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GOVERNMENT GAZETTE

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CAPE TOWN, 24 NOVEMBA 2000

No. 21798

THE PRESIDENCY

No. 1216.

24 November 2000

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

No. 51 of 2000: African Renaissance and International Co-operation Fund Act, 2000.

I-OFISI KAMONGAMELI

Ino. 1216.

24 Novemba 2000

Esi sisaziso sokuba uMongameli uwamkele lo mthetho ulandelayo nonikelwa kuluntu jikelele kolu xwebhu:—

Ino. 51 ka 2000: yoVuselelo Iwe-Africa kunye noMthetho neNtsebenziswano yeZiswe, 2000.

(English text signed by the President.)
(Assented to 21 November 2000.)

ACT

To establish an African Renaissance and International Co-operation Fund in order to enhance co-operation between the Republic and other countries, in particular African countries, through the promotion of democracy, good governance, the prevention and resolution of conflict, socio-economic development and integration, humanitarian assistance and human resource development; to repeal three Acts; and to provide for matters incidental thereto.

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

Definitions

1. In this Act, unless the context indicates otherwise—
 - “Department” means the Department of Foreign Affairs; 5
 - “Director-General” means the Director-General of the Department;
 - “Fund” means the African Renaissance and International Co-operation Fund established by section 2;
 - “Minister” means the Minister of Foreign Affairs;
 - “officer” means an officer as defined in the Public Service Act, 1994 (Proclamation 10 No. 103 of 1994);
 - “previous Fund” means the Fund established under section 2 of the repealed Act;
 - “repealed Act” means the Economic Co-operation Promotion Loan Fund Act, 1968 (Act No. 68 of 1968), repealed by section 9.

Establishment of African Renaissance and International Co-operation Fund 15

2. (1) There is hereby established a fund to be known as the African Renaissance and International Co-operation Fund.

(2) The Fund consists of—

- (a) money appropriated by Parliament for the Fund;
- (b) unexpended money in the previous Fund; 20
- (c) money received by way of repayment of any loan made from the Fund;
- (d) interest received on any loan made from the Fund, including interest derived from any investment of money standing to the credit of the Fund; and
- (e) money accruing to the Fund from any other source.

Unexpended money in previous Fund 25

3. (1) The previous Fund is hereby disestablished.

(2) Any unexpended money held by or standing to the credit of the previous Fund immediately prior to its disestablishment is hereby ceded, assigned and transferred to the Fund.

*(English text signed by the President.)
(Assented to 21 November 2000.)*

UMTHETHO

Ukumisa ingxowa yoVuselelo lwe-Afrika kunye noMthetho weNtsebenziswano yeZizwe ukuze kukhule ukusebenzisana phakathi kwe iRiphabliki kunye namanye amazwe, ingakumbi amazwe ase-Afrika, ngokunyuswa kolawulo melo, uburhulumente obulungileyo, ukunqandwa kunye nokuxazululwa kwempikiswano, ukukhuliswa kwentlalo yoqoqosho kunye nomanyano, uncediswano lwabantu abazondelela amalungelo abantu kunye nokukhuliswa kobutyebi boluntu; ukubhangisa iMithetho emithathu; kunye nokubonelela ngezinto ezihambelana noko.

NOKUBA UWISWA yiPalamente yeRiphabliki yoMzantsi Afrika, ngale ndlela ilandelayo:—

