

North West, South Africa

North West Directorate of Entrepreneurial Development in Natural Resources Act, 2003

Act 5 of 2003

Legislation as at 11 September 2003

FRBR URI: /akn/za-nw/act/2003/5/eng@2003-09-11

There may have been updates since this file was created.

PDF created on 19 April 2024 at 10:16.

Collection last checked for updates: 12 September 2023.

[Check for updates](#)



About this collection

The legislation in this collection has been reproduced as it was originally printed in the Government Gazette, with improved formatting and with minor typographical errors corrected. All amendments have been applied directly to the text and annotated. A scan of the original gazette of each piece of legislation (including amendments) is available for reference.

This is a free download from LawLibrary and is presented in collaboration with the African Legal Information Institute, the Judicial Institute for Africa and the Laws.Africa Legislation Commons, a collection of African legislation that is digitised by Laws.Africa and made available for free.

www.lawlibrary.org.za | info@lawlibrary.org.za

www.laws.africa | info@laws.africa

There is no copyright on the legislative content of this document.

This PDF copy is licensed under a Creative Commons Attribution 4.0 License (CC BY 4.0). Share widely and freely.

North West Directorate of Entrepreneurial Development in Natural Resources Act, 2003

Contents

Part I – Fundamental principles and interpretation	1
1. Definitions	1
2. Transformation of the North West Agricultural Services Corporation Limited to the Directorate of Entrepreneurial Development in Natural Resources Utilisation	3
3. Aims of the Act	3
5. Appointment of the personnel of the Directorate of Entrepreneurial Development and its conditions of service and remuneration	4
Part II – Establishment of entrepreneurial development and special agriculture, conservation and environment programmes	4
6. Establishment of programmes and special agriculture, conservation and environment programmes	4
7. Agreements with other institutions	5
8. Funding of entrepreneurial and special agriculture, conservation and environment programmes	6
9. Revenue account of the Directorate of Entrepreneurial Development	6
Part III – Appointment of Accounting Authority	7
10. Appointment of Accounting Authority	7
11. Functions, powers and duties of Accounting Authority	7
Part IV – Establishment of an Advisory Council	7
12. Establishment of an Advisory Council	7
13. Functions of Council	7
14. Composition of Council	7
15. Appointment and term of office of Council members	8
16. Disqualification	8
17. Vacation of office by a Council member	9
18. Removal from office of Council members	9
19. Committees of the Council	9
20. Meetings of the Council and Committees	9
21. Remuneration and allowances of members of the Council and Committees	10
22. Expenditure in connection with functions of the Council or its Committees	10
Part V – Administration and transitional matters	10
23. Validity of agreements and liabilities	10
24. Debt or months outstanding to the Corporation	11
25. Tendering of documents for registration and exemptions	11
26. Auditing and reporting	12
27. Offences	12
28. Penalties	12

29. Regulations	12
30. Repeal of laws and savings	12
31. Short title and commencement	13
Schedule	13

North West South Africa

North West Directorate of Entrepreneurial Development in Natural Resources Act, 2003 Act 5 of 2003

Published in North West Provincial Gazette 5925 on 11 September 2003

Assented to on 28 August 2003

Commenced on 1 April 2003

*[This is the version of this document from 11 September 2003 and
includes any amendments published up to 12 September 2023.]*

*[Repealed by North West Directorate of Entrepreneurial Development in
Natural Resources Act, Repeal Act, 2014 (Act 3 of 2014) on 1 April 2016]*

(English text signed by the Premier)

To provide for the transfer of the management of the affairs of the North West Agricultural Services Corporation to the Directorate of Entrepreneurial Development in Natural Resources Utilisation; to provide for the establishment, composition and functions of an Advisory Council of the Directorate of Entrepreneurial Development; to appoint an Accounting Authority to administer and manage the Act; to provide for the establishment and execution of agriculture, conservation and environment programmes for primary, secondary and value adding production levels, especially for the previously disadvantaged, small, medium and micro entrepreneurs; to provide for the access to markets and facilitate funding, business management and related skills; to provide for the rendering of support and complementing of the developmental objectives of the North West Department of Agriculture, Conservation and Environment; provide for the administration of development funds; and to provide for matters connected herewith

BE IT ENACTED by the Premier and the Provincial Legislature of the North West as follows:-

Part I – Fundamental principles and interpretation

1. Definitions

In this Act, unless inconsistent with the context-

"accounting authority" means the body or person referred to in section 49 of the Public Finance Management Act, 1999;

"agreement" means any written understanding on matters relating to duties for fulfilling the aims of this Act, made between the MEC or the Accounting Authority and a third party;

"agribusiness" means commercial enterprises associated with or rendering of services to the agriculture, conservation and environment sectors;

"agriculture, conservation and environment" means the production means of soil, air, water, fauna and flora, in the primary and secondary production levels of food, fibre, and as part of the value adding process by any natural or legal person;

"bank" means a bank in terms of the Bank Act, 1981.

