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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

TOA

STAATSKOERANT
VAN DIE REPUBLIEK VAN SUID-AFRIKA

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KAAPSTAD, 25 JUNIE 1993

STATE PRESIDENT'S OFFICE

No. 1109.

25 June 1993

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 69 of 1993: Exchequer Amendment Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 1109.

25 Junie 1993

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 69 van 1993: Skatkiswysigingswet, 1993.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

— Words underlined with a solid line indicate insertions in existing enactments.

GOVERNMENT GAZETTE**ACT**

To amend the Exchequer Act, 1975, so as to amend certain definitions and to define certain expressions; to make it clear that a reference to the Provincial Revenue Fund is deemed to be a reference to the appropriate Account for Provincial Services of the State Revenue Fund; to authorize the responsible Minister to impose levies on services to meet expenditure; to rectify certain outdated expressions; to further regulate the estimates of expenditure and revenue; to authorize the increase of certain appropriations in respect of votes and the making up of such increases from the Vote: Improvement of conditions of service; to authorize the Treasury to prescribe systems of bookkeeping and accounting; to extend accountability to State property; to authorize the Treasury to prescribe norms and standards in respect of improvements to immovable property financed from the State Revenue Fund and to approve the acceptance of sponsorships to the State; to provide for waiving legal exceptions in respect of certain guarantees, indemnities or securities; to grant the responsible Minister the right of disposal over what accrues to the State as *bona vacantia*; and to repeal certain provisions which regulate guarantees by the State in other Acts; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 17 June 1993.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 66 of 1975, as amended by section 36 of Proclamation 85 of 1979, section 7 of Act 21 of 1980, section 1 of Act 100 of 1984, section 4 of Act 79 of 1985, section 22 of Act 69 of 1986, section 7 of Act 77 of 1986, section 36 of Act 9 of 1989, section 18 of Act 52 of 1989, section 5 of Act 109 of 1990, section 14 of Act 120 of 1991, section 1 of Act 96 of 1992 and section 56 of Act 122 of 1992

1. Section 1 of the Exchequer Act, 1975 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the substitution in subsection (1) for the definition of “additional estimates of expenditure” of the following definition:
- “‘additional estimates of expenditure’ means the estimates of additional expenditure from the State Revenue Fund submitted to Parliament or the relevant House of Parliament, according to the circumstances, in respect of expenditure on services of the State for the payment of which moneys or sufficient moneys have not already

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordeninge aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Skatkiswet, 1975, ten einde sekere omskrywings te wysig en sekere uitdrukings te omskryf; dit duidelik te stel dat 'n verwysing na die Provinciale Inkomstefonds geag word 'n verwysing na die gepaste Rekening vir Provinciale Dienste van die Staatsinkomstefonds te wees; die verantwoordelike Minister te magtig om heffings op dienste op te lê tot dekking van uitgawes; sekere verouderde uitdrukings reg te stel; die begroting van uitgawes en die beraming van inkomste verder te reël; die verhoging van sekere bewilligings ten opsigte van begrotingsposte te magtig en die goedmaak van sodanige verhogings uit die Begrotingspos: Verbetering van diensvoorraades te reël; die Tesourie te magtig om stelsels van boekhouding en verantwoording voor te skryf; rekenpligtigheid uit te brei na Staatsgoed; die Tesourie te magtig om norme en standarde voor te skryf ten opsigte van verbeterings aan onroerende eiendom wat uit die Staatsinkomstefonds gefinansier word en om die ontvangs van borgskappe aan die Staat goed te keur; voorsiening te maak vir afstanddoening van regseksepsies ten opsigte van sekere waarborge, vrywarings of sekuriteite; aan die verantwoordelike Minister beskikkingsreg te verleen oor wat die Staat as *bona vacantia* toeval; en sekere bepalings wat waarborge deur die Staat in ander Wette reël, te herroep; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 17 Junie 1993.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

Wysiging van artikel 1 van Wet 66 van 1975, soos gewysig deur artikel 36 van Proklamasie 85 van 1979, artikel 7 van Wet 21 van 1980, artikel 1 van Wet 100 van 1984, artikel 4 van Wet 79 van 1985, artikel 22 van Wet 69 van 1986, artikel 5 van Wet 77 van 1986, artikel 36 van Wet 9 van 1989, artikel 18 van Wet 52 van 1989, artikel 5 van Wet 109 van 1990, artikel 14 van Wet 120 van 1991, artikel 1 van Wet 96 van 1992 en artikel 56 van Wet 122 van 1992

1. Artikel 1 van die Skatkiswet, 1975 (hieronder die Hoofwet genoem), word hierby gewysig—

10 (a) deur in subartikel (1) die omskrywing van "addisionele begroting van uitgawes" deur die volgende omskrywing te vervang:
"addisionele begroting van uitgawes" 'n begroting van addisionele uitgawes uit die Staatsinkomstefonds wat aan die Parlement of die betrokke Huis van die Parlement, na gelang van die omstandighede, voorgelê word ten opsigte van uitgawes aan die dienste van die Staat vir die betaling waarvan daar nie reeds by 'n

- been appropriated by an appropriation Act in the financial year in question, and which contain particulars of the purposes for which moneys, appropriated in an additional appropriation Act shall be utilized;";
- (b) by the substitution in subsection (1) for the definition of "Bank" of the following definition:
- " 'Bank' means the South African Reserve Bank mentioned in the definition of [**'the Bank'**] 'Bank' in section 1 of the South African Reserve Bank Act, [1944 (Act No. 29 of 1944)] 1989 (Act No. 90 of 1989);";
- (c) by the insertion in subsection (1) after the definition of "credit" of the following definition:
- " 'department' means a department as defined in section 1(1) of the Public Service Act, 1984 (Act No. 111 of 1984);";
- (d) by the substitution in subsection (1) for the definition of "estimates of expenditure" of the following definition:
- " 'estimates of expenditure' means estimates of expected expenditure from the State Revenue Fund on the services of the State during a financial year which are submitted to Parliament or the relevant House of Parliament, according to the circumstances, and which contain particulars of the purposes for which moneys, appropriated in an appropriation Act shall be utilized and includes any estimates of supplementary expenditure on such services during that financial year which it is deemed necessary to provide for after the first-mentioned estimates have been submitted to Parliament or the relevant House of Parliament, according to the circumstances, but before they have been approved;";
- (e) by the substitution in subsection (1) for the definition of "financial year" of the following definition:
- " 'financial year' means the period extending from 1 April in any year to 31 March in the next succeeding year;";
- (f) by the insertion in subsection (1) after the definition of "financial year" of the following definition:
- " 'head of department' means an officer as referred to in section 6(2)(a) or 6(2A)(a) of the Public Service Act, 1984 (Act No. 111 of 1984);";
- (g) by the substitution in subsection (1) for the definition of "revenue" of the following definition:
- " 'revenue', for the purposes of—
- (a) the State Revenue Account, means all moneys received by way of taxes, imposts or duties and all casual and other receipts of the State, whatever the source, which may be appropriated by Parliament, [**or the relevant House of Parliament, according to the circumstances**] and includes moneys borrowed in terms of the provisions of this Act, but does not include the amount of any fine not exceeding R50 imposed upon any person by any court of law, in so far as such amount has not been paid, [**and**] or revenue accruing to the [**Post Office Fund**] accounts referred to in section 2(1)(b) or 2(1)(c);
- (b) an account referred to in section 2(1)(b), means—
- (i) all moneys appropriated to the credit of such an account by or in terms of a general affairs law;
 - (ii) all moneys payable in terms of an own affairs law;
 - (iii) all levies authorized by or in terms of a general affairs law for services rendered, over and above payments for such services;
 - (iv) all donations referred to in item 11(4) of Schedule 1 to the Constitution; and
 - (v) all incidental and other receipts, from whatever source, for which the relevant House of Parliament has power of appropriation; and

