



FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

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GENERAL NOTICE 4 OF 2002

PUBLICATION OF THE FREE STATE FINANCE MANAGEMENT BILL, 2002

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 138 of the Rules and Orders of the Free State Legislature.

Any comments or remarks must be submitted to the Secretary: Free State Legislature, Private Bag X20561, Bloemfontein, 9300 to reach her not later than 9 December 2002.

E ROCKMAN
SECRETARY: FREE STATE LEGISLATURE

ALGEMENE KENNISGEWING 4 VAN 2002

PUBLIKASIE VAN DIE VRYSTAATSE WETSONTWERP OP FINANSIËLE BESTUUR, 2002

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bostaande Wetsontwerp hierby gepubliseer word in terme van Reël 138 van die Reëls en Orders van die Vrystaatse Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Sekretaris: Vrystaatse Wetgewer, Privaatsak X20561, Bloemfontein, 9300 om haar nie later as 9 Desember 2002 te bereik nie.

E ROCKMAN
SEKRETARIS: VRYSTAATSE WETGEWER

BILL

To provide for the withdrawal of certain State monies from the Free State Provincial Revenue Fund, as a direct charge, in accordance with the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and to give effect to certain provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999) in the Province and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Legislature of the Free State Province, as follows:-

Definitions

1. In this Act, unless the context otherwise indicates –

“**accounting officer**” means an accounting officer contemplated in section 36 of the PFMA;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);

“**direct charge**” means a withdrawal of funds from the Free State Provincial Revenue Fund in terms of this Act;

“**exclusion**” means money excluded from deposits into the Provincial Revenue Fund as mentioned in section 22 of the PFMA;

“**Fund**” means the Free State Provincial Revenue Fund;

“**MEC for Finance**” means the Member of the Executive Council of the Province of the Free State responsible for Finance;

“**National Treasury**” means the Treasury established in terms of section 5 of the PFMA;

“**provincial department**” means a Department within the Provincial Administration: Free State, as listed in Column 1 of Schedule 2 of the Public Service Act, 1994;

“**provincial public entity**” means a provincial public entity as defined in section 1 of the PFMA;

“**Provincial Revenue Fund**” means the Provincial Revenue Fund envisaged in section 226 of the Constitution;

“**Provincial Treasury**” means the Treasury established in terms of section 17 of the PFMA;

“**this Act**” means the Free State Finance Management Act, 2002; and

“**the PFMA**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999).

WETSONTWERP

Om voorsiening te maak vir die onttrekking van staatsgeld uit die Vrystaatse Provinsiale Inkomstefonds, as 'n regstreekse las, ooreenkomstig die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996) en om uitvoering te gee aan sekere bepalings van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999) in die Provinsie en om voorsiening te maak vir sake wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg:-

Woordomskrywings

1. In hierdie Wet, tensy die samehang anders bepaal, beteken -

“Grondwet” die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996);

“Fonds” die Vrystaat Provinsiale Inkomstefonds;

“hierdie Wet” die Vrystaatse Wet op Openbare Finansiële Bestuur, 2002;

“LUR vir Finansies” die Lid van die Uitvoerende Raad van die Provinsie Vrystaat verantwoordelik vir Finansies;

“Nasionale Tesourie” die Tesourie ingestel ingevolge artikel 5 van die WOFB;

“provinsiale departement” 'n departement in die Provinsiale Administrasie; Vrystaat, soos gelys in Kolom 1 van Bylae 2 van die Staatsdienswet, 1994;

“provinsiale openbare entiteit” 'n provinsiale openbare entiteit soos omskryf in artikel 1 van die WOFB;

“Provinsiale Inkomstefonds” die Provinsiale Inkomstefonds bedoel in artikel 226 van die Grondwet;

“Provinsiale Tesourie” die Tesourie ingestel ingevolge artikel 17 van die WOFB;

“regstreekse las” 'n onttrekking van fondse uit die Vrystaatse Provinsiale Inkomstefonds ingevolge hierdie Wet;

“rekenpligtige beampte” 'n rekenpligtige beampte bedoel in artikel 36 van die WOFB;

“uitsluiting” geld uitgesluit van deponerings in die Provinsiale Inkomstefonds soos genoem in artikel 22 van die WOFB; en

“WOFB” die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999).

Purpose of this Act

2. The purpose of this Act is to provide for certain direct charges against the Fund.

Withdrawal of exclusion from the Fund

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3. Subject to section 23(3) of the PFMA, the Provincial Treasury may transfer money from the Fund from the date on which the withdrawal of an exclusion by the National Treasury takes effect until the end of the relevant financial year, as a direct charge against the Fund to the provincial department or provincial public entity affected by the withdrawal of the exclusion contemplated in section 23 of the PFMA.

