT OF SERVICE (hereinafter known as the "CONTRACT") entered into by and between the hereinafter-mentioned parties,

This CONTRACT is concluded between the

GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA

in its

SOUTH AFRICAN NATIONAL DEFENCE FORCE

(Hereinafter referred to as "the SANDF") represented herein by .....

in his/her capacity as .....

(Having been duly authorised hereto)

on the one part

and

**Force Number.....Rank .....**

**Full Name .....**

(Hereinafter referred to as "the MEMBER")

on the other part

WHEREAS the MEMBER has volunteered his or her services to the SANDF in terms of section 53 of the Act; and

WHEREAS the MEMBER has been appointed and accepted as a member of the Reserve Force of the SANDF; and

WHEREAS the MEMBER has agreed to be available to render the period or periods of service indicated in this CONTRACT in the Reserve Force,

NOW THEREFORE the parties undertake, understand and accept the following:

## DEFINITIONS

1. In this CONTRACT, unless the context otherwise indicates—

**"conditions of service"** means all conditions of service applicable to Reserve Force members of the Defence Force, as shown in Appendix 1 to this CONTRACT;

**"continuous utilisation"** means any period when a member renders service for an uninterrupted time which is longer than a one day and which is reckoned in days for as long as the member continues to be in service without a break;

**"member"** means a member of the Reserve Force;

**"non-continuous utilisation"** means any period of time reckoned in hours during which a member renders service and which does not constitute continuous utilisation;

**"service benefits"** means all benefits available to Reserve Force members of the Defence Force;

**"the Act"** means the Defence Act, 2002 (Act No. 42 of 2002).

2. The SANDF shall utilise the MEMBER in terms of and subject to those provisions of the Act, as amended from time to time, in any capacity subject to utilisation requirements, with or without remuneration, in accordance with the MEMBER'S following undertaking:

Category of Utilisation	Description of Category	Option and Initial of Member *Select and Initial			Initial			
Category A	A Period of Res F utilisation not exceeding 180 days per annum. The utilisation may be rendered as continuous or non-continuous	12 days	30 days	90 days				
		60 days	120 days	150 days				
		180 days	Continuous	Non-Continuous				
Category B	A Period of Res F utilisation not exceeding 365 days as continuous	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td data-bbox="699 1787 911 1854">240 days</td> </tr> <tr> <td data-bbox="699 1854 911 1921">300 days</td> </tr> <tr> <td data-bbox="699 1921 911 1989">365 days</td> </tr> </table>			240 days	300 days	365 days	
240 days								
300 days								
365 days								

Category C	A Period of Res F utilisation not exceeding 36 months	<table border="1"> <tr> <td data-bbox="699 271 906 331">24 Months</td> </tr> <tr> <td data-bbox="699 331 906 392">36 Months</td> </tr> </table>	24 Months	36 Months	
24 Months					
36 Months					

3. The actual period of utilisation will be in accordance with a call-up order issued for each period of utilisation.
4. At the discretion of the SANDF and depending on service requirements, the MEMBER may volunteer to serve with or without remuneration for a period or periods longer or shorter than the above undertaking to serve in the Reserve Force.
5. The SANDF has no obligation to utilise the MEMBER for the period or periods for which the MEMBER has undertaken to be available
6. The MEMBER's utilisation period may be shortened if required by the SANDF without this being regarded as prejudicial to the MEMBER.
7. Subject to the Act, the MEMBER who has contracted to serve in the Reserve Force of the SANDF, is obliged to serve and to continue rendering service during a time of war, a state of emergency or a state of national defence or during an obligation to serve in a time of peace as may be required in terms of the Act.
8. The MEMBER may, while rendering service, be required and ordered to serve, move or reside anywhere in the Republic or the rest of the world.
9. As a member of the Reserve Force, the MEMBER shall for the duration of any training or any utilisation rendered in terms of this CONTRACT be subject to the provisions of the Act, the Military Discipline Supplementary Measures Act, 1999 (Act No. 16 of 1999), and all rules, regulations, codes (including the SANDF Code of Conduct), orders or instructions made under those Acts, or in terms of their provisions.
10. The SANDF requires from the MEMBER to comply with all criteria, inclusive of fitness, rank-age mustering requirements, including security clearance of the particular mustering, post profile directives or utilisation for the duration of the contracted period. In case where the MEMBER no longer complies with his or her mustering, post profile or utilisation, the contract may be reviewed and upon revision be terminated.
11. If the MEMBER cannot fulfil his or her obligations in terms of this CONTRACT because the MEMBER has become incapable of rendering any service whatsoever in any capacity as a result of any mental or physical disability this CONTRACT may be terminated and the MEMBER may be exempted from any further service: Provided that the MEMBER shall submit to such examinations as required by the Surgeon General or his or her delegatee to determine any such incapacity.
12. No agreement varying, adding to, deleting from or cancelling this CONTRACT, including this stipulation, and no waiver of rights under this CONTRACT shall be effective or valid unless reduced to writing and signed by or on behalf of the parties.
13. No indulgences granted by or on behalf of the SANDF, shall constitute a waiver, save in the specific instance and only for that purpose, and to the extent granted.
14. There is no obligation on the part of the SANDF to offer a subsequent contract on the termination or lapsing of this CONTRACT.
15. In the case of a breach of this CONTRACT, the SANDF may require that the MEMBER not be permitted to render service in the SANDF thereafter. All monies due to the MEMBER by the SANDF may firstly and unilaterally be retained by the SANDF and set off against any monies and shortages due to the SANDF in terms of this CONTRACT.

