

**SADF - DEFERMENT, EXEMPTION, AND THE COMMANDOS**

**1. DEFERMENT**

**1.1 Who may apply apply?**

The Defence Act (No. 44 of 1957 as amended) provides that any person liable for compulsory military service in the Citizen Force or Commandos (hereafter referred to as "the conscript") may apply for deferment from such service.

There is further a provision whereby any interested person acting on behalf of the conscript (e.g. an employer) may apply for his deferment from military service. The interested person may do so with or without the consent of the conscript, provided that this application must be made with the conscript's knowledge. The conscript in any event retains his right to make representations himself.

It is unclear how it would be established that an application made by an interested person on the conscript's behalf was made with the conscript's knowledge. It is however strongly recommended that the conscript direct either a letter confirming that the application was made with his knowledge, or make a separate application to the relevant authority.

**1.2 To whom must you apply?**

**1.2.1 Before the conscript commences his initial 2 years military service:-**

to the Chairman of the Exemption Board  
Private Bag X281  
Pretoria  
0001

**1.2.2 After the conscript has commenced his initial 2 year military service (including for 'camps')-**

to The Commanding Officer of the unit in which he is serving.

Ensure that you use the correct postal address.

**1.3 When may you apply?**

Application for deferment can be made:

**1.3.1 At any stage before the conscript commences his initial service or**

**1.3.2 At any stage during the initial 2 years service period.**

**1.3.3 At any stage before the conscript commences a 'camp' (viz. after completing 2 years initial service).**

**1.3.4 At any stage during a 'camp'.**

Provided that the conscript should have in fact been called-up or have received a 'notification of allotment', as you cannot defer a liability which is merely theoretical or has not actually arisen.

It is possible that a conscript who has applied for deferment or had an application made on his behalf may be called to attend an examination before an exemption board, although this is usually reserved for applications for exemption, not applications for deferment.

**1.4 When will deferment be granted?**

The Exemption Board or a Commanding Officer has a wide discretion when it comes to the decision whether to grant deferment to a conscript, or not.



#### 1.4.1 The two-legged test

##### 1.4.1.1 Leg 1 : The factual basis

Deferment will only be granted if in the opinion of the exemption board, or commanding officer, it is justified on one of five grounds.

These grounds are -

- (a) to prevent the interruption of a course of educational studies of the conscript, e.g.: a university, college or school student, or
- (b)
  - (i) the nature and extent of the conscript's domestic obligations or
  - (ii) any circumstances connected with any trade, profession or business in which he is engaged; (e.g. a one-person business), or
- (c) physical defects, ill-health or mental incapacity of the conscript (this may include a course of treatment), or
- (d) the compulsory detention of the conscript in an institution; (e.g. imprisonment, detention in terms of security legislation or emergency regulations), or
- (e) any other ground deemed sufficient.

Some of these grounds are very widely phrased, (especially the last-mentioned ground), and the various grounds may even overlap but the conscript must nonetheless ensure that the factual basis on which he is making his application falls within one of the grounds.

##### 1.4.1.2 Leg 2 : The proviso

It is, however not enough to merely have a factual basis which falls within the stated grounds for deferment.

There is a further proviso that no application shall be granted except where the board is satisfied that -

- (a) undue hardship would otherwise be caused; or
- (b) it is in the public interest that deferment be granted.

The applicant must therefore, if he wishes to succeed with his application, satisfy the board that failure to grant his application would cause undue hardship (to himself or another e.g. family, employer, etc) or be against the public interest.

#### 1.5 **How does the conscript make his application?**

Most applications are in the form of a letter addressed to either the Exemption Board or Commanding Officer of the unit and should contain:

- (a) full personal details such as name, rank and force number and address
- (b) reference to the specific call-up instruction, including the dates thereof
- (c) the grounds upon which the application is based (see Leg 1 : The factual basis above)
- (d) proof of satisfaction of the proviso (see Leg 2 : The proviso above)
- (e) reference to any relevant documents, which should be attached as annexures (Photocopies should be attested as true copies of the original document where possible).  
For example it is desirable to include statements from a lecturer, employer, medical practitioner, minister of religion, etc in support of your application.



The application should preferably then be sworn to under oath so making it an affidavit. This can be done before any commissioner of oaths, including any police member, postmaster or attorney, to name but a few. (Remember not to sign your letter until in the commissioner of oaths' presence). Whilst this is not obligatory a sworn affidavit always has greater credibility in law. A photocopy should then be made of the completed application for the conscript's own records.

The application must finally be posted by registered mail, remembering to keep the posting slip with the copy of the application. An application may be delivered by hand to the Board or unit, particularly if approval is urgently required.

SEE EXAMPLE OF DEFERMENT APPLICATIONS

#### 1.6 What if a deferment application is not successful?

If the conscript is notified by the Exemption Board or Commanding Officer that deferment has not been granted there is nothing which prevents the conscript lodging a further application if possible containing more and better information to back up his application even if this is done after the deadline given for the submission of deferment applications.

It must be noted that the posting off of a deferment application does not automatically relieve the conscript of his duty to report for military service. Until he has heard from the exemption board or commanding officer that he has had his service deferred he remains liable to report for duty.