- Begrotingswet in die betrokke boekjaar geld bewillig is of voldoende geld bewillig is nie, en wat besonderhede bevat van die doeleindes waarvoor die geld wat in 'n addisionele Begrotingswet bewillig word, aangewend moet word;”;
- 5 5 (b) deur in subartikel (1) die omskrywing van “Bank” deur die volgende omskrywing te vervang:
“Bank” die Suid-Afrikaanse Reserwebank vermeld in die omskrywing van [**die Bank**] ‘Bank’ in artikel 1 van die Wet op die Suid-Afrikaanse Reserwebank, [1944 (Wet No. 29 van 1944)] 1989 (Wet No. 90 van 1989);”;
- 10 10 (c) deur in subartikel (1) die omskrywing van “begroting van uitgawes” deur die volgende omskrywing te vervang:
“begroting van uitgawes” ’n begroting van verwagte uitgawes uit die Staatsinkomstefonds aan die dienste van die Staat gedurende 'n boekjaar wat aan die Parlement of die betrokke Huis van die Parlement, na gelang van die omstandighede, voorgelê word, en wat besonderhede bevat van die doeleindes waarvoor die geld wat in 'n Begrotingswet bewillig word, aangewend moet word, en ook 'n begroting van aanvullende uitgawes aan sodanige dienste gedurende daardie boekjaar ten opsigte waarvan dit nodig geag word om voorsiening te maak nadat eersgenoemde begroting aan die Parlement of die betrokke Huis van die Parlement, na gelang van die omstandighede, voorgelê is, maar voordat dit goedgekeur is;”;
- 15 15 (d) deur in subartikel (1) die omskrywing van “boekjaar” deur die volgende omskrywing te vervang:
“boekjaar” die tydperk [**van**] wat strek vanaf 1 April in 'n jaar tot 31 Maart in die daaropvolgende jaar;”;
- 20 20 (e) deur in subartikel (1) na die omskrywing van “buitelandse effekte” die volgende omskrywings in te voeg:
“departement” 'n departement soos omskryf in artikel 1(1) van die Staatsdienswet, 1984 (Wet No. 111 van 1984);
‘departementshoof’ 'n beampie soos bedoel in artikel 6(2)(a) of 6(2A)(a) van die Staatsdienswet, 1984 (Wet No. 111 van 1984);”;
- 25 25 (f) deur in subartikel (1) die omskrywing van “die verantwoordelike Minister” deur die volgende omskrywing te vervang:
“die verantwoordelike Minister”, met betrekking tot 'n aangeleenthed vir sover dit betrekking het of van toepassing is op, of in verband staan met—
(a) die Staatsinkomsterekkening, 'n rekening vir Provinciale Dienste in artikel 2(1)(c) bedoel of 'n wet wat deur 'n Minister in artikel 20(b) van die Grondwet bedoel, gadministreer word, die Minister van [**Finansies**] Staatsbesteding;
- 30 30 (b) 'n [**Begrotingsrekening**] rekening in artikel 2(1)(b) bedoel wat ingestel is in verband met die administrasie van aangeleenthede wat deur 'n lid van 'n Ministersraad gadministreer word of 'n wet wat aldus gadministreer word, die lid van daardie Ministersraad aan wie die administrasie van [**die**] finansiële sake [**van die betrokke bevolkingsgroep**] opgedra is;”;
- 35 35 (g) deur in subartikel (1) die omskrywing van “inkomste” deur die volgende omskrywing te vervang:
“inkomste”, vir die doeleindes van—
(a) die Staatsinkomsterekkening, alle geld ontvang by wyse van belastings, heffings of regte, en alle toevallige en ander ontvangste van die Staat, uit watter bron ook al afkomstig, waарoor die Parlement [**of die betrokke Huis van die Parlement, na gelang van die geval**] bewilligingsbevoegdheid besit, en ook geld ingeval die bepalings van hierdie Wet geleen, maar nie ook die bedrag van 'n boete van hoogstens R50 deur 'n gereghof aan iemand opgelê, vir sover daardie bedrag nie betaal is nie, [**en**] of inkomste wat die [**Poskantoorfonds**] rekenings bedoel in artikel 2(1)(b) of 2(1)(c) toeval;

- (c) an account for Provincial Services referred to in section 2(1)(c), means—
- all moneys appropriated to the credit of such an account by or in terms of a general affairs law;
 - all moneys obtained from sources as stated in Schedule 1 of the Financial Relations Act, 1976 (Act No. 65 of 1976); and
 - all incidental and other receipts of a province from whatever source, for which Parliament has power of appropriation;”;
- (h) by the substitution in subsection (1) for the definition of “the responsible Minister” of the following definition:
- “‘the responsible Minister’, in relation to any matter in so far as it relates to, or is connected with—
- the State Revenue Account, an account for Provincial Services referred to in section 2(1)(c) or any law administered by a Minister referred to in section 20(b) of the Constitution, means the Minister of **[Finance]** State Expenditure;
 - [Appropriation Account]** account referred to in section 2(1)(b) established in connection with the administration of matters which are administered by a member of a Ministers’ Council or any law which is so administered, means the member of such Ministers’ Council to whom the administration of **[the]** financial affairs **[of the relevant population group]** has been assigned.”;
- (i) by the substitution in subsection (1) for the definition of “Treasury” of the following definition:
- “‘Treasury’ means—
- except in sections 6(1)(b), 8, 13(3)(h), 23, 31, 32, 33, 34, 38(1)(i) and 39(1)(c) **[and 42(9)(c)(i)]** in so far as they relate or apply to, or are connected with, an account referred to in section 2(1)(b) or any law which is administered by a member of a Ministers’ Council, the central financial authority in the Public Service which is vested in the Department of **[Finance]** State Expenditure mentioned in the Public Service Act, 1984 (Act No. 111 of 1984), and whose powers in relation to any matter are exercised by the Minister of **[Finance]** State Expenditure or an officer in that Department who, by virtue of a division of work in that Department, deals with that matter;
 - for the purposes of the sections mentioned in paragraph (a), in so far as they relate or apply or are connected as contemplated in that paragraph, the financial authority, in relation to **[the]** financial affairs, **[of a population group]** which is vested in the department of State of the own affairs Administration in which those financial affairs are administered, and whose powers in relation to any matter are exercised by the member of the Ministers’ Council to whom the administration of **[the]** such financial affairs **[of the relevant population group]** has been assigned or an officer in that department who, by virtue of the division of work in that department, deals with that matter.”;
- (j) by the substitution in subsection (5) for the expression “Director-General: Finance” wherever it occurs of the expression “Director-General: State Expenditure”;
- (k) by the substitution for subsection (6) of the following subsection:
- “(6) Any power, duty or function mentioned in sections 3(2), 9(12)(a), (c) and (d), 10(1)(a), (b) and (c), 13(3)(e) and (f), 13(6), 16 to 26 inclusive, 30A, 30B, 30C, 35, 38(1)(b) and (g), 40 and 52(3) and (8) vests in the Minister of Finance or an officer in the Department of Finance who, by virtue of a division of work in that Department, deals with that matter, and for the purposes of section 36 in respect of the said sections ‘the responsible Minister’ shall mean the Minister of Finance.”; and