Inkcazelo

1. Kulo Mthetho, ngaphandle kokuba imeko zibonisa ngenye indlela—
 - 5 “Isebe” lithetha iSebe leMicimbi yeZangaphandle;
 - “Umlawuli jikelele” uthetha Umlawuli jikelele weSebe;
 - “Ingxowa” ithetha Ingxowa yoVuselelo lwe-Afrika kunye noMthetho weNtsebenziswano yezizwe owamiswa ligatya lesibini;
 - “Umphathiswa” uthetha Umphathiswa wemicimbi yeZangaphandle; ‘igosa’
 - 10 lithetha igosa njengoko kuchaziwe kuMthetho weNkonzo zoLuntu, ka-1994 (Isaziso se-103 sika-1994);
 - “Ingxowa yangaphambili” ithetha Ingxowa emiswe phantsi kwegatya lesibini loMthetho obhangisiweyo;
 - “Umthetho obhangisiweyo” uthetha uMthetho weNngxowa yeMbolekiso, iNtsebenziswano neNkxaso yoQoqosho, ka-1968, (uMthetho we-68 ka-1968), ubhangiswe ligatya lethoba.
 - 15

Umiselo lweNngxowa yovuselelo lwe-Afrika kunye noMthetho weNtsebenziswano yeZizwe

2. (1) Kumiswa ingxowa eza kubizwa ngokuba yiNngxowa yoVuselelo lwe-Afrika kunye noMthetho weNtsebenziswano yeZizwe.
- (2) Le ngxowa inoku—
 - (a) imali ebekiweyo yiPalamente yeNngxowa;
 - (b) imali engasetyenziswanga kwiNngxowa yangaphambili;
 - (c) imali efunyenweyo ngendlela yokubhatalwa kwayo nayiphi na imali mboleko eyenziwe kwiNngxowa;
 - 25 (d) inzuzo efunyenweyo kuyo nayiphi na imali mboleko yengxowa, kuquka inzuzo efunyenweyo kuyo nayiphi na imali ezalayo engqalene naleNngxowa; kunye
 - (e) imali eyongezelelekayo kwingxowa evela kuyo nayiphi na enye into.

30 Imali engasetyenziswanga yengxowa yangaphambili

3. (1) Ingxowa yangaphambili ngenxa yoko iyahlukaniswa noRhulumente.
- (2) Nayiphi na imali ekhoyo ngokungalindelekanga okanye engqalene nengxowa yangaphambili kwixa elifutshane phambi kokuchithwa kwayo ngoku iyanikezelwa kwaye idluliselwa kule ngxowa.

Objects of Fund

4. The money in the Fund must be utilised to enhance—
- (a) co-operation between the Republic and other countries, in particular African countries; and
 - (b) the promotion of democracy and good governance; 5
 - (c) the prevention and resolution of conflict;
 - (d) socio-economic development and integration; and
 - (e) humanitarian assistance and human resource development.

Utilisation of Fund

5. (1) The Minister must, in consultation with the Minister of Finance, establish an 10
Advisory Committee consisting of the following members—
- (a) the Director-General or the delegate of the Director-General;
 - (b) three officers of the Department appointed by the Minister; and
 - (c) two officers of the Department of Finance appointed by the Minister of 15
Finance.
- (2) The Advisory Committee must make recommendations to the Minister and the Minister of Finance on the disbursement of funds through loans or other financial assistance as contemplated in subsections (3) and (4).
- (3) The funds must be made available or disbursed upon the recommendation of the 20
Advisory Committee and approval by the Minister in consultation with the Minister of Finance.
- (4) Loans or other financial assistance must be granted or rendered in accordance with an agreement entered into between the relevant parties, excluding assistance for the promotion of democracy and good governance or the prevention or resolution of 25
conflict.

Control of Fund and auditing of accounts

6. (1) The Fund is, subject to the directions of the Minister, under the control of the Director-General, who must keep proper records and accounts of all payments into and out of the Fund and must prepare a statement of income and expenditure and a balance sheet, annually as at 31 March, for auditing by the Auditor-General. 30
- (2) The Director-General must establish a Secretariat and appoint members consisting of officers to assist with the disbursement of the funds and monitoring and administration of projects relating to the Fund.
- (3) The Director-General is the accounting officer of the Fund in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999). 35

Unexpended balances in Fund

7. (1) Any money in the Fund which is not required for immediate use must be invested by the Director-General, and may be withdrawn when required.
- (2) Any unexpended balance in the Fund at the close of any financial year must be carried forward as a credit in the Fund to the next succeeding financial year. 40

Writing off outstanding debts

8. The Minister may, in consultation with the Minister of Finance and upon recommendation of the Advisory Committee, write off or convert to a grant any outstanding debts owed to the previous Fund.

