

***THE PROVINCE OF  
GAUTENG***

***DIE PROVINSIE  
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## **PREMIER'S NOTICE**

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**OFFICE OF THE PREMIER**

**No. 11**

**22 October 2009**

### **PROVINCIAL TREASURY**

#### **CORRECTION NOTICE**

#### **CORRECTION NOTICE IN RESPECT OF PROVINCIAL APPROPRIATION ACT, 2009 (ACT NO. 4 of 2009)**

Premier's Notice No. 10 published in Provincial Gazette  
Extraordinary No. 219 dated 28 September 2009 is hereby  
corrected by inserting before the Schedule the following:

## **"ACT**

**To provide for the appropriation of money from the Provincial Revenue Fund for the requirements of the Province in the 2009/10 financial year; and to provide for matters incidental thereto.**

## **PREAMBLE**

**WHEREAS** section 226(2) of the Constitution provides that money may be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by a provincial Act;

**AND WHEREAS** section 26 of the Public Finance Management Act, 1999 (Act No.1 of 1999) provides that the Provincial Legislature must appropriate money for each financial year for the requirements of the Province;

**BE IT ENACTED** by the Provincial Legislature of the Gauteng Province, as follows:—

### **Definitions**

**1.** In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Public Finance Management Act has the meaning assigned to it in that Act and —

**"Act"** includes the Schedule and its annexures;

**"conditional grants"** means allocations to provinces, local government or municipalities from the national government's share of revenue raised nationally, provided for in section 214(1)(c) of the Constitution.

**"current payments"** means any payments made by a provincial department in respect of the operational requirements of that department, and includes, amongst others, payments for the compensation of employees, goods and services, interest, rental of immovable property and financial transactions relating to assets and liabilities, but exclude transfers and subsidies, payments for capital assets and payments made under section 73 of the Public Finance Management Act;

**"transfers and subsidies"** means any payments made by a provincial department to another organ of state or any other person in respect of which the national department does not receive anything of similar value directly in return, and includes the payment of conditional grants;

**"payments for capital assets"** means any payments made by a provincial department –

- (a) for assets that can be used continuously or repeatedly in production for more than one year, and from which future economic benefits or service potential is expected to flow directly to the provincial department making the payment; and
- (b) that must be classified as or deemed to be payments for capital assets in accordance with the *"Reference Guide to the new Economic Format"* (November 2003, Version 2) and the *"Asset Management Framework"* (April 2004, Version 3.3), issued by the National Treasury under section 76 of the Public Finance Management Act; and

**"Public Finance Management Act"** means the Public Finance Management Act, 1999 (Act No. 1 of 1999).

**Appropriation of money for the requirements of the Province**

**2** (1) Appropriation by the Provincial Legislature of money from the Provincial Revenue Fund for the requirements of the Province in the 2009/10 financial year, to votes and main divisions within a vote, and for the specific listed purposes, is set out in the Schedule and Annexure A, B and C.

(2) Subject to section 3, spending of appropriations is subject to the Public Finance Management Act.

**Appropriation listed as specifically and exclusively**

**3.** Despite the provisions of any law, appropriations to a vote or main divisions within a vote that are listed as specifically and exclusively may only be utilised for the purpose indicated and may not be used for any other purpose, unless an Act of the Provincial Legislature amends or changes the purpose for which it was allocated.

**Short title**

**4.** This Act is called the Provincial Appropriation Act, 2009.”

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