

(English text signed by the President.)
(Assented to 12 February 2003.)

ACT

To provide for the defence of the Republic and for matters connected therewith.

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

ARRANGEMENT OF ACT

	<i>Section</i>
CHAPTER 1	5
INTRODUCTORY PROVISIONS	
Definitions	1
Principles	2
Application of Act	3
Secretary for Defence and Chief of Defence Force exercise powers under direction of Minister	10 4
CHAPTER 2	
DEPARTMENT OF DEFENCE	
Composition of Department of Defence	5
<i>Defence Secretariat</i>	15
Establishment of Defence Secretariat	6
Secretary for Defence	7
Functions of Secretary for Defence	8
Delegation of powers and assignment of duties by Secretary for Defence	9
Departmental investigations by Secretary for Defence	10 20
<i>South African National Defence Force</i>	
Composition of South African National Defence Force	11
Services of Defence Force, and structural components	12
Chief of Defence Force	13
Functions of Chief of Defence Force	14 25
Delegation of powers by Chief of Defence Force	15
<i>Auxiliary services</i>	
Establishment of auxiliary services, and terms and conditions of service	16
Existing auxiliary services	17

CHAPTER 3**EMPLOYMENT AND USE OF DEFENCE FORCE**

Employment of Defence Force	18
Employment in co-operation with South African Police Services	19
Powers and duties of members while being employed	20 5

CHAPTER 4**LAW ENFORCEMENT POWERS OF DEFENCE FORCE AT SEA**

Definitions	21
Criminal and civil law enforcement by Defence Force	22
Interests to be considered	23 10
Piracy	24
Seizure of pirate ship or aircraft	25
Right of visit on high seas by warships of Defence Force	26
Hot pursuit of ships	27
Warships or military aircraft of Defence Force to render assistance	28 15
Co-operation with foreign states	29

CHAPTER 5**MILITARY POLICE**

Appointment of military police officials	30
Functions of military police officials	31 20

CHAPTER 6**DEFENCE INTELLIGENCE**

Definitions	32
Intelligence Division of Defence Force	33
Application of strategic and operational intelligence	34 25
Co-operation with other intelligence services	35
Counterintelligence by Intelligence Division	36
Determination of security classification of members and employees	37
Discharge of members or employees not issued with security clearances	38
Notification of security clearance or refusal thereof	39 30
Personnel Security Review Board	40
Review by Review Board	41
Inspector-General of Department to monitor Intelligence Division	42

CHAPTER 7**COUNCIL OF DEFENCE AND OTHER COUNCILS 35**

Establishment and composition of Council of Defence	43
Functions of Council of Defence	44
Establishment and composition of Defence Staff Council	45
Functions of Defence Staff Council	46
Other councils that may be established	47 40
Establishment of Reserve Force Council	48

CHAPTER 8**LIMITATIONS ON RIGHTS OF MEMBERS OF DEFENCE FORCE**

Application	49
Limitations of rights	50

CHAPTER 9

5

EMPLOYMENT IN DEFENCE FORCE

Application	51
Regular Force	52
Reserve Force	53
Commissioned officers in Defence Force	54 10
Pay, salaries and entitlements	55
Protection of members on active service	56
Compensation in case of injury or disability	57
Obligation to service in time of war, state of national defence or state of emergency	58 15
Termination of service of members of Regular Force	59
Legal representation for members	60
Procedures for redress of grievances	61
Religious observances in Defence Force	62

CHAPTER 10

20

TRAINING

Defence Training Institutions	63
Discipline	64
Designation of areas for training	65

CHAPTER 11

25

**EXEMPTIONS FROM, AND DEFERMENT OF,
TRAINING AND SERVICE**

Exemption Board	66
Application for exemption	67
Powers and duties of board	68 30
Offences by witnesses summoned or subpoenaed by board	69
Appeal to Minister	70
Manner of appeal	71
Decision on appeal, and notice	72

CHAPTER 12

35

**CEREMONIAL DECORATIONS, MEDALS, AWARDS, FLAGS AND
ACCOUTREMENTS**

Institution of decorations and medals	73
Rules and regulations	74
Award of decorations and medals	75 40
Wearing of decorations and medals	76
Order of precedence	77
Display of insignia	78
Antecedent honours and medals	79

CHAPTER 13**GENERAL ADMINISTRATION AND SUPPORT**

General powers of Minister	80	
Delegation of powers and assignment of duties by Minister	81	
Regulations	82	5
Protection of defence assets	83	
Exemptions applicable to Defence Force	84	
Exclusion of liability	85	
Right of recourse in respect of expenditure for injuries of members	86	
Indemnity in respect of trespass and nuisance	87	10
Permission to enter upon private land for national border control	88	

CHAPTER 14**STATE OF NATIONAL DEFENCE**

Declaration of state of national defence	89	
Mobilisation during state of national defence	90	15
State of national defence regulations	91	

CHAPTER 15**CO-OPERATION WITH OTHER FORCES AND FORCES VISITING
REPUBLIC**

Agreements	92	20
Service by members in fulfilment of international obligation	93	
Attachment of personnel	94	
Command over members serving under control of international body	95	
Command over members serving together with other military force	96	
<i>Visiting forces</i>		25
Discipline and internal administration of visiting forces	97	
Application of laws in relation to visiting forces	98	
Deserters from visiting forces	99	
Inquests and removal of bodies of deceased members of visiting forces	100	

CHAPTER 16

30

BOARDS OF INQUIRY

Convening boards of inquiry	101
Attendance of persons at board of inquiry, and witnesses	102
Board of inquiry in relation to absence without leave	103

CHAPTER 17

35

OFFENCES AND PENALTIES

Offences and penalties	104
Offensive behaviour	105

CHAPTER 18**GENERAL**

40

Repeal of laws, and savings	106
Short title and commencement	107

**SCHEDULE
Laws repealed****(Section 106)**

45