Such notification can in urgent cases be telephonic, later to be confirmed in writing. Accordingly if the day upon which the conscript must report for duty is very close he could contact the relevant authority by telephone or telegram to ascertain the outcome of his deferment application. In such cases the conscript may be told to report for duty pending the outcome of his application where this is not able to be considered before the duty commences.

#### 1.7 Miscellaneous recommendations

1.7.1 Always make your deferment application promptly as this means that you will know the outcome sooner and if necessary have time to lodge a further application.

1.7.2 Never confuse 'deferment' and 'exemption'. The exemption board is generally extremely reluctant to grant exemption which generally implies a complete release from all military obligations for all time. If you apply for exemption when what you really mean is deferment you may prejudice your application. The Defence Act does however provide that deferment may be granted where exemption is applied for, and visa versa.

#### 2. EXEMPTION

##### 2.1 General

The provisions in the Defence Act dealing with an application for exemption from military service are substantially the same as those which relate to deferment (above).

Accordingly the conscript -

2.1.1 must apply to the Chairman of the Exemption Board or Commanding Officer of the unit, depending on whether he has commenced his initial 2 year period or not (see para 1.2).

2.1.2 may apply at any time, (as per para 1.3).

2.1.3 must fulfill the two-legged test (para 1.4).

2.1.4 must make his application as described above (para 1.5).



2.1.5 may make further applications if his first application is not successful (para 1.6).

Exemption from service is however much more difficult to obtain than obtaining deferment. This is because deferment is granted on a "call-up" by "call-up" basis whereas exemption is of a more permanent, blanket nature (although the Defence Act does provide that the Exemption Board may withdraw or amend the granting of exemption (or deferment) if the factual basis therefor has changed.)

## 2.2 Exemption on medical grounds

2.2.1 Exemption from military service occurs most frequently on medical grounds.

The Defence Act specifically provides that any citizen who has been medically examined and pronounced by the prescribed medical authorities to be unfit for military service in any capacity be exempt from liability for compulsory military service (for so long as the unfitness continues).

2.2.2 How do you go about obtaining exemption on medical grounds?

2.2.2.1 Before the conscript begins his initial 2 years service:

- (i) officially ;you are required to make application to the Registering Officer, supported by affidavits, etc. The Registering Officer will refer you to the Medical Services.

your application for exemption can then be dealt with in the following ways:

- (a) accepted on basis of application
- (b) rejected
- (c) more documentation can be called for before deciding outcome
- (d) conscript required to be examined by SADF medical hospital before deciding outcome

- (ii) unofficially, conscripts have made an appointment directly at their nearest military hospital with SADF medical practitioners attending their supporting medical documentation with them.

2.2.2.2 During the initial 2 years service (or during a 'camp').

The conscript applies to his Commanding Officer and the application is referred to a military hospital for investigation whereafter a medical board is constituted to decide application.

2.2.2.3 After completing initial service and liable for camps:

The conscript must report to the commanding officer of his unit and then proceed as in para 2.2.2.2 above.

It must be borne in mind that in practice the abovementioned procedures may be deviated from in some aspects.

## 3. COMMANDOS

### 3.1 General

The provisions in the Defence Act dealing with an application for a transfer to the commandos are substantially the same as those which relate to deferment (above).

Such an application can be made only after the completion of the initial 2 year period.

The conscript -

3.1.1 must apply to the Commanding Officer of his Citizen Force unit

3.1.2 may apply at any time after the completion of the initial 2 years service

3.1.3 must fulfill the 2-legged test (para 1.4)

Particularly relevant here are reasons relating to domestic obligations (e.g. family problems) or connected with the conscripts business or profession (e.g. a one person business.)

3.1.4 must make his application as described above (para 1.5)

3.1.5 may make further applications if his first is not successful (para 1.6)

*bold type*

*3.2*

3.2 Application for deferment/exemption may result in allotment to commandos.

There is a discretion which enables the military authorities the option to allocate a conscript, who has applied for deferment or exemption from service, to the commandos instead of granting the deferment or exemption.

This option is most likely to be invoked by the military authorities where the reasons for the application for deferment/exemption are as in para 3.1.3 above.



**EXAMPLE**

8201236 BT  
Rfn J N Smith  
4 Peace Street  
CAPE TOWN  
8001

31 February 1988

Dear Sir

**APPLICATION FOR DEFERMENT**

I refer your call-up instruction dated 15 February 1988 for a 2 month training camp at Bloemfontein Infantry School from 1 April 1988 until 31 May 1988.

I hereby apply for deferment from this training camp on the following grounds:

1. I am presently a full-time student at the University of Cape Town where I am registered as a B.Sc (Eng) student. (Refer attached letter from U.C.T. confirming registration).
2. I am in my second year of studies, having successfully completed the first year of this course at the end of 1987. (Refer certified copy of my first year results and supporting letter from the Dean of the Faculty).
3. If I were to fail to be granted deferment my studies for this academic year I would be so adversely affected by a 2 month absence from lectures that I would be obliged to repeat the entire academic year next year, which would severely prejudice me both financially and in terms of the time I would take to complete my degree and so commence my career.

I accordingly ask that you grant this application for deferment, and request that you kindly notify me of your decision at your earliest opportunity.

Yours faithfully

J N Smith

Encls.

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