
GOVERNMENT NOTICE

DEPARTMENT OF MILITARY VETERANS

No.

2022

MILITARY VETERANS ACT 18 OF 2011

(ACT NO 18 OF 2011)

I Thandi Ruth Modise, Minister of Defence and Military Veterans, hereby in terms of section 24 (3) of the Military Act, 2011 Act No 18 of 2011, to present pension regulations.



THANDI RUTH MODISE

MINISTER OF DEFENCE AND MILITARY VETERANS

DEPARTMENT OF MILITARY VETERANS



NOTICE NO: DATE

PUBLICATION OF DRAFT MILITARY VETERANS PENSION BENEFIT REGULATIONS, 2022 FOR PUBLIC COMMENT

In accordance with section 24 of the Military Veterans Act, 2011 (the Act), the draft Military Veterans Pension Regulations, 2022 (the draft Regulations), in the Schedule are published for public comment. These Regulations are intended to be made by the Minister of Defence and Military Veterans in terms of section 24, read with section 5(1)(h) and the definition of "prescribed" in section 1, of the Act.

Interested persons or organizations are hereby invited to submit written comments on the draft regulations within 30 calendar days from the date of publication. Comments must be forwarded for the attention of Director: Legal Services

Post to:

Department of Military Veterans
Private Bag X943
Pretoria
0001;

(b) Hand to:

Department of Military Veterans
328 Festival Street
Hatfield
Pretoria
0001;

(d) By email to: Pensionregulationsinputs@dmv.gov.za

A handwritten signature in black ink, appearing to read 'T.R. Modise'.

Ms T.R. MODISE, MP

MINISTER OF DEFENSE AND MILITARY VETERANS

DATE: 07-12-2022

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SCHEDULE

MILITARY VETERANS PENSION BENEFIT REGULATIONS, 2022

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1. Definitions

In these Regulations any word or expression to which the meaning has been assigned in the Act, shall have such meaning, unless the context indicates otherwise –

“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;

“non-statutory forces” means the former armed forces of the liberation movements of the uMkhonto we Sizwe, Azanian People’s Liberation Army and Azanian National Liberation Army;

“the Act” means the Military Veterans Act, 2011 (Act 18 of 2011).

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2. Persons eligible for military veterans pension benefit

- (1) Subject to section 5 read with section 24 of the Act, a Military Veteran is eligible for military veterans pension benefit.
- (2) For the purpose of subregulation (1), a Military Veteran must be —
 - (a) a person who —
 - (i) is a citizen of the Republic of South Africa;
 - (ii) is a non-statutory force member; and
 - (iii) is listed in the Department of Military Veterans' National Military Veterans database.
- (3) Notwithstanding sub-regulation (1), a Military Veteran who has been convicted of an offence —
 - (a) listed in Schedule 1, 2, and 5 to 8 of the Criminal Procedure Act; 1977 (Act No. 51 of 1977), other than an offence of a political nature committed prior to 27 April 1994;
 - (b) which resulted in a dishonorable discharge from the service; or
 - (c) as stipulated in 3 (a) in a foreign country and sentenced to imprisonment without the option of a fine.

is disqualified from receiving the military veterans pension benefit referred to in regulation 3(1).

- (4) A Military Veteran who is eligible for the military veterans pension benefit may 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.
- (5) Upon the death of a Military Veteran the spouse (s) of the deceased Military Veteran who immediately prior to his or her death, was in receipt of a military veteran pension benefit referred to in subregulation (4), shall be entitled 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.
- (6) The dependents of a deceased Military Veteran member who immediately prior to his or her death was in receipt of a military veteran pension benefit referred to in subregulation

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(4) and who is not survived by a spouse (s) or whose spouse (s) dies after his or her death, shall be proportionally entitled to 50% of the military veterans pension benefit with effect from the first day of the month following immediately on the month in which the Military Veteran died.

- (7) There will be an allocation of equal shares in benefit when a Military Veteran is survived by his/her spouse (s) or; if there are a surviving spouse (s) or; more than one dependent, each of whom qualifies for a monthly pension. The department must allocate an equal share of the monthly pension to each qualifying spouse (s), dependent (s), as the case may be, but the total benefits for the surviving spouse (s) and dependents must not exceed the actual pension benefit.
- (8) A Military Veteran from the non-statutory force will be allowed to deregister from the special pension if the amount of the special pension being received after tax deductions is below the military veterans' pension.

3. Procedure for application for a military veterans pension benefit

- (1) An application for a military veterans pension benefit must be submitted on a prescribed 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) an officially 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 application may be submitted by the at Government Pensions Administration Agency (GPAA) offices —
 - (a) by hand;
 - (b) by registered post; or
 - (c) electronically.

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- (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 1st 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.

4. 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.

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- (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.

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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									

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4. CRITERIA TO QUALIFY FOR PENSIONS BENEFIT									
4.1. ARE YOU REGISTERED IN THE NATIONAL MILITARY VETERANS DATABASE OF THE DEPARTMENT OF MILITARY VETERANS?					YES			NO	
4.2. WHICH MILITARY FORCE WERE YOU A MEMBER OF PRIOR TO 1994?					APLA	AZANLA	MK	OTHER	
4.3. ARE YOU A RECIPIENT OF PENSION OR SOCIAL GRANT FROM ANY INSTITUTION?								YES	NO
4.4. IF YOU ANSWERED YES IN QUESTION 4.3 ABOVE, STATE WHICH PENSION OR SOCIAL GRANT ARE YOU A RECIPIENT OF?									
4.5. STATE THE INSTITUTIONS PROVIDING PENSION OR SOCIAL GRANT									
4.6. WHAT IS YOUR NET MONTHLY PENSION OR SOCIAL GRANT?									
4.7. WERE YOU EVER CONVICTED OF A CRIME COMMITTED AFTER 27 APRIL 1994?							YES	NO	
4.8. IF YOU ANSWERED YES IN 4.7 ABOVE, WHAT WERE YOU CONVICTED OF? (TICK APPLICABLE)				RAPE	MURDER	ROBBERY	THEFT	HIGH TREASON	
4.9. HOW LONG WERE YOU SENTENCED TO IMPRISONMENT FOR OR FINED?					IMPRISONMENT PERIOD			FINED	
4.10. WHAT IS YOUR TAX REFERENCE NUMBER									
4.11. DO YOU CONTRIBUTE TOWARDS ANY PENSION?				YES	NO				
4.12. IF YOU ANSWERED YES IN QUESTION 4.11. ABOVE, PROVIDE DETAILS OF THE PENSION YOU CONTRIBUTE TOWARDS									

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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 agree hereto, 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 you can verify your information by calling 080 232

3244 or email database@dmv.gov.za.

THIS FORM IS NOT FOR SALE.

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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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