(b) 'n rekening in artikel 2(1)(b) bedoel—

- (i) alle geld wat by of kragtens 'n algemenesake-wet tot krediet van so 'n rekening bewillig word;
- (ii) alle gelde wat kragtens 'n eiesake-wet betaalbaar is;
- (iii) alle heffings by of kragtens 'n algemenesake-wet gemagtig op dienste gelewer, bo en behalwe betalings vir sodanige dienste;
- (iv) alle skenkings bedoel in item 11(4) van Bylae 1 by die Grondwet; en
- (v) alle toevallige en ander ontvangste, uit watter bron ook al afkomstig,
waaroor die betrokke Huis van die Parlement bewilligingsbevoegdheid besit; en
- (c) 'n rekening vir Provinciale Dienste in artikel 2(1)(c) bedoel—
- (i) alle geld wat by of kragtens 'n algemenesake-wet tot krediet van so 'n rekening bewillig word;
- (ii) alle geld verkry uit die bronne soos uiteengesit in Bylae 1 by die Wet op Finansiële Verhoudings, 1976 (Wet No. 65 van 1976); en
- (iii) alle toevallige en ander ontvangste van 'n provinsie uit watter bron ook al afkomstig,
waaroor die Parlement bewilligingsbevoegdheid besit;"
- (h) deur in subartikel (1) die omskrywing van "Tesorie" deur die volgende omskrywing te vervang:
- "Tesorie"—
- (a) behalwe in artikels 6(1)(b), 8, 13(3)(h), 23, 31, 32, 33, 34, 38(1)(i) en 39(1)(c) **[en 42(9)(c)(i)]** vir sover dit betrekking het of van toepassing is op, of in verband staan met, 'n rekening in artikel 2(1)(b) bedoel of 'n wet wat deur 'n lid van 'n Ministersraad geadministreer word, die sentrale finansiële gesag in die Staatsdiens wat gesetel is in die Departement van **[Finansies] Staatsbesteding** vermeld in die Staatsdienswet, 1984 (Wet No. 111 van 1984), en wie se bevoegdhede met betrekking tot die een of ander aangeleentheid uitgeoefen word deur die Minister van **[Finansies] Staatsbesteding** of 'n beampete in daardie Departement wat, uit hoofde van die indeling van werk in daardie Departement, met daardie aangeleentheid handel;
- (b) by die toepassing van die artikels in paragraaf (a) vermeld vir sover dit betrekking het of van toepassing is of in verband staan soos in daardie paragraaf beoog, die finansiële gesag, met betrekking tot **[die] finansiële sake, [van 'n bevolkingsgroep]** wat gesetel is in die Staatsdepartement van die Eiesake-administrasie waarin daardie finansiële sake geadministreer word, en wie se bevoegdhede met betrekking tot die een of ander aangeleentheid uitgeoefen word deur die lid van die Ministersraad aan wie die administrasie van [die] sodanige finansiële sake [van die betrokke bevolkingsgroep] opgedra is of 'n beampete in daardie departement wat, uit hoofde van die indeling van werk in daardie departement, met daardie aangeleentheid handel;"
- (i) deur in subartikel (5) die uitdrukking "Direkteur-generaal: Finansies" oral waar dit voorkom deur die uitdrukking "Direkteur-generaal: Staatsbesteding" te vervang;
- (j) deur subartikel (6) deur die volgende subartikel te vervang:
- "(6) Enige bevoegdheid, plig of werkzaamheid vermeld in artikels 3(2), 9(12)(a), (c) en (d), 10(1)(a), (b) en (c), 13(3)(e) en (f), 13(6), 16 tot en met 26, 30A, 30B, 30C, 35, 38(1)(b) en (g), 40 en 52(3) en (8) berus by die Minister van Finansies of 'n beampete in die Departement van Finansies wat, uit hoofde van die indeling van werk in daardie Departement, met daardie aangeleentheid handel, en by die toepassing van artikel 36 ten opsigte van

(l) by the addition of the following subsection:

“(7) Any reference in any law to the Provincial Revenue Fund shall be deemed to be a reference to the appropriate account referred to in section 2(1)(c).”.

Amendment of section 2 of Act 66 of 1975, as substituted by section 2 of Act 100 of 1984 and amended by section 5 of Act 79 of 1985, section 22 of Act 69 of 1986, sections 8 and 15 of Act 77 of 1986 and section 5 of Act 93 of 1987 5

2. Section 2 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) When the administration of any provision in any law which entrusts to a member of the Cabinet any power, duty or function is, in so far as that provision relates to [a population group] own affairs, under section 26 of the Constitution assigned to a member of [the] a Ministers' Council [whose members are members of that population group], the relevant account referred to in subsection (1)(b) shall be credited, as a charge against the State Revenue Account, on the date on which such administration is so assigned or as soon as possible after that date, with a sum of money determined by the Minister of [Finance] State Expenditure after consultation with the relevant member of the Ministers' Council, and which shall represent the unexpended portion of the sum of money—

(a) appropriated by Parliament, as a charge against the State Revenue Account, by an appropriation or other Act for the requirements of the State in connection with the administration of that provision in respect of the financial year in which that date falls; or

(b) in respect of which an authority was, in terms of section 7, granted by the Minister of [Finance] State Expenditure for those requirements during that financial year,

as if that sum of money were so appropriated for those requirements, or, subject to the provisions of subsection (3), as if an authority were so granted in respect of that sum of money for those requirements, unless a sum of money is so appropriated by the relevant House of Parliament [whose members are of the same population group as that member of the Ministers' Council] for those requirements, or an authority is, in terms of section 7, so granted by the member of [that] the Ministers' Council to whom the administration of [the] financial affairs [of that population group] has been assigned.”.

Insertion of section 2A in Act 66 of 1975

3. The following section is hereby inserted in the principal Act after section 2:

“Imposition of levies on services rendered

2A. The responsible Minister may, over and above payments (if any) for services rendered by or on behalf of a department, by notice in the Gazette impose levies on those services for the purpose of meeting expenditure connected with those services under such circumstances and on such conditions as Parliament or the relevant House of Parliament, according to the circumstances, may by resolution approve.”.

Amendment of section 4 of Act 66 of 1975, as amended by section 38 of Proclamation 85 of 1979, section 12 of Act 93 of 1983, section 3 of Act 100 of 1984, section 7 of Act 79 of 1985, section 22 of Act 69 of 1986, section 15 of Act 77 of 1986 and section 2 of Act 96 of 1992 50

4. Section 4 of the principal Act is hereby amended—

(a) by the substitution for paragraph (b) of subsection (1) of the following paragraph:

genoemde artikels beteken 'die verantwoordelike Minister' die Minister van Finansies."; en
 (k) deur die volgende subartikel by te voeg:
 "(7) 'n Verwysing in 'n wet na die Provinciale Inkomstefonds word geag 'n verwysing na die gepaste rekening in artikel 2(1)(c) bedoel, te wees."

