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STAATSKOERANT

GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1782.

3 Julie 1992

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

No. 96 van 1992: Wet op die Afskaffing van Gedeeltelike Begrotingswette, 1992.

No. 1782.

3 July 1992

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

No. 96 of 1992: Part Appropriation Acts Abolition Act, 1992.

1 Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.

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

WET

Tot wysiging van die Skatkiwet, 1975, ten einde die voorsiening vir 'n gedeeltelike Begrotingswet af te skaf; en weg te doen met die betaling van die verskil tussen uitgawes en inkomste in die rekenings ten opsigte van provinsiale dienste; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 18 Junie 1992.)

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 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 7 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 en artikel 14 van Wet 120 van 1991

1. Artikel 1 van die Skatkweset, 1975 (hieronder die Hoofwet genoem), word hierby gewysig deur in subartikel (1) die woordskrywing van "gedeeltelike Begrotingswet" te skrap. 10

Wysiging van artikel 4 van Wet 66 van 1975, soos gewysig deur 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 en artikel 15 van Wet 77 van 1986

2. Artikel 4 van die Hoofwet word hierby gewysig—

(a) deur subartikel (1) deur die volgende subartikels te vervang: 15

“(1) Die geld in die Staatsinkomstefonds word—

(a) in die geval van geld waarmee die Staatsinkomsterekening of 'n rekening vir Provinsiale Dienste in artikel 2(1)(c) bedoel, gekrediteer is, deur die Parlement; en

(b) in die geval van geld waarmee 'n rekening in artikel 2(1)(b) 20
bedoel wat ingestel is in verband met die administrasie van
aangeleenthede wat deur 'n lid van 'n Ministersraad geadmin-
istreer word, gekrediteer is, deur die Huis van die Parlement
waarvan die lede van dieselfde bevolkingsgroep as daardie lid 25
is.

ten laste van die betrokke rekening, by 'n Begrotingswet of 'n ander Wet vir die behoeftes van die Staat bewillig: Met dien verstande dat tot tyd en wyl voorsiening in 'n Begrotingswet vir dié behoeftes gedurende 'n boekjaar gemaak is. **[die Parlement of die betrokke**

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.

ACT

To amend the Exchequer Act, 1975, so as to abolish the provision for a part appropriation Act; and to do away with the payment of the difference between expenditure and revenue in the accounts in respect of provincial services; and to provide for matters connected therewith.

(English text signed by the State President.)
(Assented to 18 June 1992.)

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 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 and section 14 of Act 120 of 1991

1. Section 1 of the Exchequer Act, 1975 (hereinafter referred to as the principal Act), is hereby amended by the deletion in subsection (1) of the definition of “part appropriation Act”.

Amendment of section 4 of Act 66 of 1975, as amended by 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 and section 15 of Act 77 of 1986

2. Section 4 of the principal Act is hereby amended—
15 (a) by the substitution for subsection (1) of the following subsections:
“(1) The moneys in the State Revenue Fund shall be appropriated—
(a) in the case of moneys with which the State Revenue Account
or an Account for Provincial Services referred to in section
20 2(1)(c) has been credited, by Parliament; and
(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 House of Parlia-
ment whose members are of the same population group as
25 that member,
as a charge against the relevant account by an appropriation or
other Act for the requirements of the State: Provided that until
such time as provision has been made in an appropriation Act for
30 such requirements during a financial year, **[Parliament or the**

Huis van die Parlement, na gelang die omstandighede vereis, behoudens die bepalings van subartikel (2) by 'n gedeeltelike Begrotingswet 'n bedrag geld wat vir 'n gedeelte van dié behoeftes nodig is, uit die Staatsinkomstefonds aldus kan bewillig] daardie geld geag by 'n Wet vir daardie behoeftes bewillig te wees, onderworpe aan die volgende beperkings:

Geld wat geag word aldus bewillig te wees ten opsigte van die een of ander rekening bedoel in artikel 2(1) bedra—

(i) ten opsigte van die eerste vier maande van die betrokke boekjaar hoogstens 45 persent van; en

(ii) ten opsigte van elke daaropvolgende maand hoogstens 10 persent van; en

(iii) in totaal hoogstens,

die bedrag wat die Parlement of die betrokke Huis van die Parlement, na gelang van die geval, ten opsigte van die betrokke rekening vir die onmiddellik voorafgaande boekjaar by Begrotingswet bewillig het [Met dien verstande voorts dat so 'n gedeeltelike Begrotingswet ophou om van krag te wees by die inwerkingtreding

van die Begrotingswet vir daardie boekjaar, en uitbetalings wat reeds kragtens so 'n gedeeltelike Begrotingswet gedoen is, geag word uitbetalings te wees wat kragtens daardie Begrotingswet gedoen is].