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Refunds and investment from the Fund

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4. In accordance with section 24 of the PFMA, the Provincial Treasury may, as a direct charge against the Provincial Revenue Fund, withdraw funds from the Fund –

- (a) to refund money incorrectly paid into, or which is not due to, the Fund; or
(b) to deposit into or invest money in the National Revenue Fund.

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Use of funds in emergency situations

5. Subject to section 25 of the PFMA, the MEC for Finance may, as a direct charge against the Fund, authorise the use of funds from the Fund to defray expenditure of an exceptional nature which is not provided for in the Appropriation Act and which cannot, without serious prejudice to the public interest in the Free State Province, be postponed to a future appropriation by the Provincial Legislature.

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Withdrawal from the Fund before the annual budget is passed

6. If an annual budget is not passed before the start of the financial year to which it relates, funds may be withdrawn, in accordance with section 29 of the PFMA, from the Fund as a direct charge against the Fund until the budget is passed.

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Utilisation of savings between main division within vote

7. Subject to section 43 of the PFMA, an utilisation by an accounting officer of a saving, contemplated in subsection (1) of afore-said section, shall be a direct charge against the Fund.

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Short title

8. This Act is called the Free State Finance Management Act, 2002.

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Doel van Wet

2. Die doel van die Wet is om voorsiening te maak vir sekere regstreekse laste teen die Fonds.

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Onttrekking uit of uitsluiting van die Fonds

3. Behoudens artikel 23(3) van die WOFB kan die Provinsiale Tesourie geld uit die Fonds oorplaas na die provinsiale departement of provinsiale openbare entiteit wat geraak word deur die onttrekking van die uitsluiting bedoel in artikel 23 van die WOFB, vanaf die datum waarop die onttrekking van 'n uitsluiting deur die Nasionale Tesourie in werking tree tot die einde van die betrokke boekjaar, as 'n regstreekse las teen die Fonds.

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Verkeerdelike deponering in en belegging uit die Fonds

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4. Ooreenkomstig artikel 24 van die WOFB kan die Provinsiale Tesourie, as regstreekse las teen die Fonds, fondse uit die Fonds onttrek -

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- (a) om geld wat verkeerdelik in die Fonds gedeponeer is of nie daarvoor bestem is nie, terug te betaal; of

- (b) om geld in die Nasionale Inkomstefonds te deponeer of te belê.

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Gebruik van fondse in noodsituasies

5. Behoudens artikel 25 van die WOFB kan die LUR vir Finansies, as 'n regstreekse las teen die Fonds, die gebruik van fondse uit die Fonds goedkeur om uitgawe van buitengewone aard waarvoor nie in die Begrotingswet voorsiening gemaak is nie en wat nie sonder ernstige benadeling van die openbare belang van die Provinsie Vrystaat uitgestel kan word tot 'n toekomstige begroting van die Provinsiale Wetgewer nie, te bestry.

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Onttrekking uit die Fonds voordat die jaarlikse begroting aangeneem is

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6. Indien 'n jaarlikse begroting nie aangeneem is voor die begin van die boekjaar waarop dit betrekking het nie, kan fondse uit die Fonds onttrek word ooreenkomstig artikel 29 van die WOFB as 'n regstreekse las teen die Fonds totdat die begroting aangeneem is.

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Aanwending van besparings tussen hoofindelings binne 'n begrotingspos

7. Behoudens artikel 43 van die WOFB is 'n aanwending deur 'n rekenpligtige beampte van 'n besparing bedoel in subartikel (1) van voorgaande artikel 'n direkte debiet teen die Fonds.

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Kort titel

8. Hierdie Wet heet die Vrystaatse Wet op Finansiële Bestuur, 2002.

MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to provide for the withdrawal of certain monies from the Free State Provincial Revenue Fund (hereafter referred to as "the Fund"), as a direct charge, in accordance with the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and to support certain provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999) (hereafter referred to as "the PFMA"), which determines that money may be withdrawn as a direct charge against the Provincial Revenue Fund if a provincial Act so provides.

Clause 1

This clause sets out the relevant definitions of words and expressions which are used in the Bill.

Clause 2

This clause deals with the purpose of the Act, namely to provide for certain direct charges against the Fund.

Clause 3

This clause regards the payment, in accordance with section 23(3) of the PFMA, as a direct charge. These payments entail the transfer of money from the Fund from the date on which the National Treasury withdraws an exclusion from the Fund until the end of that financial year.

Clause 4

This clause regards the refund of money, which was wrongly paid into the Fund, as well as deposits or investments in the National Revenue Fund as direct charges, in accordance with section 24 of the PFMA.