Wysiging van artikel 2 van Wet 66 van 1975, soos vervang deur artikel 2 van Wet 100 van 1984 en gewysig deur artikel 5 van Wet 79 van 1985, artikel 22 van Wet 69 van 1986, artikels 8 en 15 van Wet 77 van 1986 en artikel 5 van Wet 93 van 1987

10 2. Artikel 2 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

"(2) Wanneer die uitvoering van 'n bepaling in 'n wet wat 'n bevoegdheid, plig of werksaamheid aan 'n lid van die Kabinet toewys, vir sover daardie bepaling op **[in bevolkingsgroep]** eie sake betrekking het, kragtens artikel 26 van die Grondwet opgedra word aan 'n lid van **[die] 'n Ministersraad, [waarvan die lede van daardie bevolkingsgroep lede is]** word die betrokke rekening in subartikel (1)(b) bedoel op die datum waarop die uitvoering aldus opgedra word of so gou doenlik na daardie datum, ten laste van die Staatsinkomsterekening gekrediteer met 'n bedrag geld wat die Minister van **[Finansies] Staatsbesteding**, na oorlegpleging met die betrokke lid van die Ministersraad, bepaal en wat die onbestede gedeelte van die bedrag geld verteenwoordig—
 (a) wat ten opsigte van die boekjaar waarin daardie datum val deur die Parlement, ten laste van die Staatsinkomsterekening, by 'n Begrotingswet of 'n ander Wet vir die behoeftes van die Staat in verband met die uitvoering van daardie bepaling bewillig is; of
 (b) ten opsigte waarvan 'n magtiging in daardie boekjaar ingevolge artikel 7 deur die Minister van **[Finansies] Staatsbesteding** vir daardie behoeftes verleen is,
 30 asof daardie bedrag geld vir daardie behoeftes aldus bewillig is, of, behoudens die bepalings van subartikel (3), asof 'n magtiging vir daardie behoeftes ten opsigte van daardie bedrag geld aldus verleent is, tensy 'n bedrag geld deur die **betrokke Huis van die Parlement** **[waarvan die lede van dieselfde bevolkingsgroep as daardie lid van die Ministersraad is]** vir daardie behoeftes aldus bewillig word, of 'n magtiging ingevolge artikel 7 aldus deur die lid van **[daardie] die Ministersraad** aan wie die administrasie van **[die] finansiële sake [van daardie bevolkingsgroep]** opgedra is aldus verleent word."

Invoeging van artikel 2A in Wet 66 van 1975

40 3. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

"Oplegging van heffings op dienste gelewer

2A. Die verantwoordelike Minister kan, bo en behalwe betalings (indien daar is) vir dienste gelewer deur of namens 'n departement, by kennisgewing in die *Staatskoerant* heffings op daardie dienste oplê tot dekking van uitgawes wat met daardie dienste in verband staan onder die omstandighede en op die voorwaardes wat die Parlement of die betrokke Huis van die Parlement, na gelang van die geval, by besluit goedkeur."

Wysiging van artikel 4 van Wet 66 van 1975, soos gewysig deur artikel 38 van Proklamasie 85 van 1979, artikel 12 van Wet 93 van 1983, artikel 3 van Wet 100 van 1984, artikel 7 van Wet 79 van 1985, artikel 22 van Wet 69 van 1986, artikel 15 van Wet 77 van 1986 en artikel 2 van Wet 96 van 1992

4. Artikel 4 van die Hoofwet word hierby gewysig—
 (a) deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

- “(b) in the case of moneys with which an account referred to in section 2(1)(b) established in connection with the administration of matters which are administered by a member of a Ministers’ Council has been credited, by the relevant House of Parliament [whose members are of the same population group as that member],”;
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) (a) The Minister of Finance State Expenditure—
- (i) shall for every financial year, in a form determined by him, submit to Parliament an estimate of expenditure to be defrayed from the State Revenue Account, and from the Account for Provincial Services referred to in section 2(1)(c) [and estimates of expected revenue with which those accounts are required to be credited during that financial year]; and
 - (ii) may so submit to Parliament an additional estimate of expenditure to be so defrayed.
- (b) The member of a Ministers’ Council to whom the administration of [the] financial affairs [of a population group] has been assigned—
- (i) shall for every financial year, in a form to be determined by the Minister of Finance State Expenditure, submit to the relevant House of Parliament [whose members are of the same population group as that member] an estimate of expenditure to be defrayed from the relevant account referred to in section 2(1)(b) [and an estimate of expected revenue with which that account is required to be credited during that financial year]; and
 - (ii) may, [so] in a form to be determined by the Minister of State Expenditure, submit to the relevant House of Parliament an additional estimate of expenditure to be so defrayed.
- (c) The Minister of Finance shall for every financial year, in a form determined by him, submit to Parliament estimates of expected revenue with which the accounts referred to in section 2(1)(a) and (c) are required to be credited during that financial year.
- (d) The member of a Ministers’ Council to whom the administration of financial affairs has been assigned shall for every financial year, in a form to be determined by the Minister of Finance, submit to the relevant House of Parliament an estimate of expected revenue with which the account referred to in section 2(1)(b) in respect of that Ministers’ Council is required to be credited during that financial year.”.

Amendment of section 5 of Act 66 of 1975, as amended by section 12 of Act 100 of 1984

- 5. Section 5 of the principal Act is hereby amended—**
- (a) by the substitution for subsection (2) of the following subsection:
- “(2) Subject to the provisions of section 6, expenditure shall in each financial year be incurred in accordance with standing statutory appropriations and, in respect of each vote, in accordance with the main divisions thereof, the particulars of which shall be contained in the estimates of expenditure and the additional estimates of expenditure; and
- (b) by the substitution for paragraph (b) of subsection (3) of the following paragraph:
- “(b) granted [an] a written authority therefor beforehand in terms of section 7.”.

Amendment of section 6 of Act 66 of 1975, as amended by section 12 of Act 100 of 1984

- 6. Section 6 of the principal Act is hereby amended by the addition of the following subsection:**
- “(3) An amount appearing in ‘Column 2’ of a schedule to an appropriation Act in respect of any vote, may be increased with such a portion of the moneys

- “(b) in die geval van geld waarmee ’n rekening in artikel 2(1)(b) bedoel wat ingestel is in verband met die administrasie van aangeleenthede wat deur ’n lid van ’n Ministersraad geadministreer word, gekrediteer is, deur die betrokke Huis van die Parlement [waarvan die lede van dieselfde bevolkingsgroep as daardie lid is],”; en
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- “(3) (a) Die Minister van **[Finansies]** Staatsbesteding—
- (i) moet vir iedere boekjaar, in die vorm wat hy bepaal, ’n begroting van uitgawes wat uit die Staatsinkomsterekening, en uit die Rekenings vir Provinciale Dienste bedoel in artikel 2(1)(c), bestry moet word **[en beramings van verwagte inkomste waarmee daardie rekenings in daardie boekjaar gekrediteer moet word]** aan die Parlement voorlê; en
- (ii) kan ’n addisionele begroting van uitgawes wat aldus bestry moet word, aldus aan die Parlement voorlê.
- (b) Die lid van ’n Ministersraad aan wie die administrasie van **[die]** finansiële sake **[van ’n bevolkingsgroep]** opgedra is—
- (i) moet vir iedere boekjaar, in die vorm wat die Minister van **[Finansies]** Staatsbesteding bepaal, ’n begroting van uitgawes wat uit die betrokke rekening in artikel 2(1)(b) bedoel, bestry moet word **[en ’n beraming van verwagte inkomste waarmee daardie rekening in daardie boekjaar gekrediteer moet word]** aan die betrokke Huis van die Parlement [waarvan die lede van dieselfde bevolkingsgroep as daardie lid is] voorlê; en
- (ii) kan ’n addisionele begroting van uitgawes wat aldus bestry moet word, in die vorm wat die Minister van Staatsbesteding bepaal, [aldus] aan die betrokke Huis van die Parlement voorlê.
- (c) Die Minister van Finansies moet vir iedere boekjaar, in die vorm wat hy bepaal, ’n beraming van verwagte inkomste waarmee die rekenings bedoel in artikel 2(1)(a) en (c) in daardie boekjaar gekrediteer moet word, aan die Parlement voorlê.
- (d) Die lid van ’n Ministersraad aan wie die administrasie van finansiële sake opgedra is, moet vir iedere boekjaar, in die vorm wat die Minister van Finansies bepaal, ’n beraming van verwagte inkomste waarmee die rekening bedoel in artikel 2(1)(b) ten opsigte van daardie Ministersraad in daardie boekjaar gekrediteer moet word, aan die betrokke Huis van die Parlement voorlê.”.
- 40 Wysiging van artikel 5 van Wet 66 van 1975, soos gewysig deur artikel 12 van Wet 100 van 1984**

