

MUNDO



Act No. 3, 1996

NORTHERN CAPE POWERS AND PRIVILEGES OF THE  
PROVINCIAL LEGISLATURE AMENDMENT ACT, 1996

OFFICE OF THE PREMIER

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No. 3

22 April 1996

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

No. 3 of 1996: Northern Cape Powers and Privileges of the Provincial Legislature Amendment Act, 1996.

**GENERAL EXPLANATORY NOTE:**

- [ ]** Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with solid line indicate insertions in existing enactments.
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# ACT

To amend and consolidate the Northern Cape Powers and Privileges of the Provincial Legislature Act, 1994, so as to give financial autonomy to the Legislature; to make provision for powers and functions of an Accounting Officer; to define or redefine certain expressions; to provide for textual changes; and to provide for matters connected therewith.

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*(English text signed by the Premier)*  
*(Assented to on 1 April 1996)*

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**B**<sup>E</sup> IT ENACTED by the Provincial Legislature of the Northern Cape, as follows:—

KANTOOR VAN DIE PREMIER

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No. 3

22 April 1996

Hierby word bekendgemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby vir algemene kennisname gepubliseer word:

No. 3 van 1996: Noord-Kaapse Wysigingswet op die Bevoegdhede en Voorregte van die Provinsiale Wetgewer, 1996.

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ]** Woorde in vet druk tussen vierkantige hake dui skraping uit bestaande verordeninge aan.
- \_\_\_\_\_ Woorde met 'n volstreep daaronder dui invoeging in bestaande verordenings aan.
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**WET**

Tot wysiging en konsolidasie van die Noord-Kaapse Wet op die Bevoegdhede en Voorregte van die Provinsiale Wetgewer, 1994, ten einde finansiële selfbestuur aan die Wetgewer te verleen; voorsiening te maak vir bevoegdhede en funksies van die rekenpligtige beampste; sekere uitdrukkings te omskryf of te heromskryf; voorsiening te maak vir tekstuele veranderings; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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*(Engelse teks geteken deur die Premier)*  
*(Goedgekeur op 1 April 1996)*

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**D**AAR WORD BEPAAL deur die Provinsiale Wetgewer van die Noord-Kaap, soos volg:—



**Amendment of section 1 of Act 6 of 1994**

1. Section 1 of the Northern Cape Powers and Privileges of the Legislature Act, 1994 (hereinafter referred to as the principal Act), is hereby amended—

- (i) by the substitution for the definition of "committee" of the following definition:

" 'committee' means any committee consisting of members and established in terms of the Rules referred to in section 58 of the Constitution;";

- (ii) by the insertion after the definition of "committee" of the following definition:

" 'house' means members of the Provincial Legislature assembled together in the Chamber for the purposes of conducting parliamentary business;";

- (iii) by the substitution for the definition of "officer" of the following definition:

" 'officer' means the Secretary, and any other person [who may be] appointed to the staff of the Provincial Legislature;";

- (iv) by the insertion after the definition of "officer" of the following definition:

" 'recess' means the period between two consecutive terms determined by the Speaker during which the Legislature's legislative operations are closed or suspended;";

- (v) by the substitution for the definition of "Secretary" of the following definition:

" 'Secretary' means the Secretary to the Provincial Legislature appointed in terms of section 143 of the Constitution, and includes any officer acting on his or her behalf;";

- (vi) by the insertion after the definition of "Secretary" of the following definition:

" 'session' means the period determined by the Speaker during which the Legislatures' legislative operations are in progress or unsuspended;";

- (vii) by the substitution for the definition of "Speaker" of the following definition:

" 'Speaker' means the Speaker of the Provincial Legislature referred to in section 131 of the Constitution, and shall include the Deputy Speaker when acting as Speaker;";

- (viii) by the insertion of the definition of Provincial Treasury:

"Treasury" means the provincial financial authority in the Provincial Administration which is vested in the department responsible for financial matters and whose powers in

**Wysiging van artikel 1 van Wet 6 van 1994**

1. Artikel 1 van die Noord-Kaapse Wet op die Bevoegdhe en Voorregte van die Provinsiale Wetgewer, 1994 (hieronder die Hoofwet genoem), word hierby gewysig—

- (i) deur die omskrywing van "amptenaar" deur die volgende omskrywing te vervang:

" 'amptenaar' die Sekretaris, en enigiemand wat in die personeel van die Provinsiale Wetgewer aangestel **[word]** is;";

