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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

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## DEPARTMENT OF DEFENCE

NO. 3340

25 April 2023

**MILITARY VETERANS ACT,  
(ACT NO 18 OF 2011)  
PROPOSED REGULATIONS REGARDING THE MILITARY VETERANS PENSION  
BENEFIT, 2023**

I, Thandi Ruth Modise, the Minister of Defence and Military Veterans, hereby invite the Military Veteran's community and members of the public to make inputs/ comments on the draft Military Veterans Pension Regulations, 2023, as set out in the Schedule hereto.

Members of the public are invited to submit, within 21 days from date of publication of this notice in the Government Gazette written comments on the proposed Military Veterans Pension Regulations, to any of the following addresses:

**By post to:** The Chief Director: Department of Military Veterans  
Attention: Mr Sandisa Siyengo  
Private Bag X943  
**PRETORIA**  
0001

**By hand at:** Department of Military Veterans, 328 Festival Street, Hatfield.

**By email at:** [pensionsregulationsinputs@dmv.gov.za](mailto:pensionsregulationsinputs@dmv.gov.za)

Any enquiries in connection with this notice can be directed to Mr Moreko Mkwala at 066 064 9354.

**Comments received after the closing date may not be considered.**



**T.R. MODISE  
MINISTER OF DEFENCE AND MILITARY VETERANS**

**MILITARY VETERANS ACT,  
(ACT NO 18 OF 2011)  
REGULATIONS REGARDING THE MILITARY VETERANS PENSION BENEFIT, 2023**

I, Thandi Ruth Modise, the Minister of Defence and Military Veterans, hereby in terms of section 24(1)(a) of Military Veterans Act, 2011 (Act No 18 of 2011), make regulations in the Schedule.

**T.R. MODISE, MP**  
**MINISTER OF DEFENCE AND MILITARY VETERANS**

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## Definitions

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

**"birth certificate"** means unabridged birth certificate of the child reflecting the particulars of the parents of the child;

**"identity document"** means the identity document or card referred to in the Identification Act, 1997 (Act No. 68 of 1997);

**"national military veterans database"** means the official computerised information system established and maintained by the Department of Military Veterans containing the names and personal information of verified military veterans and the list of the dependents registered;

**"the Act"** means the Military Veterans Act, 2011 (Act No.18 of 2011).

## 2. Scope of application

These Regulations shall apply to Military Veterans and dependants only.

## 3. Objectives

The object of these Regulations is to provide pension as determined to Military Veterans and their dependents where applicable.

## 4. Eligibility

(1) Only Military Veterans and dependents may qualify for this pension benefit in terms of Subject to section 5 of the Act.

(2) For the purpose of sub regulation (1), a Military Veteran is —

(a) a person who is —

(i) a citizen of the Republic of South Africa;

(ii) as defined in the Military Veterans Act, 2011, and

(iii) listed in the Department of Military Veterans' National Military Veterans database.

(3) A dependent refers to any person who is legally or factually dependent on a military veteran for support and maintenance.

(4) A Military Veteran who receives another State provided pension or social grant is excluded from benefitting from this pension benefit, except if this pension will top-up what is already received.

#### **5. Pension benefit amount**

(1) A qualifying Military Veteran will receive a monthly pension income, calculated based on the amount of the old age grant contemplated in section 10 of the Social Assistance Act, 2004 (Act No.13 of 2004) adjusted by a multiplier of 2,5.

(2) Upon the death of a Military Veteran, a qualifying dependent of a Military Veteran who immediately prior to his or her death, was in receipt of a this pension benefit, may receive up to 50% of the pension benefit with effect from the first day of the month following immediately on the month in which the Military Veteran died, provided they are not receiving any form of State pension above the mentioned 50% threshold from the Military Veteran pension benefit.

#### **6. Procedure for application for a military veterans pension benefit**

(1) An application for a military veterans pension benefit must be submitted on a form MVP01\_2022 contained in Annexure A.

(2) An application contemplated in sub-regulation (1), must be accompanied by —

- (a) certified copy of the identity document of the Military Veteran;
- (b) certified copy of the identity document of the spouse;
- (c) a recognized marriage certificate;
- (d) certified copies of the unabridged birth certificates of the dependents of the Military Veteran, and;
- (e) signed bank entity form with applicant's account numbers, stamped by the bank

(3) The applicant must submit an application to the Government Pensions Administration Agency (GPAA) either by —

- (a) hand;
- (b) registered post; or
- (c) electronically.



(4) On receipt of an application made in terms of sub-regulation (1), the Government Pensions Administration Agency (GPAA) must furnish the Military Veteran with an acknowledgement of receipt of such application within 90 days which must:

- (a) reflect the name and identity number of the Military Veteran;
- (b) reflect the names of the designated officials acknowledging receipt thereof; and
- (c) be dated and stamped with the official stamp of the GPAA.

(5) The Government Pensions Administration Agency must keep a register of all applications received. The register must record the following:

- (a) acknowledgement of receipts of the applications;
- (b) the particulars of the Military Veteran;
- (c) the date of the application;
- (d) the date on which the application is approved or rejected; and the date of the 1<sup>st</sup> payment contemplated.

(6) If an application for the military veteran pension benefit is approved, the Government Pensions Administration Agency must inform the Military Veteran, in writing or by electronic communication or any other means of communication of such approval.

## **7. Appeals**

(1) If an application for the military veterans pension benefit is rejected, the GPAA must inform the Military Veteran in writing by electronic communication or any other means of communication of such rejection and of—

- (a) the reasons for such rejection; and
- (b) the applicant's right, if he or she disagrees with the GPAA's decision, to lodge an appeal with the Military Veterans Appeal Board established in terms section 19 of the Act.