- 5. Artikel 5 van die Hoofwet word hierby gewysig—**
- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- “(2) Behoudens die bepalings van artikel 6, moet uitgawes in elke boekjaar aangegaan word in ooreenstemming met staande statutêre bewilligings en, ten opsigte van elke begrotingspos, in ooreenstemming met die hoofindelings daarvan, waarvan die besonderhede vervat is in die begroting van uitgawes en die addisionele begroting van uitgawes.; en
- (b) deur paragraaf (b) van subartikel (3) deur die volgende paragraaf te vervang:
- “(b) ’n skriftelike magtiging vooraf ingevolge artikel 7 daarvoor verleen het.”.

55 Wysiging van artikel 6 van Wet 66 van 1975, soos gewysig deur artikel 12 van Wet 100 van 1984

- 6. Artikel 6 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:**
- “(3) ’n Bedrag wat in ‘Kolom 2’ van ’n bylae by ’n Begrotingswet ten opsigte van ’n begrotingspos voorkom, kan verhoog word met sodanige

appropriated for the Vote: Improvement of conditions of service as the accounting officer of that Vote in consultation with the Treasury may determine.”.

Amendment of section 9 of Act 66 of 1975, as amended by section 18 of Act 100 of 1980, section 8 of Act 100 of 1981, section 5 of Act 100 of 1984 and section 8 of Act 79 of 1985 5

7. Section 9 of the principal Act is hereby amended by the substitution in subsection (1) for the expression “Department of Finance” of the expression “Department of State Expenditure”. 61

Substitution of section 12 of Act 66 of 1975 10

8. The following section is hereby substituted for section 12 of the principal Act:

“Systems of bookkeeping and accounting”

12. The Treasury shall, after consultation with the Auditor-General, give guidance, in such manner as it deems necessary, to accounting officers in connection with the systems of bookkeeping and accounting to be followed by them and may prescribe particular systems of bookkeeping and accounting which accounting officers shall follow. 15

Amendment of section 15 of Act 66 of 1975, as amended by section 10 of Act 21 of 1980, section 22 of Act 69 of 1986, section 15 of Act 77 of 1986, section 18 of Act 52 of 1989 and section 56 of Act 122 of 1992 20

9. Section 15 of the principal Act is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) There shall be an accounting officer for each vote who shall be charged with the responsibility of accounting for all State moneys received [and], all payments made by him and the acquisition, receipt, custody and disposal of all State property. 25

(2) An accounting officer shall exercise the powers conferred upon him and perform the duties assigned to him by law, by regulation, by Treasury Instructions or by the Treasury.”; and 30

(b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) the vote or votes of a department shall be the head of the department appointed [in terms of the Public Service Act, 1984 (Act No. 111 of 1984)] for that department;”; 35

Substitution of section 15A of Act 66 of 1975, as inserted by section 15 of Act 101 of 1979 and amended by section 11 of Act 21 of 1980

10. The following section is hereby substituted for section 15A of the principal Act: 40

“Responsibility of accounting for State moneys and State property by a person who is not an accounting officer”

15A. (1) The Treasury may notwithstanding the provisions of section 15 charge a person who is not an accounting officer with the responsibility of accounting for—

(a) State moneys received and paid out by that person;

(b) State property acquired, received, kept or disposed of by that person,

in connection with a trading and related account, established under

gedeelte van die geld wat bewillig is vir die Begrotingspos: Verbetering van diensvooraardes as wat die rekenpligtige beampete van daardie Begrotingspos in oorleg met die Tesourie bepaal.”.

Wysiging van artikel 9 van Wet 66 van 1975, soos gewysig deur artikel 18 van Wet 5 100 van 1980, artikel 8 van Wet 100 van 1981, artikel 5 van Wet 100 van 1984 en artikel 8 van Wet 79 van 1985

7. Artikel 9 van die Hoofwet word hierby gewysig deur in subartikel (11) die uitdrukking “Departement van Finansies” deur die uitdrukking “Departement van Staatsbesteding” te vervang.

10 Vervanging van artikel 12 van Wet 66 van 1975

8. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:

“Stelsels van boekhouding en verantwoording

12. Die Tesourie moet, na oorlegpleging met die Ouditeur-generaal, op die wyse wat hy nodig ag, aan rekenpligtige beampetes 15 leiding gee in verband met die stelsels van boekhouding en verantwoording wat hulle moet volg, en kan bepaalde stelsels van boekhouding en verantwoording voorskryf wat rekenpligtige beampetes moet volg.”.

Wysiging van artikel 15 van Wet 66 van 1975, soos gewysig deur artikel 10 van 20 Wet 21 van 1980, artikel 22 van Wet 69 van 1986, artikel 15 van Wet 77 van 1986, artikel 18 van Wet 52 van 1989 en artikel 56 van Wet 122 van 1992

9. Artikel 15 van die Hoofwet word hierby gewysig—

(a) deur subartikels (1) en (2) deur onderskeidelik die volgende subartikels te vervang:

25 (1) Vir elke begrotingspos is daar 'n rekenpligtige beampete wat belas is met die verantwoording van al die alle Staatsgeld deur hom ontvang en, alle betalings deur hom gedoen, en die verkryging, ontvangs en bewaring van en beskikking oor alle Staatsgoed.

30 (2) 'n Rekenpligtige beampete oefen die bevoegdhede uit en voer die pligte uit wat by wet, by regulasie, by Tesourie-instruksies of deur die Tesourie aan hom verleen of opgedra is.”; en

35 (b) deur paragraaf (a) van subartikel (3) deur die volgende paragraaf te vervang:
“(a) die begrotingspos of -poste van 'n departement, die departementshoof wat ingevolge die Staatsdienswet, 1984 (Wet No. 111 van 1984) vir dié departement aangestel is.”.

Vervanging van artikel 15A van Wet 66 van 1975, soos ingevoeg deur artikel 15 van Wet 101 van 1979 en gewysig deur artikel 11 van Wet 21 van 1980

40 10. Artikel 15A van die Hoofwet word hierby deur die volgende artikel vervang:

“Verantwoording van Staatsgeld en Staatsgoed deur iemand wat nie rekenpligtige beampete is nie

15A. (1) Die Tesourie kan ondanks die bepalings van artikel 15 iemand wat nie 'n rekenpligtige beampete is nie belas met die verantwoording van—

(a) Staatsgeld wat deur daardie persoon ontvang en uitbetaal word;
(b) Staatsgoed wat deur daardie persoon verkry, ontvang, bewaar of oor beskik word,

50 in verband met 'n bedryfs- en verwante rekening, ingestel kragtens

section 11A(1), or a particular portion of a vote whereof accounts are kept separately.