- (ii) deur na die omskrywing van "komitee" die volgende omskrywing in te voeg:

" 'huis' lede van die Provinsiale Wetgewer wat saam in die Kamer byeengekom het om parlementêre werksaamhede te verrig;";

- (iii) deur die omskrywing van "komitee" deur die volgende omskrywing te vervang:

" 'komitee' 'n komitee wat uit lede bestaan en wat ingevolge die Reëls in artikel 58 van die grondwet bedoel gestig is;";

- (iv) deur na die omskrywing van "amptenaar" die volgende omskrywing in te voeg:

" 'reses' die tydperk tussen twee opeenvolgende terme deur die Speaker bepaal waarbinne die wetgewende werksaamhede van die Wetgewer gesluit of opgeskort is;";

- (v) deur die omskrywing van "Sekretaris" deur die volgende omskrywing te vervang:

" 'Sekretaris' die Sekretaris van die Provinsiale Wetgewer ingevolge artikel 143 van die Grondwet aangestel, en sluit in enige amptenaar wat namens hom of haar optree;";

- (vi) "Skatkiswet" die Noord-Kaapse Skatkiswet, 1994 (Wet No. 1 van 1994);

- (vii) deur die omskrywing van "Speaker" deur die volgende omskrywing te vervang:

" 'Speaker' die Speaker van die Provinsiale Wetgewer in artikel 131 van die Grondwet bedoel, en sluit in die Adjunk-Speaker wanneer hy of sy as Speaker optree;";

- (viii) "Tesourie" die provinsiale finansiële gesag in die provinsiale administrasie wat by die departement verantwoordelik vir finansiële sake beru3 en wie se bevoegdhe met



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PROVINCIAL LEGISLATURE AMENDMENT ACT, 1996

relation to any matter are exercised by the responsible Member or an officer in that department who, by virtue of a division of work in that department, deals with that matter;

- (ix) by the insertion of the definition of the Northern Cape Exchequer Act, 1994 (Act No. 1 of 1994):

"any reference to the Exchequer Act in any of the provisions of this Act, refers to the Northern Cape Exchequer Act, 1994 (Act No. 1 of 1994)."

#### **Amendment of section 9 of Act 6 of 1994**

2. Section 9 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) All fines payable under subsection (1) may be recovered by way of civil action in a competent court by the **[Member of the Executive Council responsible for Finance]** Speaker, if authorized by resolution of the Provincial Legislature to institute legal proceedings for the recovery thereof."

#### **Amendment of section 10 of Act 6 of 1994**

3. Section 10 of the principal Act is hereby amended by the addition after the expression "person" of the expression "member or officer".

#### **Amendment of section 11 of Act 6 of 1994**

4. Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Notwithstanding anything to the contrary contained in any other law but subject to the provisions of section 6(1), no person shall arrest any member or officer within the immediate precincts of the chambers of the Provincial Legislature, or serve any summons or subpoena upon him or her thereat, while the Provincial Legislature is **[sitting]** in session".

#### **Insertion of section 28A in Act 6 of 1994**

5. The following chapter is hereby inserted in the principal Act after section 28:

### **"CHAPTER 6**

### **FINANCIAL ARRANGEMENTS**

#### **Control of expenditure and appropriation of moneys**

28A. (1) The control of expenditure and the appropriation of moneys for the services of the Provincial Legislature shall be vested in the Speaker, and authorisation for such expenditure, and appropriation of moneys, as well as receipts issued on its behalf by the accounting officer, referred to in subsection 2 with reference to all matters affecting those services shall, notwithstanding anything to the contrary contained in any other law, but subject to the provisions of this section, be taken to be in all respects good, valid and effectual.



betrekking tot enige saak deur die verantwoordelike lid uit-  
geoefen is of enige beamppte wat weens verdeling van werk  
in daardie departement, met daardie saak handel;

- (ix) " 'n verwysing na die Skatkis in die een of ander bepaling  
van hierdie Wet, verwys na die Noord-Kaap Skatkwet,  
1994 (Wet No. 1 van 1994).".

#### **Wysiging van artikel 9 van Wet 6 van 1994**

2. Artikel 9 van die Hoofwet word hierby gewysig deur subartikel (2)  
deur die volgende subartikel te vervang:

"(2) Alle boetes kragtens subartikel (1) betaalbaar, kan by  
wyse van 'n siviele aksie in 'n bevoegde hof deur die **[Lid van die  
Uitvoerende Raad verantwoordelik vir Finansies]** Speaker,  
verhaal word indien hy of sy deur die Provinsiale wetgewer  
gemagtig is om geregtelike stappe vir die verhaal daarvan te  
doen."