Repeal of laws

9. (1) The laws set out in column 1 of the Schedule are hereby repealed.

YOVUSELELO LWE-AFRICA KUNYE **uMthetho Ino. 51, 2000**
NOMTHETHO NENTSEBENZISWANO YEZISWE, 2000

Iinjongo zeNgxowa

4. Imali eseNgxoweni kufuneka isetyenziselwe ukunyusa—
- (a) intsebenziswano phakathi kweRiphabliki kunye namanye amaZwe ingakumbi, amaZwe ase-Afrika; kunye
 - 5 (b) nokunyuswa kolawulo melo kunye noburhulumente obulungileyo;
 - (c) ukunqandwa kunye nokuxazululwa kwempikiswano;
 - (d) ukukhuliswa kwentlalo yoqoqosho kunye nomanyano; kunye
 - (e) uncediswano lwabantu abazondelela amalungelo abantu kunye nokukhuliswa kobutyebi babo.
- 10 **Ukusetyenziswa kweNgxowa**
5. (1) uMphathiswa ngengcebiso noMphathiswa weZemali kufuneka, amise Ikomiti yeNgcebiso enala malungu alandelayo—
- (a) Umlawuli jikelele okanye umntu omele uMlawuli jikelele;
 - (b) Amagosa amathathu eSebe onyulwe nguMphathiswa weSebe; kunye
 - 15 (c) Namagosa amabini eSebe leZemali onyulwe nguMphathiswa weSebe.
- (2) I-Komiti yeNgcebiso kufuneka yenze amacebo kuMphathiswa kunye noMphathiswa weZemali kwindleko zemali kwimali mboleko okanye kuncediswano ngemali njengoko kucamngcwa ligatyana u-(3) kunye no-(4).
- (3) Imali kufuneka yenziwe ibekhona okanye isetyenziswe ngengcebiso zeKomiti
- 20 yeNgcebiso kunye nokuvunywa nguMphathiswa ecebiso noMphathiswa weZemali.
- (4) Imali mboleko okanye uncedo ngeimali, kufuneka zikhutshwe phantsi kwemeko zovunyelwano nokungqinelana phakathi kwamaqela angawo; ngaphandle koncedo lokunyuswa kolawulo melo kunye noburhulumente obulungileyo okanye
- 25 ukunqandwa okanye ukuxazululwa kwempikiswano, kufuneka—
- (a) kuvunyelwe okanye kunikwe ngokungqinelana nesivumelwano ekungenwe kuso phakathi kwamaqela angawo;
 - (b) avunywe ngengcebiso zeKomiti yeNgcebiso, kuxhomekeka ekuvunyweni nguMphathiswa ngengcebiso noMphathiswa weZemali.
- 30 **Ukulawulwa kweNgxowa kunye nokuphicothwa kwencwadi zemali**

6. (1) Ingxowa ixhomekeke kwinkcazelo nguMphathiswa phantsi kolawulo loMlawuli jikelele ekufuneka agcine iingxelo ezifanelekileyo kunye nee-akhawunti zeentlawulo zonke ngaphakathi kunye nangaphandle kweNgxowa kwaye kufuneka alungise iingxelo zengeniso kunye nenkcitho kunye nephepha lokubonisa umncono
- 35 womnyaka omnye ongomhla wama-31 kuMatshi, ukwenzela ukuphicothwa kwencwadi zemali nguMlawuli jikelele.
- (2) Umlawuli jikelele kufuneka amisele unobhala kwaye onyule amalungu anamagosa aza kunceda kwindleko zemali, ukuhlolwa kunye nokuqhutywa kwamaphulo azalana neNgxowa.
- 40 (3) Umlawuli jikelele uligosa localulo mali lale Ngxowa ngokumiselwe yi Public Finance Management Act, 1999 (Act No. 1 of 1999).