(2) Whenever a person is charged under subsection (1) with the responsibility of accounting for State moneys and State property in respect of a trading and related account or any particular portion of a vote, the Treasury may assign to such person any or all of the powers and duties referred to in section 15(2) which an accounting officer may exercise or is required to perform in respect of such trading and related account or portion of a vote.

(3) A power or duty assigned to a person under subsection (2), shall be exercised or performed by such person in respect of the said trading and related account or portion of a vote to the exclusion of the accounting officer responsible for the vote of which that trading and related account or portion forms part.

(4) Whenever a person referred to in subsection (1) is absent, his powers shall be exercised and his duties performed by the person acting in his place.”.

Amendment of section 31 of Act 66 of 1975, as amended by sections 9 and 12 of Act 100 of 1984, section 10 of Act 77 of 1986 and section 18 of Act 52 of 1989

11. Section 31 of the principal Act is hereby amended—

(a) by the substitution for paragraph (g) of subsection (1) of the following paragraph:

“(g) require accounting officers to submit **[draft estimates]** particular inputs in respect of budget matters to it, analyse such **[estimates]** inputs and make recommendations thereon to the responsible Minister;”;

(b) by the substitution for paragraph (k) of subsection (1) of the following paragraph:

“(k) investigate, prescribe and inspect systems for the control over, and administration of, State moneys and other State property;”;

(c) by the insertion in subsection (1) after paragraph (s) of the following paragraphs:

“(t) prescribe norms and standards in respect of improvements to immovable property financed in full or in part from the State Revenue Fund, and give guidance in the application of such norms and standards;”

“(u) approve acceptance of sponsorships to the State;”;

(d) by the substitution in the provisos to subsection (1) for the expression “R25 000” wherever it occurs of the expression “R100 000”.

Amendment of section 33 of Act 66 of 1975, as amended by section 12 of Act 100 of 1984 and section 18 of Act 52 of 1989

12. Section 33 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for subparagraph (i) of paragraph (b) of the following subparagraph:

“(i) the total amount appropriated for the vote concerned, regard being had to any increase referred to in section 6(3), being exceeded;”;

(b) by the substitution in subsection (1) for subparagraph (iii) of paragraph (b) of the following subparagraph:

“(iii) the amount shown in ‘Column 2’ of the schedule to an appropriation Act in respect of a service being exceeded and an authority referred to in section 7(1)(b)(ii) has not been obtained, or an increase referred to in section 6(3) has not been made therefor;”.

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artikel 11A(1), of 'n bepaalde gedeelte van 'n begrotingspos waarvan afsonderlik boek gehou word.

- (2) Wanneer iemand kragtens subartikel (1) met die verantwoording van Staatsgeld en Staatsgoed ten opsigte van 'n bedryfs- en verwante rekening of 'n bepaalde gedeelte van 'n begrotingspos belas is, kan die Tesourie enige of al die bevoegdhede en pligte in artikel 15(2) bedoel wat 'n rekenpligtige beamppte ten opsigte van sodanige bedryfs- en verwante rekening of gedeelte van 'n begrotingspos kan uitoeft of moet verrig, aan so iemand opdra.
- (3) 'n Bevoegdheid of plig aan iemand kragtens subartikel (2) opgedra, word deur so iemand ten opsigte van die betrokke bedryfs- en verwante rekening of gedeelte van 'n begrotingspos uitgeoefen of verrig tot uitsluiting van die rekenpligtige beamppte wat vir die begrotingspos waarvan daardie bedryfs- en verwante rekening of gedeelte deel uitmaak, verantwoordelik is.
- (4) Wanneer iemand in subartikel (1) bedoel afwesig is, word sy bevoegdhede uitgeoefen en sy pligte verrig deur die persoon wat in sy plek waarneem.”.

Wysiging van artikel 31 van Wet 66 van 1975, soos gewysig deur artikels 9 en 12 van Wet 100 van 1984, artikel 10 van Wet 77 van 1986 en artikel 18 van Wet 52 van 1989

- 11. Artikel 31 van die Hoofwet word hierby gewysig—**
- (a) deur paragraaf (g) van subartikel (1) deur die volgende paragraaf te vervang:
- “(g) te eis dat rekenpligtige beamptes **[konsepbegrotings]** bepaalde insette ten opsigte van begrotingsaangeleenthede aan hom voorlê, sulke **[begrotings]** insette te ontleed en aanbevelings daaroor aan die verantwoordelike Minister te doen;”;
- (b) deur paragraaf (k) van subartikel (1) deur die volgende paragraaf te vervang:
- “(k) stelsels vir die beheer oor, en bestuur van, Staatsgeld en ander Staatsgoed te ondersoek, voor te skryf en te inspekteer;”;
- (c) deur in subartikel (1) na paragraaf (s) die volgende paragrawe in te voeg:
- “(t) norme en standarde voor te skryf ten opsigte van verbeterings aan onroerende eiendom wat geheel of gedeeltelik uit die Staatsinkomstefonds gefinansier word, en leiding te gee by die toepassing van sodanige norme en standarde;
- (u) goedkeuring te verleen dat borgskappe aan die Staat ontvang kan word;”; en
- (d) deur in die voorbehoudsbepalings by subartikel (1) die uitdrukking “R25 000” oral waar dit voorkom deur die uitdrukking “R100 000” te vervang.

Wysiging van artikel 33 van Wet 66 van 1975, soos gewysig deur artikel 12 van Wet 100 van 1984 en artikel 18 van Wet 52 van 1989

- 12. Artikel 33 van die Hoofwet word hierby gewysig—**
- (a) deur in subartikel (1) subparagraaf (i) van paragraaf (b) deur die volgende subparagraaf te vervang:
- “(i) die totale bedrag bewillig op die betrokke begrotingspos, met inagneming van 'n verhoging bedoel in artikel 6(3), oorskry word;”; en
- (b) deur in subartikel (1) subparagraaf (iii) van paragraaf (b) deur die volgende subparagraaf te vervang:
- “(iii) die bedrag wat ten opsigte van 'n diens in 'Kolom 2' van die bylae by 'n Begrotingswet aangevoer is, oorskry word en daar nie 'n magtiging bedoel in artikel 7(1)(b)(ii) verkry of 'n verhoging bedoel in artikel 6(3) gemaak, daarvoor is nie;”.

Amendment of section 34 of Act 66 of 1975, as amended by section 13 of Act 94 of 1978, section 12 of Act 100 of 1984, section 10 of Act 79 of 1985 and section 15 of Act 77 of 1986

13. Section 34 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) If a person who is in the employ of a department and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (6) and (7), be deducted from his monthly salary: Provided that such deduction shall not in any month exceed one-fourth of his monthly salary, unless such a person agrees, in writing, that a larger amount may be deducted.”.

Amendment of section 35 of Act 66 of 1975, as substituted by section 12 of Act 21 of 1980 and amended by section 12 of Act 100 of 1984 and section 36 of Act 9 of 1989

14. Section 35 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) If it appears to any responsible Minister and, if he is not the Minister of Finance, to the Minister of Finance as well, to be in the public interest, the said responsible Minister may with the concurrence of the Minister of Finance, if he is not such responsible Minister, from time to time furnish, on such terms and conditions as he may determine with the concurrence of the Minister of Finance, if he is not such responsible Minister, a guarantee, indemnity or security, including the waiver of such legal exceptions as he may deem fit, in respect of any financial commitment incurred or to be incurred by any government, administration, board or body established by or under any law, bank, company or juristic person, whether inside or outside the Republic, the Department of Posts and Telecommunications or the Bank.”; and

(b) by the addition of the following subsection:

“(4) The reference to ‘responsible Minister’ in subsections (1) and (2) shall be deemed to be a reference to the Minister who administers the department of State under which such matter falls in respect of which the guarantee, indemnity or security is being furnished, and if the Minister of Finance has any doubt as to who the responsible Minister is, the Minister determined by the Minister of Finance.”.