#### **Wysiging van artikel 10 van Wet 6 van 1994**

3. Artikel 10 van die Hoofwet word hierby gewysig deur na die uit-  
drukking "persoon" die uitdrukking "lid of amptenaar" in te voeg.

#### **Wysiging van artikel 11 van Wet 6 van 1994**

4. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel  
(1) deur die volgende subartikel te vervang:

"(1) Ondanks andersluidende bepalings van die een of  
ander wet, maar behoudens die bepalings van artikel 6(1), mag  
niemand 'n lid of amptenaar in die onmiddellike nabyheid van die  
lokaal van die Provinsiale Wetgewer in hegtenis neem, of 'n dag-  
vaardiging of getuiedagvaardiging aldaar aan hom of haar  
beteken, onderwyl die Provinsiale Wetgewer **[in sitting]** op  
sessie is nie".

#### **Invoeging van artikel 28A van Wet 6 van 1994**

5. Die volgende hoofstuk word hierby in die Hoofwet na artikel 28  
ingevoeg:

### **"HOOFSTUK 6**

### **FINANSIËLE REËLINGS**

#### **Finansiële reëlins met betrekking tot die Provinsiale Wetgewer**

28A. (1) Die beheer oor die uitgawes en die toewysing  
van geld vir die diens van die Provinsiale Wetgewer berus by die  
Speaker self, en magtiging vir sodanige uitgawes en toewysing  
van geld, asook kwitansies namens hom deur die rekenpligtige  
beamppte bedoel in subartikel (2) uitgereik, ten aansien van bepa-  
lings van die een of ander wet, maar behoudens die bepalings  
van hierdie artikel, is in alle opsigte goed, geldig en bindend.



(2) Subject to the provisions of any other law and unless otherwise directed by the Speaker, the Secretary shall be the accounting officer charged with the collection, receipt, custody and payment of moneys for the services of the Provincial Legislature, as well as the receipt, custody and control of property acquired for the administration of the Provincial Legislature, and the Secretary shall keep proper accounts of all moneys received and paid out by him or her, and of all his or her financial transactions.

(3) The Secretary shall by requisition as required request moneys for the services of the Provincial Legislature from the Provincial Treasury and, notwithstanding anything to the contrary contained in the Exchequer Act, the Provincial Treasury shall, subject to the availability of funds, on receipts of such a requisition by the Secretary, pay to the said Secretary the moneys appropriated for the services of the Provincial Legislature, or which, by virtue of the provisions of section 7 of the Exchequer Act, 1994, may be utilized therefor, or are deemed to be appropriated therefor by law, and the Provincial Treasury shall for that purpose grant the said Secretary credits.

(4) The Secretary shall maintain at a bank registered as such under the Banks Act, 1990 (Act No. 94 of 1990), as amended, as decided by the Legislature, an account into which shall be deposited all moneys received by him or her and from which payments shall be made by him or her, and the Secretary may authorise an officer or officers to sign the cheques necessary for the said payments.

(5) Notwithstanding anything to the contrary contained in any other law, the Legislature may approve that a saving under a main division of the Vote Provincial Legislature in an Appropriation Act may be applied towards the defrayment of excess expenditure under another main division, or of expenditure under a new main division of that Vote: Provided that amounts appearing in 'column 2' of a schedule to such an Appropriation Act in respect of the said Vote shall not be exceeded, and the savings thereon shall not be applied for a purpose other than that for which the money was granted as indicated in such schedule.

(6) At the end of each financial year the Secretary shall cause statements of account to be prepared showing in detail the moneys received by him or her, and the expenditure incurred by him or her during the financial year in question.

(7) At the end of a financial year the Secretary shall surrender to the Provincial Treasury for redepositing into the Northern Cape Exchequer Account any unexpended money in respect of which he or she received credits in terms of subsection (3).



(2) Behoudens die bepalings van die een of die ander wet en tensy anders deur die Speaker gelas, word die Sekretaris die rekenpligtige beampte belas met die versameling, ontvangs, bewaring en betaling van geld vir die diens van die Provinsiale Wetgewer, asook die ontvangs, bewaring en beheer van eiendom wat vir die administrasie van die provinsiale Wetgewer verkry is en die Sekretaris moet behoorlik boekhou van al die geld wat deur hom/haar ontvang of uitbetaal is, en van al sy/haar finansiële transaksies.