16. The MEMBER shall notify the SANDF of any changes of ADDRESS and should he or she fail to do so and it becomes necessary to incur any cost, for example to employ tracing agents, the MEMBER shall be liable to pay to the SANDF any cost so incurred.

17. Should it become necessary for the SANDF to issue summons for recovery of amounts due under this CONTRACT, the MEMBER shall be liable for any costs incurred, including all attorney and client costs.

18. The MEMBER acknowledges that he or she has perused and understands the contents and full implications of this CONTRACT.

**DOMICILIUM CITANDI ET EXECUTANDI**

19. The SANDF and the MEMBER elect as *domicilium citandi et executandi* for the purpose of any notices or for the service of any legal process arising out of this CONTRACT, the following street addresses in South Africa, respectively. (The MEMBER shall keep the SANDF informed of any change in this street address for the duration of the agreed service term.)

**THE SANDF**

**THE MEMBER**

Arm Scor Building (Chief of the SANDF)

\_\_\_\_\_

Private Bag X910

\_\_\_\_\_

C/o Nossob and Delmas Roads

\_\_\_\_\_

Erasmus kloof

\_\_\_\_\_

PRETORIA

**THUS DONE AND EXECUTED** at .....

on this .....day of .....20.....

\_\_\_\_\_  
**FULL SIGNATURE OF MEMBER**

\_\_\_\_\_  
**INITIALS AND NAME (Print)**

**WITNESSES**

\_\_\_\_\_  
**(1) FULL SIGNATURE**

\_\_\_\_\_  
**INITIALS AND NAME (Print)**

\_\_\_\_\_  
**(2) FULL SIGNATURE**

\_\_\_\_\_  
**INITIALS AND NAME (Print)**

**THUS DONE AND EXECUTED** at .....

on the.....day of .....20.....