Umncono ongasetyenziswa kwiNgxowa

7. (1) Nayiphi na imali kwiNgxowa engafunwa ukusetyenziswa ngokungxamisekileyo kufuneka kuzaliswe ngayo nguMlawuli jikelele, kwaye inokuthi
- 45 ikhutshwe xa kufuneka.
- (2) Nawo nawuphi na umncono ongasetyenziswa kwiNgxowa xa sele kuvalwa ixesha lolwabiwo mali lonyaka kufuneka usiwe ngaphambili njengentsalela kwiNgxowa ukuya kwixesha lolwabiwo mali elilandelayo.

Ukuncanywa kwamatyala amileyo

- 50 8. Umphathiswa unokuwancama amatyala okanye awatshintshela kwisibonelelo nawaphi na amatyala atyalwa kwiNgxowa yangaphambili na ngengcebiso nomphathiswa weZemali na ngengcebiso neKomiti yeNgcebiso.

Ukubhangiswa kwemithetho

9. (1) Imithetho ebekwe kumhlathi wokuqala woLudwe lwenkqubo iyabhangiswa.

Act No. 51, 2000**AFRICAN RENAISSANCE AND INTERNATIONAL
CO-OPERATION FUND ACT, 2000**

(2) Anything done in terms of the repealed Act which can be done in terms of a provision of this Act is regarded as having been done under a corresponding provision of this Act.

Short title and commencement

10. This Act is called the African Renaissance and International Co-operation Fund Act, 2000, and comes into operation on a date fixed by the President by proclamation in the *Gazette*. 5

YOVUSELELO LWE-AFRICA KUNYE uMthetho Ino. 51, 2000
NOMTHETHO NENTSEBENZISWANO YEZISWE, 2000

(2) Yonke into eyenziwe ngokoMthetho obhangisiweyo enokuthi yenziwe ngokwegatya lalo Mthetho ithathwa njengokuba yenziwe phantsi kwamacandelo angqinelana nalo Mthetho.

Isihloko esifutshane kunye nesiqalo

- 5 10. Lo Mthetho ubizwa ngokuba yiNgxowa yoVuselelo lwe-Afrika kunye neNtsebenziswano yeZizwe, Umthetho we-2000, kwaye uza kusebenza ngomhla omiselwe nguMongameli ngokwesaziso kwiPhepha Ndaba loMbuso.

Act No. 51, 2000

AFRICAN RENAISSANCE AND INTERNATIONAL
CO-OPERATION FUND ACT, 2000**SCHEDULE**

(Section 9)

Number and year of Act	Short title
Act No. 68 of 1968	Economic Co-operation Promotion Loan Fund Act, 1968
Act No. 29 of 1986	Economic Co-operation Promotion Loan Fund Amendment Act, 1986
Act No. 16 of 1998	Economic Co-operation Promotion Loan Fund Amendment Act, 1998

YOVUSELELO LWE-AFRICA KUNYE uMthetho Ino. 51, 2000
NOMTHETHO NENTSEBENZISWANO YEZISWE, 2000

ULUDWE LWENKQUBO

(Igatya lesithoba)

Inombolo kunye nomnyaka woMthetho	Isihloko esifutshane
Umthetho we-68 ka-1968	Umthetho woQoqosho Intsebenziswano noKunyuswa kweNgxowa yeMali mboleko, ka-1968
Umthetho we-29 ka-1986	Umthetho weSilungiso soQoqosho Intsebenziswano Ukunyuswa kweNgxowa yeMali mboleko ka-1986
Umthetho we-68 ka-1998	uMthetho weSilingiso soQoqosho Intsebenziswano Ukunyuswa kweNgxowa yeMali mboleko ka-1998.

