

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE ADOPTED
AMENDMENTS
TO

MILITARY DISCIPLINE
SUPPLEMENTARY MEASURES
AMENDMENT BILL**

[B 31—2025]

(Portfolio Committee on Defence and Military Veterans)

ADOPTED AMENDMENTS TO

MILITARY DISCIPLINE SUPPLEMENTARY MEASURES
AMENDMENT BILL
[B 31—2025]

CLAUSE 4

1. On page 2, in line 11, to omit “by” and to substitute “in terms of”.

CLAUSE 2

1. On page 2, in line 16, to omit “which must function in the prescribed manner”.
2. On page 2, from line 17, to omit subsections (2) and (3) and to substitute the following subsections:

“(2) The Committee consists of—

- (a) a judge of the High Court of South Africa, designated by the Chief Justice, who will be the chairperson of the Committee;
- (b) a practising senior counsel, designated by the South African Legal Practice Council, who will be the deputy chairperson of the Committee;
- (c) a practising advocate, designated by the South African Legal Practice Council;
- (d) a practising attorney, designated by the South African Legal Practice Council; and
- (e) a legal academic, designated by the Society for Law Teachers of Southern Africa.

(3) In the absence of the chairperson of the Committee, the deputy chairperson must perform the functions assigned to the chairperson.”.

3. On page 3, after line 2, to add the following subsections:

“(4) The Minister must, after the establishment of the Committee, publish the names of the members of the Committee, as well as the terms of reference for the functioning of the Committee, by notice in the *Gazette*.

(5) The Minister may, after consultation with the Adjutant General, designate members of the South African National Defence Force to give secretarial, research, technical and logistical support to the Committee, or perform other work incidental to the powers and functions of the Committee.”.

4. On page 3, in line 4, after “Committee” to insert “, in the manner prescribed by regulation.”.
5. On page 3, from line 5, to omit paragraph (a) and to substitute the following paragraph:

“(a) receive all nominations, submitted to the office of the Adjutant General in the manner prescribed by regulation, for the assignment of officers to the function of military judge and of senior military judge;”.

6. On page 3, from line 11, to omit “after following the prescribed disciplinary process”.
7. On page 3, from line 13, to omit paragraph (c) and to substitute the following paragraph:

“(c) receive, consider and deal with complaints brought against military judges and senior military judges on matters of incapacity, gross incompetence and gross misconduct emanating from their judicial functions;”.
8. On page 3, from line 16, to omit paragraph (d) and to substitute the following paragraph:

“(d) consider whether a military judge or senior military judge is a fit and proper person to hold office; and”.
9. On page 3, in line 19, to omit “as prescribed”.
10. On page 3, in line 25, to omit “in the national sphere of government” and to omit “State expenditure” and to substitute “Finance”.
11. On page 3, from line 27, to omit subsection (2) and to substitute the following subsection:

“(2) Members of the Committee referred to in section 6A(2)(b), (c), (d) and (e) may be paid such remuneration, including allowances for travelling and subsistence expenses incurred by him or her in the performance of his or her functions in terms of this Act, as the Minister may determine, with the concurrence of the Minister responsible for Finance.”.
12. On page 3, from line 34, to omit section 6D and to substitute the following section:

“6D. (1) Members of the Committee contemplated in section 6A(2) shall be appointed for a period of five years and such appointment may be withdrawn by the Minister, at any time after consultation with the Committee, if there are sound reasons for doing so.

(2) Any person whose term of office as a member of the Committee has expired, may be reappointed by the Minister for one more term of five years.”

CLAUSE 3

1. On page 3, from line 45, to omit “and the words that follow on it” and after “following” to insert “paragraph”.
2. On page 3, in line 48, after “judge,” to insert an inverted comma and a semi-colon.
3. On page 3, after line 48, to insert the following paragraph:

“(b) by the substitution in subsection (1) for the words following paragraph (b) of the following words:”.
4. On page 3, in line 49, before “on” to insert an inverted comma.
5. On page 3, in line 52, to omit “(b)” and to substitute “(c)”.

6. On page 3, in line 54, to omit “(a)” and to substitute “(b), in terms of section 6B(b)(i),”.

CLAUSE 4

1. On page 4, from line 8, to omit section 15 and to substitute the following section:

“15. (1) With the exception of the period of assignment of military judges and senior military judges, as contemplated in subsection (2), an assignment in terms of this Chapter shall be for a fixed period or coupled to a specific deployment, operation or exercise.

(2) Subject to subsection (3), the Minister must assign an officer, upon the recommendation of the Committee in terms of section 6B(b)(i), to the function of military judge or senior military judge for a non-renewable term of seven years.

(3)(a) An officer assigned in terms of subsection (2) must perform the functions of a military judge or senior military judge until such time that he or she completes the seven-year assignment period, or until he or she reaches the age of retirement or his or her contract of employment expires, whichever occurs first.

(b) Should a military judge be assigned to the function of a senior military judge during his or her period of assignment as a military judge—

(i) the officer’s existing period of assignment will not be extended or renewed upon such assignment to the function of a senior military judge; and

(ii) the officer will perform the functions of a senior military judge for the remainder of the period of assignment he or she would have served as a military judge.”.

CLAUSE 5

1. On page 4, from line 20, to omit section 17 and to substitute the following section:

“17. (1) The Minister may remove an assigned officer from the function of military judge or senior military judge if the Committee, after affording the military judge or senior military judge a reasonable opportunity to be heard, recommends, in terms of section 6B(b)(ii), his or her removal for reasons contemplated in section 6B(c) and (d).

(2) The Minister, acting upon the recommendation of the Adjutant General, may remove a person, excluding an officer contemplated in subsection (1), from the function assigned to him or her for the reason of that assignee’s incapacity, incompetence or misconduct, or at his or her own written request.”.

NEW CLAUSE

1. On page 4, after line 29, to insert the following new clause:

“Amendment of section 44 of Act 16 of 1999

6. Section 44 of the principal Act is hereby amended by the addition of the following subsection:

‘(5) Any regulations made under section 6B must, before publication in the *Gazette*, be tabled in Parliament.’”.

CLAUSE 6

1. On page 4, in line 31, to omit “6” and to substitute “7”.
2. On page 4, in line 32, after “after” to insert “the” and to omit “6. Establishment of military court system” and to substitute “relating to section 6”.

CLAUSE 7

1. On page 4, in line 39, to omit “2025” and to substitute “2026”.

LONG TITLE

1. On page 2, in line 2 of the long title, to omit “and substitute certain definitions” and to substitute “a definition”.
2. On page 2, in line 4 of the long title, after “senior military judges;” to insert “to provide for the tabling of certain regulations in Parliament;”.

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