---

**FOR AND BEHALF OF THE SOUTH AFRICAN NATIONAL DEFENCE FORCE**

**WITNESSES**

---

**(1) FULL SIGNATURE**

---

**INITIALS AND NAME (Print)**

---

**(2) FULL SIGNATURE**

---

**INITIALS AND NAME (Print)**

**APPENDIX 1****CONDITIONS OF SERVICE APPLICABLE TO MEMBERS OF THE RESERVE FORCE**

<b>No</b>	<b>Condition</b>	<b>Description</b>
1	Participation in Political Activities	Members of the Reserve Force, ("Members") while rendering service, may not—  further or prejudice the political interest of any political party in the performance of his or her functions;  be politically partisan, or express any party-political allegiance, in the performance of his or her functions; or  perform any function pertaining to any political position he or she may hold.
2	Grievance and Disciplinary Procedures	Members are subject to the SANDF's laid down procedures regarding grievances and disciplinary procedures.
3	Strikes	Members may not participate in a strike or incite other members to strike or to support or to participate in a secondary strike, demonstration or protest related to any Defence matter as prohibited in terms of the regulations.
4	Military Code of Conduct	Members shall abide by the Code of Conduct for Uniformed Members.
5	Military Discipline Code	Members are subject to the Military Discipline Code to the extent prescribed by the Military Discipline Supplementary Measures Act, 1999 (Act No.16 of 1999).
6	Prohibited Activities	Members shall not join or engage in the activities of any military trade union or organisation affiliated to a military trade union.  Members may not participate in peaceful and unarmed assembly, demonstration, picket and petition in support of a strike or secondary strike if this is related to any Defence matter.
7	Medical Examination	The SANDF, at its discretion, may require members to undergo a medical examination in order to confirm their health status requirements for the period of utilisation.
8	Working Hours	Working hours shall be as prescribed by the Head of Department for Members on continuous call-up.  Members on a non-continuous call-up will work according to working hours, as required by their officer commanding.

No	Condition	Description
9	Injuries and Disabilities	<p>For wounds, injuries, disabilities and illnesses sustained while on call-up, members—</p> <p>are entitled in terms of section 56 (4)(a) of the Defence Act, 2002 (Act No. 42 of 2002), to be provided with prescribed medical, dental and psychological or other necessary treatment for such wound, injury or illness, notwithstanding that the duration of such treatment may extend beyond that member's service contract;</p> <p>may be entitled in terms of section 56(4)(b) of the Defence Act, 2002, to remuneration as if on duty when undergoing treatment therefor; and</p> <p>may be entitled to compensation determined in terms of the Military Pensions Act, 1976 (Act No. 84 of 1976), or section 57 of the Defence Act, 2002, if applicable.</p>
10	Vacational Leave	<p>Two working days per month, with full pay, are granted to Members on continuous call-up.</p> <p>Members on non-continuous call-up are not entitled to vacational leave.</p>
11	Sick Leave	<p>Sick leave with full pay may be granted in terms of regulation 15 of Chapter XV of the General Regulations. Normal sick leave will be calculated to one day sick leave for every 30 calendar days of service, proportional to the member's contract. These sick leave credits will be allocated to members at the beginning of each period of service. Unused sick leave credits shall lapse at the end of the member's period of service.</p> <p>Additional sick leave may be granted to members on continuous service for treatment and consequential convalescence required for wounds, injuries, disabilities and illnesses sustained while on call-up.</p>

**APPENDIX 2****SERVICE BENEFITS APPLICABLE TO MEMBERS OF THE RESERVE FORCE**

No	Benefit	Description
1	Medical and Dental Benefits	<p>Members are entitled to medical benefits when on call-up. Benefits include the treatment of any disability or injury sustained or illness contracted during, or because of service rendered.</p> <p>Note: Medical treatment at an SANDF Medical Institution will be provided only if the member's authority for utilisation has been registered on the SANDF PERSOL system.</p>
2	Uniform Maintenance	Articles of uniform or equipment may be replaced by way of exchange, if such articles of uniform or equipment no longer fit members or have become unserviceable because of wear and tear or a change in design or material used for the manufacturing of such articles or equipment.
3	Group Life Insurance (GLIS) (Death and Disability Scheme)	Members are entitled to join the SANDF GLIS in accordance with the prescribed tariffs.
4	Official Transport	<p>Members are entitled to make use of military transport for official purposes.</p> <p>Members are entitled to make use of the duty bus facility at the prescribed tariff.</p>
5	Inland Accommodation Expenditure	Members are entitled to the payment of the Special Daily Allowance.
6	Remuneration	Remuneration is payable on a daily tariff, as determined from time to time for each rank. Such tariff shall be converted to an hourly tariff in respect of non-continuous utilisation.
7	Allowances	Certain allowances are payable to members should they qualify in accordance with the criteria as laid down in the SANDF Regulations.
8	Volunteer Service Bonus	Upon completion of a minimum of 12 days service per year, an annual Volunteer Service bonus, calculated in accordance with prescribed SANDF Regulations, is paid to Reserve Force Volunteers.
9	Military funerals	Members who pass away because of or during the performance of military service are, subject to the measures contained in SANDF Regulations and Policies, entitled to a funeral at State expense.