Amendment of section 36 of Act 66 of 1975, as amended by section 14 of Act 94 of 1978, section 10 of Act 100 of 1984, section 15 of Act 77 of 1986 and section 16 of Act 120 of 1991

15. Section 36 of the principal Act is hereby amended by the substitution for subsections (1), (2) and (3) of the following subsections, respectively:

(1) Whenever a law requires a Minister to do anything in or after consultation with or with the concurrence of the responsible Minister, such requirement shall, unless one of the Ministers concerned has otherwise directed, be deemed to have been complied with if consultation has taken place between the heads of the departments concerned [as defined in the Public Service Act, 1984 (Act No. 111 of 1984)] or their representatives.

(2) Except in a case to which subsection (1) applies, the responsible Minister may delegate to an officer in the department of State in which the provisions of this Act or any other law are administered by him, any power or function conferred on or assigned to him by this Act or such other law, in relation to the revenue, expenditure or property of the State or a statutory body, with the exception of a power to make regulations and a power or function contemplated in sections 4(3), 7, 16, 17, 18(1), (2) and (7), 19(1) and

Wysiging van artikel 34 van Wet 66 van 1975, soos gewysig deur artikel 13 van Wet 94 van 1978, artikel 12 van Wet 100 van 1984, artikel 10 van Wet 79 van 1985 en artikel 15 van Wet 77 van 1986

13. Artikel 34 van die Hoofwet word hierby gewysig deur subartikel (2) deur 5 die volgende subartikel te vervang:

10 “(2) Indien iemand wat in diens van 'n departement is en wat ingevolge subartikel (1) gelas is om 'n bedrag te betaal, versuum om dié bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word dié bedrag, behoudens die bepalings van subartikels (4), (6) en (7), van sy maandelikse salaris afgetrek: Met dien verstande dat so 'n aftrekking nie in een maand meer as een-vierde van sy maandelikse salaris mag beloop nie, tensy so 'n persoon skriftelik toestem dat 'n groter bedrag afgetrek word.”.

15 **Wysiging van artikel 35 van Wet 66 van 1975, soos vervang deur artikel 12 van Wet 21 van 1980 en gewysig deur artikel 12 van Wet 100 van 1984 en artikel 36 van Wet 9 van 1989**

20 14. Artikel 35 van die Hoofwet word hierby gewysig—
 (a) deur subartikel (1) deur die volgende subartikel te vervang:
 25 “(1) Indien dit vir 'n verantwoordelike Minister en, indien hy nie die Minister van Finansies is nie, vir sowel die Minister van Finansies lyk of dit in die openbare belang is, kan genoemde verantwoordelike Minister met die instemming van die Minister van Finansies, indien hy nie sodanige verantwoordelike Minister is nie, van tyd tot tyd 'n waarborg, vrywaring of sekuriteit op die voorwaardes wat hy bepaal, met inbegrip van die afstanddoening van sodanige regseksepse as wat hy mag goeddink, met die instemming van die Minister van Finansies, indien hy nie sodanige verantwoordelike Minister is nie, verstrek ten opsigte van 'n finansiële verpligting wat aangegaan is of aangegaan staan te word deur 'n regering, administrasie, raad of liggaam deur of kragtens 'n wet ingestel, bank, maatskappy of regspersoon, hetsy binne of buite die Republiek, die Departement van Pos- en Telekomunikasiewese of die Bank.”; en
 30 (b) deur die volgende subartikel by te voeg:
 35 “(4) Die verwysing na 'verantwoordelike Minister' in subartikels (1) en (2) word geag 'n verwysing te wees na die Minister wat die Staatsdepartement administreer waaronder die aangeleentheid ressorteer ten opsigte waarvan die waarborg, vrywaring of sekuriteit verstrek word, en indien daar by die Minister van Finansies twyfel bestaan omtrent wie die verantwoordelike Minister is, die Minister van Finansies bepaal.”.

40 **Wysiging van artikel 36 van Wet 66 van 1975, soos gewysig deur artikel 14 van Wet 94 van 1978, artikel 10 van Wet 100 van 1984, artikel 15 van Wet 77 van 1986 en artikel 16 van Wet 120 van 1991**

45 15. Artikel 36 van die Hoofwet word hierby gewysig deur subartikels (1), (2) en (3) deur onderskeidelik die volgende subartikels te vervang:

50 “(1) Wanneer 'n wet vereis dat 'n Minister iets in of na oorleg met of met die instemming van die verantwoordelike Minister moet doen, word, tensy een van die betrokke Ministers anders gelas het, bedoelde vereiste geag nagekom te gewees het indien oorlegpleging tussen die betrokke departementshoofde [**soos omskryf in die Staatsdienswet, 1984 (Wet No. 111 van 1984)**] of hul verteenwoordigers plaasgevind het.

55 (2) Die verantwoordelike Minister kan, behalwe in 'n geval waarop subartikel (1) betrekking het, 'n bevoegdheid of werksaamheid met betrekking tot die inkomste, uitgawes of goed van die Staat of 'n statutêre liggaam wat by hierdie Wet of 'n ander wet aan hom verleen of opgedra is, uitgesonderd 'n bevoegdheid om regulasies uit te vaardig en 'n bevoegdheid of werksaamheid bedoel in artikels 4(3), 7, 16, 17, 18(1), (2) en (7), 19(1) en (2), 21, 22, 26, 34(6) en 38(3), [**42(7) en 45(1)**] aan 'n beampete in die Staatsdepartement waarin die bepalings van hierdie Wet of bedoelde ander

(2), 21, 22, 26, 34(6) and 38(3), **[42(7) and 45(1)]** but shall not thereby be divested of a power or function so delegated, and may amend or withdraw a decision of such an officer by virtue of any such delegation.

(3) For the purposes of subsection (1) the Postmaster-General shall be deemed to be a head of a department **[as defined in the Public Service Act, 1984 (Act No. 111 of 1984)].**".

Insertion of section 37A in Act 66 of 1975

16. The following section is hereby inserted in the principal Act after section 37:

"Bona vacantia accruing to State

37A. Where any moneys, property or right accrues to the State as **bona vacantia**, the responsible Minister may exercise all powers, authority and prerogatives on behalf of the State, including the right of disposal and cession of such moneys, property or right, and may also fulfil any obligation in respect of or in connection with such moneys, **property or right.**".

Amendment of section 38 of Act 66 of 1975, as amended by section 12 of Act 100 of 1984 and section 15 of Act 77 of 1986

17. Section 38 of the principal Act is hereby amended by the substitution in subsections (1) and (3) for the expression "Minister of Finance" wherever it occurs of the expression "Minister of State Expenditure".

Repeal of section 3 of Act 120 of 1984

18. Section 3 of the Revenue Accounts Financing Act, 1984, is hereby repealed.

Substitution of long title of Act 120 of 1984

19. The following long title is hereby substituted for the long title of the Revenue Accounts Financing Act, 1984:

To provide for the crediting, as a charge against the State Revenue Account, of the other Revenue Accounts of the State Revenue Fund with a certain amount for the financial year ending 31 March 1986; **[to authorize a member of a Ministers' Council to impose levies on services]** and to provide for incidental matters.".