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

"Corporation" means the North West Agricultural Services Corporation Limited established in terms of section 2 (2) of the North West Agricultural Services Corporation Act, 1995 ([Act No. 4 of 1995](#));

"Customer/Client" means those who are serviced by DED in order to fulfill the aims of this Act;

"Council" means the Advisory Council of the Directorate of Entrepreneurial Development established in terms of Part IV of this Act;

"Department" means the Department of Agriculture, Conservation and Environment in the North West Province;

"Deputy Director-General (DDG)" means the Head of the Department or the Accounting Officer referred to in Chapter 5 of the Public Finance Management Act, 1999;

"Development funds" means all development funds and moneys directly related to programmes or projects;

"Director of the DED" means the Head of the Directorate of Entrepreneurial Development;

"Directorate of Entrepreneurial Development" means the Directorate of Entrepreneurial Development in Natural Resources Utilisation, of the Department established in terms of [Section 2](#) of this Act and "Directorate" shall have a corresponding meaning;

"entrepreneur" means a person or company carrying out a venture whose aim is to make profits;

"farmer" means any person, company, any association of persons or any organisation or body, irrespective of whether it is a body corporate or not, who/which carries out primary production farming, conservation and environment related operations in the Province;

"Land Bank" means the Land Bank established in terms of the Land Bank Act, 1944 ([Act No. 13 of 1944](#)), as amended;

"MEC" means the Member of the Executive Council responsible for Agriculture, Conservation and Environment in the North West Province;

"MEC for Finance" means the Member of the Executive Council responsible for Finance in the North West Province;

"Minister" means the National Minister responsible for agriculture, conservation, environment and land affairs portfolios;

"National Government" means the National Government referred to in the [Constitution](#);

"officer" means an officer as defined in section 1 (1) of the Public Service Act, 1994 ([Proclamation 103 of 1994](#)), as amended;

"organ of state" means an organ of state referred to in the [Constitution](#);

"primary" means the first production stages of converting raw material to a finished product;

"programmes" means subsidies, schemes, projects, products and services offered by the DED or/with any organ of state to fulfill aims of this Act;

"Province" means the Province of the North West as contemplated in section 124 (1) of the [Constitution](#), read with part 1 to the [Constitution](#) and "provincial" shall bear a like meaning;

"Provincial Legislature" means the Legislative Assembly of the North West Province;

"Provincial Public Entity" means any national or provincial organ of state referred to in Chapter 6 and as listed in schedule 3 of the Public Finance Management Act, 1999;

"Public Finance Management Act, 1999" means the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), as amended;

"public-private partnership" means ventures or programmes established and/or co-ordinated and/or implemented and/or managed by both private and public institutions;

"Republic" means the Republic of South Africa, as contemplated in section 1 of the [Constitution](#);

"Secondary processing" means the processing of primary product to a finished good in the value adding production chain;

"this Act" includes the Regulations;

"value adding" means any form of beneficiation to a primary good either in forward or backward linkages e.g. lowered input costs of a primary product or branding of a primary product;

"vote" means programmes within a department, to which certain amount of funds are allocated by the Provincial Legislature;

2. Transformation of the North West Agricultural Services Corporation Limited to the Directorate of Entrepreneurial Development in Natural Resources Utilisation

- (1) As from the date of commencement of this Act, the Corporation referred to as the North West Agricultural Service Corporation Limited, shall be known as the Directorate of Entrepreneurial Development in Natural Resources Utilisation.
- (2) The Directorate of Entrepreneurial Development in Natural Resources Utilisation shall be a juristic person and shall, at the commencement of this Act, be registered and listed as a provincial public entity referred to in Section 47 of the Public Finance Management Act, 1999, for purposes of carrying out activities in terms of this Act.
- (3) The Directorate shall be the legal successor of the Corporation and all assets and liabilities of the Corporation shall be vested in it.
- (4) Any reference in any law or in any document, to the North West Agricultural Services Corporation Limited, shall be construed as reference to the Directorate of Entrepreneurial Development in Natural Resources Utilisation.