Clause 5

This clause deals with situations of exceptional nature in which funds may be used in an emergency, in accordance with section 25 of the PFMA. This expenditure is regarded as a direct charge, if such expenditure could not, without serious prejudice to the public interest in the Free State, be postponed to a future appropriation by the legislature.

Clause 6

This clause deals with the withdrawal from the Fund before an annual budget is passed. Such funds are regarded as direct charges if they meet the requirements set out in section 29 of the PFMA, for example if such funds are withdrawn in the first four months of the financial year, it may not exceed 45 % of the total annual budget.

MEMORANDUM

Doel van die Wetsontwerp

Die doel van die wetsontwerp is om voorsiening te maak vir die onttrekking van sekere geld uit die Provinsiale Inkomstefonds (hierna genoem die "Fonds"), as 'n regstreekse las, ooreenkomstig die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996) en om sekere bepalings van die Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999) (hierna genoem die "WOFB"), wat bepaal dat geld as 'n regstreekse las teen die Provinsiale Inkomstefonds onttrek kan word indien 'n provinsiale Wet daarvoor voorsiening maak, te ondersteun.

Klousule 1

Hierdie klousule sit die toepaslike woordskrywings en uitdrukkings wat in die Wetsontwerp gebruik word, uiteen.

Klousule 2

Hierdie klousule handel oor die doel van die Wet, naamlik om voorsiening te maak vir sekere regstreekse laste teen die Fonds.

Klousule 3

Hierdie klousule handel oor betaling, as 'n regstreekse las, ooreenkomstig artikel 23(3) van die WOFB. Die betalings behels die oorplasing van geld uit die Fonds vanaf die datum waarop die Nasionale Tesourie 'n uitsluiting uit die Fonds onttrek tot die einde van die betrokke boekjaar.

Klousule 4

Hierdie klousule handel oor die terugbetaling van geld wat verkeerdelik in die Fonds gedeponeer is asook deponerings of beleggings as regstreekse laste in die Nasionale Inkomstefonds, ooreenkomstig artikel 24 van die WOFB.

Klousule 5

Hierdie klousule handel oor situasies van buitengewone aard waar fondse tydens 'n noodgeval gebruik kan word ooreenkomstig artikel 25 van die WOFB. Sodanige uitgawe word as 'n regstreekse las geag indien sodanige uitgawe nie sonder ernstige benadeling van die openbare belang in die Vrystaat uitgestel kan word tot 'n toekomstige begroting van die Wetgewer nie.

Klousule 6

Hierdie klousule handel oor onttrekking uit die Fonds voordat 'n jaarlikse begroting aangeneem is. Sodanige fondse word as regstreekse laste geag as dit voldoen aan die vereistes uiteengesit in artikel 29 van die WOFB, byvoorbeeld as sodanige fondse in die eerste vier maande van die boekjaar onttrek word, mag dit nie 45% van die totale jaarlikse begroting oorskry nie.

Clause 7

This clause deals with the utilisation of savings between main division within a vote. The utilisation of a saving envisaged in section 43(1) of the PFMA is regarded as a direct charge.

Clause 8

This clause states the short title.

Klousule 7

Hierdie klousule handel oor die aanwending van besparings tussen hoofindelings binne 'n begrotingspos. Die aanwending van 'n besparing beoog in artikel 43(1) van die WOFB word as 'n regstreekse las geag.

Klousule 8

Hierdie klousule gee die kort titel.

PROVINCIAL GAZETTE

(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied. If copies of the Provincial Gazette are required, R4,70 must be sent for each copy.

Subscription Rates (payable in advance)

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

Half-yearly (post free)	R 122,50
Yearly (post free)	R 245,00
Price per single copy (post free)	R 4,70

Stamps are not accepted

Closing time for acceptance of copy

All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 12:00, seven workings days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 10:30 on the Thursday** of the week preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

Advertisement Rates

Notices required by Law to be inserted in the Provincial Gazette: R2,00 per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300.

Printed and published by the Free State Provincial Administration

PROVINSIALE KOERANT

(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie. Indien eksemplare van die Provinsiale Koerant verlang word, moet R4,70 vir elke eksemplaar gestuur word.

Intekengeld (vooruitbetaalbaar)

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

Halfjaarliks (posvry)	R122,50
Jaarliks (posvry)	R 245,00
Prys per los eksemplaar (posvry).....	R 4,70

Seëls word nie aanvaar nie.

Sluitingstyd vir die Aanneame van Kopie

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik nie later nie as **12:00 sewe werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 10:30 op die Donderdag** van die week voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

Advertensietariewe

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R2,00 per sentimeter of deel daarvan, enkelkolom.

Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Administrasie