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<b>No</b>	<b>Benefit</b>	<b>Description</b>
10	Membership of Military Institutions and Sports Clubs	Members are entitled to membership and the use of such facilities while rendering official service.
11	Board and lodging	Board and lodging is provided at State expense in single quarters. Members are expected to contribute to extra messing fees.

**ANNEXURE C**

**CALL-UP ORDER FOR RESERVE FORCE UTILISATION ON A NON-CONTINUOUS BASIS**



Reference :  
HQ/Unit Address

Telephone :  
Facsimile :  
E-mail :

Enquiries : (HQ/Unit Badge) Date

Force No  
Rank  
Name and address of member

**CALL-UP ORDER FOR MILITARY UTILISATION:** (Force No) (Rank) and (Name)

1. You are herewith called-up in terms of section 53(3A)(a) and (b) of the Defence Act, 2002 (Act No. 42 of 2002), for military utilisation on a non-continuous basis over the period ..... to ..... at..... (name of HQ or Unit) and will be utilised for a maximum period of ..... hours/days.

2. You must report for duty in full military uniform for the periods and times as agreed between you and your Officer Commanding and record these periods of utilisation on the prescribed time sheets.

3. The purpose of your call-up is: .....  
.....  
.....

4. You are to take note of the following:

a. Where applicable, your utilisation is subject to the completion of your Contract of Service when reporting for duty (if not already completed).

b. Your transport arrangements to and from the reporting point are:  
.....  
.....

c. Ensure that your timesheet is signed by your supervisor after each period of utilisation.

d. If you are employed in a full-time capacity, you must ensure that you make the necessary arrangements with your employer to be released for military utilisation.

- e. If you cannot adhere to this call-up order a request in writing for exemption or deferment must be forwarded to your Officer Commanding.
- f. If you are employed or self-employed and intend to carry on with your work while you are called-up, you must obtain the approval of your Officer Commanding to do so.
- g. If your full-time employment has changed since your last call-up you must inform your Officer Commanding thereof in writing.
- h. You must complete the attached acknowledgement receipt of this call-up order and return it in the enclosed envelope.
- i. You must bring the following items of kit, equipment and uniform with you:

.....  
.....  
.....

**(NAME OF AUTHORISED OFFICIAL)  
OFFICER COMMANDING HQ/UNIT**

**OFFICIAL STAMP OF HQ/UNIT**

**ANNEXURE D**

**CALL-UP ORDER FOR RESERVE FORCE UTILISATION ON A CONTINUOUS BASIS**

Telephone :  
Facsimile :  
E-mail :



Reference:  
HQ/Unit Address

Enquiries : (HQ/Unit Badge) Date

Force No  
Rank  
Name and address of member

**CALL-UP ORDER FOR MILITARY UTILISATION:** (Force No) (Rank) and (Name)

1. You are herewith called-up in terms of section 53(3A)(a) and (b) of the Defence Act, 2002 (Act No. 42 of 2002), for military utilisation on a continuous basis over the period ..... to ..... (..... days) at..... (name of HQ or Unit).

2. You must report on ..... (date and time) in full military uniform.

3. The purpose of your call-up is:

.....  
.....  
.....

4. You are to take note of the following:

a. Your utilisation is subject to the completion of your Contract of Service when reporting for duty (if not already completed).

b. Where applicable, your utilisation is further subject to a probation period as prescribed in the Regulations for the Reserve Force, 2017.

c. Your transport arrangements to and from the reporting point are:

.....  
.....

d. If you are employed in a full-time capacity, you must ensure that you make the necessary arrangements with your employer to be released for military service.

e. If you cannot adhere to this call-up order a request in writing for exemption or

deferment must be forwarded to your Officer Commanding.

- f. If your full-time employment has changed since your last call-up you must inform your Officer Commanding thereof.
- g. If you are employed or self-employed and intend to carry on with your work while you are on call-up you must obtain the approval of your Officer Commanding to do so.
- h. You must bring the following items of kit, equipment and uniform with you:  
.....  
.....
- i. You must complete the attached acknowledgement of receipt of this call-up order and return it in the enclosed envelope.

**(NAME OF AUTHORISED OFFICIAL)  
OFFICER COMMANDING HQ/UNIT**

**OFFICIAL STAMP OF HQ/UNIT**