3. Aims of the Act

- (1) The aims of this Act are to provide for-
 - (a) fostering of development of entrepreneurs in secondary processing and value added agriculture, conservation and environment;
 - (b) facilitation of access to finance, marketing, business management skills to primary, secondary and value adding producers of agriculture, conservation and environment sectors and the Directorate's clients;
 - (c) incentives to focus on secondary processing and value adding in agriculture, conservation and environment sectors of sustainable small, micro and medium entrepreneurs;
 - (d) promoting and facilitating the involvement of the previously disadvantaged persons or communities, including youth, women and the disabled, in primary, secondary processing and value adding agriculture, conservation and environment;
 - (e) facilitation of establishment of programmes in primary, secondary processing and value adding for agriculture, conservation and environment sectors;
 - (f) facilitation of establishment of primary, secondary processing and value added agriculture, conservation and environment development programmes, especially for the previously disadvantaged, including women, youth and the disabled;
 - (g) establishment of an Accounting Authority to administer the Act;

- (h) restructuring, transforming and managing the affairs of the North West Agricultural Services Corporation;
- (i) establishment, composition and functions of an Advisory Council;
- (j) management and administration of development funds in line with accounting standards and practices and the Public Finance Management Act;
- (k) fostering of linkages between the agriculture, conservation and environment sectors with the rest of the economy;
- (l) use of different strategies of outsourcing functions, services or products of the Directorate in order to fulfill the aims of this Act;
- (m) sourcing and mobilization of financial resources, access to alternative financial resources and affordable finance in order to facilitate establishment and funding of programmes targeted under this Act;
- (n) facilitating and promoting the establishment of sustainable agriculture, conservation and environment ventures;
- (o) engaging in human resource development through integrated education and training for secondary processing and value adding in agriculture, conservation and environment; and
- (p) facilitating private sector involvement through private-public partnership ventures.

5. Appointment of the personnel of the Directorate of Entrepreneurial Development and its conditions of service and remuneration

- (1) The conditions of service of the personnel of the Directorate Entrepreneurial Development shall be subject to the conditions of the Public Service as may be amended from time to time, Public Service Regulations. Public Service Sectoral bargaining Council Resolutions and all other public service determinations and/or prescripts which comes into operation from time to time.
- (2) Personnel of the Directorate Entrepreneurial Development shall be persons absorbed from the staff of the North West Agricultural Services Corporation, the North West Agricultural Bank and/or the Department of Agriculture, Conservation and Environment.
- (3) Notwithstanding the provisions of subsection (2), personnel of the Directorate Entrepreneurial Development may be recruited externally, should the vacant post(s) require a specialised skill and/or expertise that is not available with the Directorate, the North West Agricultural Bank or the Department of Agriculture, Conservation and Environment.
- (4) The salaries, remuneration and benefits, of the personnel of the Directorate Entrepreneurial Development shall commensurate with the salary structure of the Public Service as amended from time to time.

Part II – Establishment of entrepreneurial development and special agriculture, conservation and environment programmes

6. Establishment of programmes and special agriculture, conservation and environment programmes

- (1) The Directorate of Entrepreneurial Development shall, with the approval of the MEC, establish and/or co-ordinate programmes targeted for specific clients and specific objectives, in accordance with the aims of this Act.
- (2) Programmes referred to subsection (1) may be wholly managed by the Directorate and/or in collaboration and/or on behalf of other organs of state, and/or outsourced to the private sector, depending on the efficiency and effectiveness of such institution, as the case may be.