(1A) Uitbetalings uit hoofde van die voorbehoudsbepaling by subartikel (1) word geag uitbetalings te wees uit hoofde van die Begrotingswet vir die betrokke boekjaar, en wel ten laste van die betrokke rekenings in dié Begrotingswet vermeld.”; en

(b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Geld wat [by gedeeltelike Begrotingswet bewillig is] geag word bewillig te wees soos beoog in die voorbehoudsbepaling by subartikel (1) moet slegs aangewend word vir dienste ten opsigte waarvan uitgawe gedurende die onmiddellik voorafgaande boekjaar by Begrotingswet gemagtig is of ten opsigte waarvan daar 'n ander magtiging by Parlements wet is.”.

Herroeping van artikel 4A van Wet 66 van 1975, soos ingevoeg deur artikel 22 van Wet 69 van 1986

3. (1) Artikel 4A van die Hoofwet word hierby herroep.

(2) Ondanks die herroeping van artikel 4A van die Hoofwet word die bedrae geld wat gedurende die boekjaar 1991/92 aan die rekenings bedoel in artikel 2(1)(c) van genoemde Wet betaal is asof genoemde artikel 4A nie herroep was nie, geag gedurende genoemde boekjaar by die eerste artikel van 'n Begrotingswet, soos in genoemde Hoofwet omskryf, bewillig te gewees het.

Wysiging van artikel 7 van Wet 66 van 1975, soos gewysig deur artikel 23 van Wet 102 van 1976 en artikel 12 van Wet 100 van 1984

4. Artikel 7 van die Hoofwet word hierby gewysig deur die voorbehoudsbepaling by subartikel (1) deur die volgende voorbehoudsbepaling te vervang:

“Met dien verstande dat die totale bedrag ten opsigte waarvan magtiging ingevolge hierdie artikel verleen mag word, op geen tydstip 'n bedrag gelykstaande met twee persent van die totale bedrag wat bewillig is by die dan geldende Begrotingswet [of gedeeltelike Begrotingswet] of wat beskikbaar is uit hoofde van die voorbehoudsbepaling by artikel 4(1), te bowe mag gaan nie.”.

Kort titel en inwerkingtreding

5. (1) Hierdie Wet heet die Wet op die Afkapping van Gedeeltelike Begrotingswette, 1992.

(2) Artikels 1, 2 en 4 tree in werking op 1 April 1993, en artikel 3 word geag op 1 April 1991 in werking te getree het.

relevant House of Parliament, as the circumstances may require, may, subject to the provisions of subsection (2), by a part appropriation Act, so appropriate out of the State Revenue Fund a sum of money necessary for a part of such requirements] such moneys shall be deemed to have been appropriated by an Act for such requirements, subject to the following limitations:

Moneys deemed to have been so appropriated in respect of any account referred to in section 2(1) do not amount—

- (i) in respect of the first four months of the relevant financial year, to more than 45 per cent of; and
- (ii) in respect of each of the following months, to more than 10 per cent of; and
- (iii) in total, to more than,

the amount voted by Parliament or the relevant House of Parliament, as the case may be, by an appropriation Act in respect of the relevant account for the immediately preceding financial year [Provided further that such a part appropriation Act shall cease to have effect at the commencement of the appropriation Act for that financial year and issues already made under such a part appropriation Act shall be deemed to be issues made under that appropriation Act].

(1A) Issues by virtue of the proviso to subsection (1) shall be deemed to be issues by virtue of the appropriation Act for the financial year in question, and as a charge against the relevant accounts mentioned in such appropriation Act.”; and

(b) by the substitution for subsection (2) of the following subsection:

“(2) Moneys [appropriated by a part appropriation Act] deemed to have been appropriated as contemplated in the proviso to subsection (1) shall only be utilized for services in respect of which expenditure was authorized by an appropriation Act during the immediately preceding financial year, or in respect of which some other authorization by Act of Parliament exists.”.

Repeal of section 4A of Act 66 of 1975, as inserted by section 22 of Act 69 of 1986

3. (1) Section 4A of the principal Act is hereby repealed.

35 (2) Notwithstanding the repeal of section 4A of the principal Act the amounts paid to the accounts referred to in section 2(1)(c) of the said Act during the 1991/92 financial year as if the said section 4A had not been repealed, shall be deemed to have been appropriated during the said financial year by the first section of an appropriation Act, as defined in the said principal Act.

40 Amendment of section 7 of Act 66 of 1975, as amended by section 23 of Act 102 of 1976 and section 12 of Act 100 of 1984

4. Section 7 of the principal Act is hereby amended by the substitution for the proviso to subsection (1) of the following proviso:

45 “Provided that the total amount in respect of which authority may be granted in terms of this section shall not at any time exceed an amount equal to two per cent of the total amount appropriated by the then current appropriation Act [or part appropriation Act] or which is available by virtue of the proviso to section 4(1).”.

Short title and commencement

50 5. (1) This Act shall be called the Part Appropriation Acts Abolition Act, 1992.

(2) Sections 1, 2 and 4 shall come into operation on 1 April 1993, and section 3 shall be deemed to have come into operation on 1 April 1991.

