
GOVERNMENT NOTICE

DEPARTMENT OF MILITARY VETERANS

No. R. 122

19 February 2014

MILITARY VETERANS ACT, 2011

MILITARY VETERANS BENEFITS REGULATIONS

The Minister of Defence and Military Veterans has under section 24 of the Military Veterans Act, 2011 (Act No. 18 of 2011), made the regulations in the Schedule.

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—

“**assessment**” means—

- (a) the examination by a medical practitioner of a military veteran in order to determine the severity of the—
 - (i) injury suffered by a military veteran;
 - (ii) psychological and neuro-psychiatric trauma suffered by a military veteran; or
 - (iii) disease contracted by a military veteran as result of participating in military activities,for the purposes of compensation;
- (b) the examination by a medical practitioner of a military veteran in order to determine the severity of the—

- (i) mental illness;
 - (ii) post-traumatic stress disorder; or
 - (iii) related conditions,
- suffered by the military veteran for the purposes of dedicated counselling; or
- (c) evaluation of information set out in a medical assessment form or a medical report by a medical practitioner;

“birth certificate” means a birth certificate furnished in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

“electronic communication” any text, voice, sound or image message sent over an electronic communication network which is stored in the network or in the recipient’s terminal equipment until it is collected by the recipient;

“health care facility” means a health establishment as defined in section 1 of the National Health Act, 2003 (Act No. 61 of 2003);

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

“national military veterans data base” means the official computerised information system established and maintained by the Department containing the names and personal information of military veterans and their dependants;

“public transport” means transportation within the Republic that is subsidised by the State;

“spouse” means a person who is the spouse or partner of a military veteran in accordance with the Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998), or the Civil Union Act, 2006 (Act No. 17 of 2006), or the tenets of any Asiatic religion, and **“spousal relationship”** has a corresponding meaning;

“the Act” means the Military Veterans Act, 2011 (Act No. 18 of 2011).

Requirements to qualify for benefits

2. (1) A military veteran qualifies for one or more benefits provided for in the Act and these regulations if he or she—

- (a) meets the criteria prescribed in these regulations for the benefit applied for; and
- (b) is listed in the national military veterans data base.

(2) Despite subregulation (1), a military veteran who has been convicted of rape, murder, robbery, theft or high treason committed after 27 April 1994 and sentenced to imprisonment for a period exceeding 5 years without the option of a fine is disqualified from receiving any benefits provided for in the Act and these regulations.

(3) Subregulation (2) must not be interpreted as also disqualifying a dependant of a military veteran disqualified in terms of that subregulation from receiving any benefits provided for in the Act and these regulations.

Compensation for injury, trauma and disease

3. (1) A military veteran who sustained disabling injuries or severe psychological and neuro-psychiatric trauma or who suffers from a terminal disease resulting from participation in military activities, may apply for a lump sum payment as compensation if—

- (a) the disabling injury;
- (b) the severe psychological and neuro-psychiatric trauma; or
- (c) the terminal disease,

resulted from the military veteran's participation in military activities and—

- (i) the effect of such disability, trauma or disease is an on-going event;
- (ii) the medical assessment of the military veteran confirms the link between the injury, trauma or disease and his or her participation in a military activity; and
- (iii) the military veteran has not accessed or received a similar benefit in terms of any other legislation.

(2) The medical assessment contemplated in subregulation (1) must be conducted at a public health care facility, but may also be conducted at a private health care facility when a public health care facility is unable to conduct the medical assessment services or a private

health care facility is the only facility accessible in the area.

Determination of amount of compensation

4. (1) A medical or other adequate assessment report must be used by the Department to determine, in accordance with the Military Pensions Act 84, 1976, the amount to be paid as compensation to a military veteran who qualifies for compensation in terms of regulation 3.

(2) The Minister must approve the amount of the lump sum compensation payment contemplated in subregulation (1).

Payment of compensation

5. (1) Subject to regulation 19, the amount of compensation determined in terms of regulation 4(1) must be paid in accordance with subregulation (2) within three months after it has been approved in terms of regulation 4(2).

(2) The payment of compensation must be made to the military veteran or, in the event that the military veteran dies after having submitted his or her application for compensation, to his or her deceased estate.

Criteria for counselling and treatment for mental illness and post-traumatic stress disorder

6. (1) A military veteran or his or her dependant qualifies for dedicated counselling and treatment for serious mental illness or post-traumatic stress disorder if the mental illness or post-traumatic stress disorder was caused by his or her participation in military activities or is associated with his or her participation therein.