- (3) In addition to programmes contemplated in subsection (1), the MEC may, from time to time, establish special agriculture, conservation and environment programmes for the province, or establish provincial programmes in conjunction with National Government or establish programmes on behalf of the National Government.
- (4) The essence of such programmes as referred to in subsections (1) and (3) should consist of, but not limited to, the following:
 - (a) Setting out the name of the programme;
 - (b) setting out the objectives of the programme;
 - (c) setting out the time frame, if any, of the programme;
 - (d) setting out the criteria for having access to the terms of the programme;
 - (e) specifying the categories or groups of applicants to whom the programme shall apply, keeping in mind the aims referred to in [section 2](#) of this Act;
 - (f) determining the requirements for participation in the programme;
 - (g) determining the manner in which an applicant must apply for admission to participate in the programme, the particulars to be furnished in such application and the circumstances under which such application may be approved or refused;
 - (h) determining the circumstances under which participation by any person in such a programme shall lapse;
 - (i) specifying the information to be recorded or the facilities to be supplied by applicants participating in the programme;
 - (j) setting the norms and standards for selection, monitoring and evaluation of applicants for participation in the programme;
 - (k) determining the body or institution/s implementing or administering the programme and the conditions relating to the implementation, administration, monitoring and evaluation thereof; and
 - (l) providing for any other matter which the MEC or the Directorate may deem necessary or expedient in order to achieve or promote the objectives of the provincial programme contemplated in this Part of the Act or any other aim of this Act.
- (5) Different programmes may be established in different areas of access to funding, markets and business management support for clients in the agriculture, conservation and environment sectors and the provisions of the different programmes may differ in such a manner as the Directorate or the MEC may determine.

7. Agreements with other institutions

- (1) The MEC or the Accounting Authority may enter into an agreement with any person, public entity, trading entity, Land Bank, company, intermediary institution, village bank, close corporation, commercial bank, co-operative society, agri-business, strategic partner, service provider, developmental institution or international donors, for the purposes of fulfilling the aims of this Act.
- (2) Any agreement referred to in subsection (1) shall be in strict accordance with the aims of this Act and with the conditions and terms, as referred to in section 22 of the Public Finance Management Act, 1999, and as approved by the MEC in concurrence with the MEC for Finance.

8. Funding of entrepreneurial and special agriculture, conservation and environment programmes

- (1) Any agriculture, conservation and environment programmes and/or entrepreneurial development programmes referred to in this Part or any agreement contemplated in terms of [Section 7](#) shall be funded from-
 - (a) moneys appropriated by the Provincial Legislature to the Department, and transferred to the Directorate of Entrepreneurial Development account;
 - (b) moneys allocated for aims contained in this Act by any other law;
 - (c) moneys allocated for the aims of this Act by the National Government;
 - (d) moneys from fees, charges and money payable to the Directorate of Entrepreneurial Development in respect of services rendered or supplied by the Directorate;
 - (e) donations, grants, contributions, sponsorships and other income received by the MEC or Accounting Authority from whatever source;
 - (f) rent or moneys payable to the Directorate of Entrepreneurial Development by officials or third parties in respect of accommodation provided by the Department;
 - (g) interest payable to the Directorate by officials or third parties in respect of outstanding balances on loans granted by the Corporation;
 - (h) interest received from investments of moneys made by the Corporation or the Directorate;
 - (i) proceeds derived from disposal of the Corporation's assets or properties sold, after all expenses and administration costs have been paid;
 - (j) moneys left over in the Directorate's bank account or call account after all matters pertaining to the Corporation's affairs have been wrapped up; and
 - (k) funds or moneys available from any account standing to the credit of, or as a debt to, the Corporation.
- (2) The moneys contemplated in subsection (1) will be deposited into and managed through a bank account, opened by the Corporation and subsequently taken over by the Directorate of Entrepreneurial Development, in accordance with the provisions of the Public Finance Management Act, 1999.
- (3) If moneys referred in subsection (1) are not immediately required, such moneys may be invested at any bank or other registered financial institution as required by the Public Finance Management Act, 1999.
- (4) All fixed administration costs which are not directly related to programmes contemplated in part II of this Act, and including personnel and related costs, will be provided for through funds voted to the Department by the Provincial Legislature.
- (5) Funds referred to in subsection (3) shall remain in the Department and continue to be managed by the Directorate for the benefit of the projects and programmes determined in terms of this Act.
- (6) Funds pertaining to the wrapping up of the Corporation's affairs shall be provided for by the Department; or shall come from any proceeds of sale or assets of the Corporation and/or any other funds that could be solicited by the Department from other sources for the purposes of this Act.