Amendment of section 19 of Act 69 of 1986

20. Section 19 of the Provincial Government Act, 1986, is hereby amended by the deletion of paragraph (e).

Amendment of section 19 of Act 9 of 1989, as amended by section 13 of Act 52 of 1991

21. Section 19 of the Legal Succession to the South African Transport Services Act, 1989, is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

"(1) Without derogating from its capacity in terms of its memorandum of association and the provisions of the Companies Act, 1973, or from any of its powers to issue financial instruments, the Company may for so long as the State holds all the issued equity shares of the Company, with the consent of the Minister acting with the concurrence of the Minister of Finance, issue financial

wet deur hom geadministreer word, deleger, maar word nie daardeur van 'n aldus gedelegeerde bevoegdheid of werksaamheid ontdoen nie, en kan 'n besluit van so 'n beampete uit hoofde van so 'n delegasie wysig of intrek.

5 (3) By die toepassing van subartikel (1) word die Posmeester-generaal geag 'n departementshoof te wees [soos omskryf in die Staatsdienswet, 1984 (Wet No. 111 van 1984)].".

Invoeging van artikel 37A in Wet 66 van 1975

16. Die volgende artikel word hierby in die Hoofwet na artikel 37 ingevoeg:

"Bona vacantia wat Staat toeval"

10 **37A. Waar enige gelde, eiendom of reg die Staat as bona vacantia toeval**, kan die verantwoordelike Minister namens die Staat alle bevoegdhede, magte en regte, met inbegrip van die reg tot besikking en sessie van sodanige gelde, eiendom of reg, uitoefen en enige verpligting met betrekking tot of in verband met sodanige gelde,
15 **eiendom of reg nakom."**.

Wysiging van artikel 38 van Wet 66 van 1975, soos gewysig deur artikel 12 van Wet 100 van 1984 en artikel 15 van Wet 77 van 1986

17. Artikel 38 van die Hoofwet word hierby gewysig deur in subartikels (1) en (3) die uitdrukking "Minister van Finansies" oral waar dit voorkom deur die
20 uitdrukking "Minister van Staatsbesteding" te vervang.

Herroeping van artikel 3 van Wet 120 van 1984

18. Artikel 3 van die Wet op die Finansiering van die Inkomsterekenings, 1984, word hierby herroep.

Vervanging van lang titel van Wet 120 van 1984

25 **19. Die lang titel van die Wet op die Finansiering van die Inkomsterekenings, 1984, word hierby deur die volgende lang titel vervang:**

"WET

30 Om voorsiening te maak vir die kreditering, ten laste van die Staatsinkomsterekening, van die ander Inkomsterekenings van die Staatsinkomstefonds met 'n sekere bedrag vir die boekjaar wat op 31 Maart 1986 eindig; [om 'n lid van 'n Ministersraad te magtig om heffings op dienste op te lê] en om vir bykomstige aangeleenthede voorsiening te maak.".

Wysiging van artikel 19 van Wet 69 van 1986

35 **20. Artikel 19 van die Wet op Provinciale Regering, 1986, word hierby gewysig deur paragraaf (e) te skrap.**

Wysiging van artikel 19 van Wet 9 van 1989, soos gewysig deur artikel 13 van Wet 52 van 1991

40 **21. Artikel 19 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989, word hierby gewysig—**

(a) deur subartikel (1) deur die volgende subartikel te vervang:

45 "(1) Die Maatskappy is, sonder om afbreuk te doen aan sy vermoëns ingevolge sy akte van oprigting en die bepalings van die Maatskappylaw, 1973, of enige van sy magte om finansiële instrumente uit te reik, daarop geregtig om vir solank as wat die Staat al die uitgereikte ekwiteitsaandele van die Maatskappy hou, met die toestemming van die Minister handelend met die instemming van die Minister van Finansies, finansiële instrumente van welke aard

instruments of whatever nature, including stock, securities, bills, promissory notes, debentures, debenture stock, bonds, annuities and negotiable certificates of deposit [that are guaranteed by the State in terms of subsection (2)]."; and
 (b) by the deletion of paragraph (a) of subsection (2). 5

Repeal of section 27 of Act 9 of 1989, as substituted by section 20 of Act 52 of 1991

22. Section 27 of the Legal Succession to the South African Transport Services Act, 1989, is hereby repealed.

Repeal of section 9 of Act 122 of 1992

23. Section 9 of the Audit Arrangements Act, 1992, is hereby repealed. 10

Transitional provision

24. Any outstanding financial obligation guaranteed under section 19(2)(a) or 27 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989), which provisions are repealed by sections 21(b) and 22 of this Act, shall be deemed to have been guaranteed under section 35 of the Exchequer Act, 1975 (Act No. 66 of 1975). 15

Short title

25. This Act shall be called the Exchequer Amendment Act, 1993.

Herewithin am I to sign on 25 June 1993.

As witness to the fact that the Provisions set out in this instrument were signed on 25 June 1993.

Done this day of June 1993.

ook al, met inbegrip van effekte, sekuriteite, wissels, promesses, skuldbrieve, skuldbriefeffekte, obligasies, annuïteite en verhandelbare depositosertifikate, uit te reik [**wat ingevolge subartikel (2) deur die Staat gewaarborg word.**].”; en
5 (b) deur paragraaf (a) van subartikel (2) te skrap.

Herroeping van artikel 27 van Wet 9 van 1989, soos vervang deur artikel 20 van Wet 52 van 1991

22. Artikel 27 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989, word hierby herroep.

10 Herroeping van artikel 9 van Wet 122 van 1992

23. Artikel 9 van die Ouditreëlingswet, 1992, word hierby herroep.

Oorgangsbepling

24. Enige uitstaande finansiële verpligting wat kragtens artikel 19(2)(a) of 27 van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 15 1989 (Wet No. 9 van 1989), gewaarborg is, welke bepalings deur artikels 21(b) en 22 van hierdie Wet herroep word, word geag kragtens artikel 35 van die Skatkiswet, 1975 (Wet No. 66 van 1975), gewaarborg te wees.

Kort titel

25. Hierdie Wet heet die Skatkiswysigingswet, 1993.

oor al meer oppervlak van die drie "self-motore" missies binnekortse
afsluitingsperiode sterk uitgebreide optrede, dit leek daarby nie volgens
gepakte debosito's stilhouste, nie te leek wat voorologie aanvalle (S)
van die Suid-Afrikaanse wordl", en
(d) geel bistrifiki (S) te vryb.

Hierdie begin van die 25 Junie 1980, 2000 uurtelang gevind uitkikkie 20 Junie
Wet 25 Junie 1980

22. Vuurke 25 Junie Wet op die Resozialering van die Suid-Afrikaanse
Volvoetdiagramme, 1980 word metelpaerde

10. Hierdie begin van uitkikkie 6 Junie Wet 125 Junie 1980

23. Vuurke 6 Junie Optrekkelewer, 1980, word metelpaerde

Oordwaardespeelstelle

24. Eerste uitkikkie tussenligte aantrekking vir kragtens stukke (S) of 25
van die Wet op die Resozialering van die Suid-Afrikaanse Verwoeddiagramme
12 Junie (Wet No. 9 Junie 1980), bewapontjies, wolk-pelsvings gemit stukke 31(4)
ou 35 van hierdie Wet metelde word, word geen krasse stukke 35 van die
skistreweer, 1980 (Wet No. 99 Junie 1982), eenstydse ic wees.

Poortjie

25. Hierdie Wet poot die Skrifswaardelunewet, 1983