(2) The dedicated counselling and treatment for serious mental illness or post-traumatic stress disorder contemplated in subregulation (1) must be conducted at a public health care facility, but may also be conducted at a private health care facility when a public health care

facility is unable to conduct the counselling and treatment or a private health care facility is the only facility accessible in the area.

Application for counselling and treatment

7. (1) A military veteran or his or her dependant who in terms of regulation 6(1) qualifies for dedicated counselling and treatment for serious mental illness or post-traumatic stress disorder may in accordance with regulation 19 apply to the Department for the appropriate counselling or treatment.

(2) If a military veteran or his or her dependant is not able to apply personally to the Department for the appropriate counselling or treatment—

- (a) any person acting on behalf or in the interest of that military veteran or dependant ;
- (b) any person acting in the public interest; or
- (c) an association acting in the interest of its members,

may on behalf of that military veteran or dependant apply for such counselling and treatment.

Criteria to qualify for facilitation of employment placement

8. An unemployed military veteran qualifies for facilitation of employment placement by the Department.

Application for facilitation of employment placement

9. (1) A military veteran who in terms of regulation 8 qualifies for facilitation of employment placement and who wishes to access that benefit, must submit his or her curriculum vitae to the Department with supporting documents to enable the Department to facilitate his or her employment placement, subject to availability of opportunities.

(2) If necessary, a military veteran must be assisted by the Department to draft his or her curriculum vitae.

Facilitation of business opportunities

10. (1) The Minister must establish a business vehicle through which business opportunities can be pursued by the State on behalf of all military veterans.

(2) All existing and potential military veterans' business entities that are partially or wholly owned by military veterans and that are benefiting military veterans qualify for facilitation of business opportunities.

(3) To qualify for facilitation of business opportunities, a military veteran's business entity must be registered on the military veterans business entity register.

(4) The Department must determine the conditions for the inclusion of a business entity in the military veterans business entity register.

Business facilitation programmes

11. The facilitation of business opportunities entails programmes from the Department, which may include—

- (a) training on business information and statistics in the various sectors;
- (b) training on planning, logistics and financial modelling;
- (c) information on funding options and institutional arrangements;
- (d) linkages to markets;
- (e) skills transfer, capacity building, support and mentorship.

Criteria to qualify for subsidised public transport

12. (1) A military veteran qualifies for a public transport subsidy if he or she—

- (a) is not employed and receives a pension from the State; or
- (b) is employed and has an annual income of less than R125 000.

(2) A military veteran who meets the criteria in subregulation (1) qualifies for a 100 per cent transport subsidy when using public transport within the Republic.

(3) The Department may, on application in accordance with regulation 19, issue an appropriate card or voucher acceptable to public transport operators in the Republic to a military veteran who meets the criteria for subsidised public transport in subregulation (1).

Criteria to qualify for access to health care

13. (1) Subject to subregulation (3), a military veteran qualifies for health care services, at the expense of the State, at a public or private health care facility in the Republic if he or she—

- (a) is not employed and receives a pension from the State; or
- (b) is employed but—
 - (i) does not qualify for a medical aid subsidy from his or her employer; or
 - (ii) the military veteran's medical aid cover is not sufficient owing to the status of his or her health.

(2) A military veteran who in terms of subregulation (1) qualifies for health care services may in accordance with regulation 19 apply to the Department for such health care services.

(3) The health care services contemplated in subregulation (1) must be conducted at a public health care facility, but may also be conducted at a private health care facility when a public health care facility is unable to conduct the health care services or a private health care facility is the only facility accessible in the area.

Criteria to qualify for housing

14. (1) A military veteran qualifies for a housing benefit of a total value not exceeding R175 000 if he or she—

- (a) is not employed and receives a pension from the State; or
- (b) is employed and has an annual income of less than R125 000,

and—

- (i) does not own a house;
- (ii) has not previously received a house or other housing benefit from the State; or
- (iii) if he or she is in a spousal relationship, his or her spouse has not received a house

or other housing benefit from the State.

(2) Where a military veteran owns a house and the total sum of the balance of the mortgage loan registered in his or her name at a registered financial institution is equal to or less than the housing benefit to which he or she would, but for subregulation (1)(i), have been entitled in terms of these regulations, the Department may, despite his or her disqualification by that subregulation from being entitled to a housing benefit, settle the outstanding balance of the mortgage loan with that financial institution, whereupon the military veteran forfeits his or her housing benefit which he or she would, but for that subregulation, otherwise have been entitled to in terms of these regulations had it not been for such settlement.