(3) Die Sekretaris moet na gelang van behoeftes geld vir die diens van die Provinsiale Wetgewer deur middel van 'n rekwisisie van die Tesourie aanvra en ondanks andersluidende bepalings in die Skatkiswet, 1994 (Wet No. 1 van 1994), vervat, die Provinsiale Tesourie onderworpe aan die beskikbaarheid van fondse, betaal by ontvangs van so 'n rekwisisie deur die Sekretaris, die geld toegewys vir die dienste van die Provinsiale Wetgewer, of wat kragtens artikel 7 van die Skatkiswet, 1994, daarvoor gebruik mag word, of is beskou as daarvoor by wet toegewys, en die Tesourie sal vir doeleindes daarvan aan die Sekretaris krediet verleen.

(4) Die Sekretaris hou by 'n bank, wat as sodanig kragtens die Bankwet, 1990 (Wet No. 94 van 1990), geregistreer is, en soos deur die Wetgewer besluit is, 'n rekening waarin alle gelde deur hom/haar ontvang, gestort moet word en waaruit alle betalings deur hom/haar gedoen moet word, en die Sekretaris kan 'n amptenaar of amptenare magtig om die tjeks te teken wat vir bedoelde betaling nodig is.

(5) Ondanks andersluidende bepalings van die een of ander wet kan die Wetgewer goedkeur dat 'n besparing onder 'n Begrotingswet aangewend word ter bestryding van ooruigawes onder 'n ander hoofindeling, of van uitgawes onder 'n nuwe hoofindeling van daardie Begrotingspos: Met dien verstande dat die bedrae wat in 'Kolom 2' van 'n bylae by so 'n Begrotingswet ten opsigte van genoemde begrotingspos voorkom, nie oorskry mag word nie, en besparing daarop nie aangewend mag word nie vir 'n ander doel as dié waarvoor die geld toegestaan is soos in so 'n bylae aangedui nie.

(6) Aan die einde van elke boekjaar moet die Sekretaris rekeningstate laat opstel wat met die gepaste besonderhede die geld deur hom/haar ontvang en die uitgawes deur hom/haar aangegaan gedurende die betrokke boekjaar, opgee.

(7) Enige onbestede saldos aan die einde van 'n boekjaar van geld wat van die Tesourie ontvang is, moet deur die Sekretaris aan die Tesourie oorbetaal word vir terugstorting in die Skatkisrekening.

(8) The accounts of the Provincial Legislature shall, subject to the provisions of subsection (1), be investigated, examined and audited by the Auditor-General.

(9) If a person who has in terms of section 21 of the Exchequer Act been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, it shall, for the purposes of the application of interest rates be deemed that a debt is created to the State.

(10) (a) The provisions of sections 7, 15, 20 and 21 of the Exchequer Act and not other provisions thereof, shall *mutatis mutandis* apply in respect of the services, vote, accounts, moneys and property of the Provincial Legislature, and in such application, any reference in the Exchequer Act—

- (i) in sections 15, 20 and 21 to an accounting officer shall be deemed to be a reference to the Secretary;
- (ii) in section 20(1)(c) to the Treasury shall be deemed to be a reference to the Speaker; and
- (iii) in section 21—
  - (aa) to the responsible Member and the Treasury shall be deemed to be a reference to the Speaker;
  - (bb) to a person who is or was in the employ of the Provincial Administration, shall be deemed to be a reference to a person who is or was in the employ of the Provincial Legislature.

(11) Subject to the authority of the Legislature, the accounting officer shall, in exercising control over expenditure and appropriation of moneys, not be precluded from exercising any other powers not specifically provided for in this Act."

#### Short title

6. This Act shall be called the Northern Cape Powers and Privileges of the Provincial Legislature Amendment Act, 1996, and shall come into operation on 1 April 1996.



(8) Die rekenings van die Provinsiale Wetgewer word, behoudens die bepalings van subartikel (1), deur die Ouditeur-generaal ondersoek, nagesien en geouditeer.

(9) Indien iemand wat ingevolge artikel 21 van die Skatkiswet gelas is om 'n bedrag te betaal, versuim om die bedrag te betaal binne die tydperk in die betrokke kennisgewing bepaal, word dit vir die doeleindes van die toepaslike rentekoers geag dat 'n skuld aan die Staat ontstaan.