(2) If the Military Veteran disagrees with the decision of the GPAA, the Military Veteran may within a period not exceeding 90 days of the date of the decision, lodge an appeal.

(3) When lodging an appeal, the Military Veteran may not submit any evidence or information which was not provided to the GPAA at the time of the application.

- (4) The Appeal Board must consider the appeal by reassessing the decision of the Department against the available information at its disposal and has the powers to either confirm or set aside the decision of the GPAA.
- (5) The Appeal Board must finalise the appeal within 90 days from the date on which the appeal was received and must inform the Military Veteran by electronic communication or any other means of communication of the decision and reasons thereof.

**8. Short title and date of commencement**

These Regulations are called the Military Veterans Pension Regulations, 2023; and they will come into effect on the date of promulgation.



ANNEXURE A

**PENSIONS  
BENEFIT  
ACCESS  
FORM -  
MVP01\_2022**

MILITARY  
VETERANS  
ACT, (Act no.  
18 of 2011)  
SECTION 5(1)  
(h).

1. PERSONAL DETAILS																								
1.1. SURNAME					1.2. FULL NAMES																			
1.3. INITIALS					1.4. IDENTITY NUMBER										1.5. GENDER									
1.6. CELL NO										1.7. ALTERNATIVE CELL NO.														
1.8. FORCE NUMBER																								
1.9. RESIDENTIAL ADDRESS																								
					1.10. PROVINCE																			
1.11. POSTAL CODE										1.12. EMAIL ADDRESS														
1.13. MARITAL STATUS					MARRIED					WIDOWED					NEVER MARRIED					DIVORCED				
2. DETAILS OF SPOUSE (S) IF MARRIED																								
2.1. INITIALS AND SURNAME					2.2. IDENTITY NUMBER					2.3. TYPE OF MARRIAGE APPLICABLE (E.g. CIVIL, CUSTOMARY, ETC)										2.4. CONTACT DETAILS				
3. DETAILS OF DEPENDENTS (Proof of dependency required if not reflected in the unabridged certificate)																								
3.1. INITIALS AND SURNAME					3.2. IDENTITY NUMBER					3.3. RELATIONSHIP										3.4. CONTACT DETAILS				



**4. CRITERIA TO QUALIFY FOR PENSIONS BENEFIT**

<b>4.1.</b> ARE YOU REGISTERED IN THE NATIONAL MILITARY VETERANS DATABASE OF THE DEPARTMENT OF MILITARY VETERANS?	YES	NO
<b>4.2.</b> WHICH MILITARY FORCE WERE YOU A MEMBER OF PRIOR TO 1994?		
<b>4.3.</b> ARE YOU A RECIPIENT OF PENSION OR SOCIAL GRANT FROM ANY INSTITUTION?	YES	NO
<b>4.4.</b> IF YOU ANSWERED YES IN QUESTION 4.3 ABOVE, STATE WHICH PENSION OR SOCIAL GRANT ARE YOU A RECIPIENT OF?		
<b>4.5.</b> STATE THE INSTITUTIONS PROVIDING PENSION OR SOCIAL GRANT		
<b>4.6.</b> WHAT IS YOUR NET MONTHLY PENSION OR SOCIAL GRANT?		
<b>4.7.</b> WHAT IS YOUR TAX REFERENCE NUMBER?		

**5. DECLARATION AND CONSENT**

I, the undersigned (*Full Names*)

I consent to and authorise the Department of Military Veterans to contact any person or entity for purposes of obtaining or verifying such information or documentation related to my application to access the Pension Benefit.

I further acknowledge that the Department of Military Veterans is committed to protecting and promoting the privacy of my personal information and any other individuals or organisations to give effect to the right to privacy and to fulfil its obligations under the Protection of Personal Information Act No 4 of 2013 ( Hereinafter 'POPI').

The DMV acknowledges and agrees that the Personal Information will not, under any circumstances, be processed for purposes prohibited by POPI and/or the principles contained in POPI and that the processing of Personal Information will be done fairly and in accordance with legal provisions, given that the purpose for which processing of the Personal Information is adequate, relevant and not excessive. I herewith defend, indemnify and hold harmless the DMV from any action or claim of any nature, personal loss, injury or damage arising directly or indirectly from any act or omission on my part relating to or incidental to the failure from my part to honour the above provisions, or otherwise, as the case may be.

I am the applicant whose details appear in this application form, acknowledge and agree that I have read this form in its entirety and that I fully understand the nature, content and implications hereof and further agree that should I give wrong information, my application may be rejected accordingly, and that I shall be fully bound hereto from date of signature.

The content of the said application form falls within my personal knowledge, unless stated otherwise, and are both true and correct.

\_\_\_\_\_  
APPLICANT'S SIGNATURE

\_\_\_\_\_  
IDENTITY NUMBER

\_\_\_\_\_  
DATE

Before submitting the form first verify if you are registered on the DMV Database and your information is up-to-date

**THIS FORM IS NOT FOR SALE.**

**FOR OFFICIAL PURPOSES**

#### DOCUMENT CHECKLIST

DOCUMENT REQUIRED	ATTACHED	NOT ATTACHED
Application form - MVP01_2022		
Certified Identity Documents of the Military Veteran		
Certified copy of Identity Documents of the Spouse (s)		
Certified copy of an officially recognized marriage certificate(s)		
Certified copies of the unabridged birth certificates of the dependents of the Military Veteran		
Signed bank entity form with applicant's account numbers, stamped by the bank		









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