(3) For purposes of this regulation, "housing benefit" includes the allocation of a house.

(4) The Minister may, in consultation with the Minister responsible for housing and the Minister of Finance, annually review the total value of the housing benefit prescribed in subregulation (1).

Condition of housing benefit

15. A military veteran who sells or otherwise alienates a house allocated to him or her in terms of regulation 14(1) or in respect of which the mortgage loan has been settled by the Department as contemplated in regulation 14(2) is disqualified from receiving any further housing benefit in terms of the Act and these regulations.

Criteria to qualify for burial support

16. (1) A military veteran qualifies for burial support at the expense of the State if he or she, at the time of his or her death—

- (a) was not employed and received a pension from the State; or
- (b) was employed and had an annual income of less than R125 000,

and was listed as a military veteran in the national military veterans data base.

(2) Despite subregulation (1), the Department may, after considering evidence from either the demobilisation records, the certified personnel register or service certificates provided

by a military veteran's relevant recognised association, provide burial support for the military veteran who was not listed in the national military veterans data base at the time of his or her death provided it is proven by documentary evidence that he or she would have qualified to be listed in that data base had he or she registered before his or her death.

Amount of burial support benefit

17. (1) The amount for burial support payable to a military veteran is R25 000, subject to subregulation (2).

(2) If any one or more amounts are payable for burial support to a military veteran in terms of any other legislation, the amount payable to that military veteran in terms of subregulation (1) may together with amount or amounts so payable under other legislation not exceed R25 000.

(3) The Minister may in consultation with the Minister of Finance, by notice in the *Gazette* annually increase the amount of the burial support benefit in subregulation (1) and (2).

Reimbursement of burial costs

18. (1) The Department may, on application in accordance with regulation 19 but subject to subregulation (2) and regulation 17, reimburse any person who incurred costs in respect of the burial of a military veteran who meets the criteria in regulation 16.

(2) A person who applies to the Department for the reimbursement of burial costs must submit written proof to the Department of the actual burial costs incurred by him or her.

Procedure to apply for military veterans benefits

19. (1) A military veteran or his or her representative may, subject to regulation 7(2), apply for a military veterans benefit by completing the appropriate application form at an office of the Department, or at any other place designated by the Department, in the presence of an official designated by the Department.

(2) The designated official must assist the military veteran or his or her representative to complete the application form if he or she is, for whatever reason, unable to do so.

(3) The application form must be accompanied by all the documents contemplated in regulation 20.

(4) The designated official together with another designated official must certify that the application requirements have been complied with.

(5) The Department must furnish the military veteran or his or her representative with an acknowledgement of receipt which must—

- (a) be dated and stamped with the official stamp of the Department;
- (b) reflect the name and identity number of the military veteran; and
- (c) reflect the names of the designated officials.

(6) The Department must keep a register of all applications received, which register must record in respect of each application—

- (a) the identifying particulars of the military veteran;
- (b) the date of the application;
- (c) the type of benefit applied for; and
- (d) the names of the designated officials.

(7) Application forms are available at the offices of the Department or any other place designated by the Department.

Documents necessary to apply for benefits

20. An applicant must have the following original documents with him or her when making an application for a benefit:

- (a) Identity document of the military veteran and, where applicable, the identity document of his or her spouse;
- (b) proof of the spousal relationship status;
- (c) birth certificates of the dependants of the military veteran, where applicable; and
- (d) the military veteran identity card issued by the Department.

Notification of outcome

21. (1) The Department must, within 30 working days from the date of the application for a benefit, notify the applicant in writing of the outcome of the application.

(2) A notification contemplated in subregulation (1) must be delivered to the applicant by—

- (a) hand at the physical address furnished by the applicant at the time of the application;
- (b) prepaid registered post to the postal address furnished by the applicant at the time of the application; or
- (c) means of electronic communication

(3) In the case of a successful application, the Department must inform the applicant in writing of the manner in which the benefit will be conferred.

(4) If the application contemplated in subregulation (1) is unsuccessful, the Department must inform the applicant in writing of—

- (a) the reasons for the refusal; and
- (b) the applicant's right to appeal against the decision, and the appeal procedure.

Annual review

22. The Department must, as frequently as it may consider necessary but not less than once a year, conduct a review to determine whether a military veteran or his or her dependant still meets the criteria to qualify for the benefit concerned.

Short title

23. These regulations are called the Military Veterans Benefits Regulations, 2014.