(10) (a) Die bepalings van artikels 7, 15, 20 en 21 van die Skatkiswet, 1994, en geen ander bepalings daarvan nie, is *mutatis mutandis* van toepassing op die diens, begrotingspos, rekenings, geld en goed van die Provinsiale Wetgewer, en by sodanige toepassing word 'n verwysing in die Skatkiswet —

- (i) in artikels 15, 20 en 21 na 'n rekenpligtige beampte geag 'n verwysing na die Sekretaris te wees;
- (ii) in artikel 20(1)(c) na die Tesourie geag 'n verwysing na die Speaker te wees; en
- (iii) in artikel 21 —
  - (aa) na die verantwoordelike Lid en die Tesourie geag 'n verwysing na die Speaker te wees;
  - (bb) na die persoon wat in diens van die Provinsiale Administrasie is of was, geag 'n verwysing na 'n persoon wat in diens is of was van die Provinsiale Wetgewer.

(11) Behoudens die Wetgewer se magtiging, word die rekenpligtige beampte in die uitoefening van beheer oor die uitgawes en die toewysing van geld, nie belet om enige ander bevoegdhede waarvoor geen spesifieke voorsiening in hierdie Wet gemaak is, uit te oefen nie.

#### Kort titel

6. Hierdie Wet heet die Wysigingswet op die Bevoegdhede en Voorregte van die Provinsiale Wetgewer, 1996, en tree in werking op 'n datum deur die Premier by proklamasie in die *Provinsiale Koerant* bepaal.

**OFFICIAL NOTICE • OFFISIËLE KENNISGEWING****OFFICIAL NOTICE 5 OF 1996****REVIEW OF PARTY CANDIDATES' LIST FOR PROVINCIAL LEGISLATURE**

In terms of item 21 of Schedule 2 to the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), I hereby publish for general information the following reviewed Provincial Legislature candidates' list for the National Party in the Northern Cape Province.

**M. G. MASHOPE**

Secretary to the Provincial Legislature

**OFFISIËLE KENNISGEWING 5 VAN 1996****HERSIENING VAN PARTY-KANDIDAATLYS VIR PROVINSIALE WETGEWER**

Ingevolge item 21 van Bylae 2 tot die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), publiseer ek hierby vir algemene inligting die volgende hersiene Provinsiale Wetgewer-kandidaatlys vir die Nasionale Party in die Noord-Kaap-provinsie.

**M. G. MASHOPE**

Sekretaris van die Provinsiale Wetgewer

**NASIONALE PARTY IN DIE NOORD-KAAP: KANDIDAATLYS****PROVINSIALE PARLEMENT**

No.	Surname Van	Full names/Volle name	ID Number ID-nommer	Address/Adres	Tel. No.
1.	SAAIMAN .....	Pieter Willem.....	510418 5123 01 0	Mansstraat 9, Prieska, 8940.....	0594-31946
2.	DE JAGER.....	Christoffel Jacobus .....	420705 5051 00 4	Kestellstraat 17, Kimberley, 8301.....	0531-811760
3.	ESTERHUYZEN	Gerhard Johannes .....	600115 5024 00 5	Posbus 220, Upington, 8800 .....	054-22151
4.	ISAACS .....	William .....	370222 5047 08 1	Posbus 224, Keimoes, 8860 .....	054-4611620
5.	VENTER.....	De la Rey Hutchinson .....	460518 5004 00 1	Posbus 1, Colesberg, 5980 .....	051753-1453
6.	GUNTER .....	Marlene.....	500725 0041 00 1	Posbus 309, Port Nolloth, 8280.....	0255-8567/8240
7.	DEETLEFS .....	Stephanus Johannes .....	310527 5018 08 7	Posbus 26, Barkly-Wes, 8375 .....	053531-0396
8.	CLAASSENS .....	Albertus Visser.....	410218 5009 00 8	Posbus 5, Kakamas, 8870 .....	05442-5230
9.	STEMMET .....	Elizabeth Maria Magdalena .....	331124 0044 00 6	Murraystraat 12, Upington, 8800.....	045-25015
10.	FREDDIE .....	Jims .....	540829 5026 08 2	Posbus 184, Britstown, 8970.....	0536712-250
11.	JANSEN .....	Hendrik Gerhardus .....	340223 5007 01 5	Posbus 113, Britstown, 8970.....	0536712-39
12.	FARMER .....	Gert.....	360814 5022 08 0	Posbus 186, Mier, 8810 .....	0020 Mier 19
13.	KANYILES .....	Daniël James .....	240806 5013 03 2	Posbus 48, Ritchie, 8701 .....	053222-4130



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