9. Revenue account of the Directorate of Entrepreneurial Development

- (1) The Directorate of Entrepreneurial Development shall have revenue account for each financial year and shall credit such account with such moneys, contemplated in subsection (1), as constitute its income for such financial year and debit such account with all moneys expended or owing by it

during such financial year in the performance of its functions, the every day administration of its affairs and the normal course of its business and operations in terms of this Act, and shall, in so doing, make proper provision for-

- (a) the depreciation in value of its assets, if any;
 - (b) the payment of interest and other charges in respect of outstanding loans or overdraft raised by the Corporation, and;
 - (c) the redemption of the Corporation's loans.
- (2) The revenue account shall be managed and reported according to the generally accepted accounting practices and the Public Finance Management Act, 1999.

Part III – Appointment of Accounting Authority

10. Appointment of Accounting Authority

- (1) The MEC shall appoint an Accounting Authority, referred to in section 47 of the Public Finance Management Act, 1999.

11. Functions, powers and duties of Accounting Authority

- (1) The Accounting Authority shall be responsible for-
- (a) the administration of this Act and all requirements of an accounting authority as detailed in Chapter 6 of the Public Finance Management Act, 1999;
 - (b) the management of the day to day affairs of the Directorate, subject to the directions and any delegations that the MEC may determine from time to time; and
 - (c) operational and administrative control over staff of the Directorate.
- (2) The Accounting Authority may delegate to an employee of the Directorate, or to any other person or persons under the control of the Accounting Authority, any power, function or duty conferred upon the Accounting Authority in terms of this Act.
- (3) A delegation in terms of [section 10\(2\)](#) shall not divest the Accounting Authority of his or her power, function or duty so delegated.

Part IV – Establishment of an Advisory Council

12. Establishment of an Advisory Council

- (1) An Advisory Council of the Directorate of Entrepreneurial Development in Natural Resources Utilisation to be known as the Council is hereby established.

13. Functions of Council

- (1) The Council shall, on its own initiative, or at the request of the MEC or Accounting Authority as the case may be, render advice to the MEC or the Accounting Authority on any aspects of agriculture, conservation and environment pertaining to the aims of this Act.

14. Composition of Council

- (1) The Council shall consist of any number of persons to be determined by the MEC from time to time, of whom one must be designated as the chairperson.

- (2) The members of the Council, viewed collectively, must-
 - (a) represent a broad cross section of the agriculture, conservation and environment development sectors and the population of the Province as a whole;
 - (b) be persons who are suited to serve on the Council by virtue of suitable qualifications, expertise and experience of agriculture, conservation and environment, marketing, training, business and financial management, the law, rural development, entrepreneurial development, research and technology transfer in the field of agribusiness development, Small, Medium and Micro Enterprise development in agriculture, conservation and environment; and
 - (c) be persons who are committed to the aims of this Act.
- (3) Before persons contemplated in [section 13\(2\)](#) are appointed, the MEC shall, in a manner that he or she may consider appropriate-
 - (a) invite nominations from agriculture, conservation and environment sectors or any other sectors that he or she may consider appropriate for the achievement of the objects of this Act;
 - (b) invitations for nominations to be announced in appropriate forms of media such as local newspapers and local radio stations;
 - (c) invitation notices which should specify the period within which nominations must be submitted.
- (4) In consultation with the Provincial Legislature Standing Committee responsible for agriculture, conservation and environment matters, the MEC shall determine the suitable number of persons to be appointed to the Advisory Council.
- (5) The number of persons contemplated under subsection (4) shall be not less than five (5) and not more than ten (10).

15. Appointment and term of office of Council members

- (1) The MEC shall appoint members of the Council and the chairperson of the Council, for a period not exceeding three years, or for such period as he or she may consider necessary for achievement of the objects of this Act.
- (2) Any member of the Council may after the expiry of his or her term of office be re-appointed as a member of the Council unless-
 - (a) he or she was removed from his or her office by the MEC in terms of [section 17](#); or
 - (b) if, in terms of [section 16](#), such member gets disqualified to serve as a member of the Council.
- (3) The MEC may, if the term of service of the Council has expired without a new Council having been appointed, extend the term of office of the Council whose term of office has just expired or is about to expire, until a new Council has been appointed, but the period of that extension may not exceed six months.

16. Disqualification

- (1) A person may not be appointed to the Council if that person-
 - (a) is not a citizen of, and does not permanently reside in, the Republic;
 - (b) is subject to an order of a competent court declaring him or her to be mentally ill or disordered;

- (c) is convicted, after commencement of this Act, whether in the Republic or elsewhere, of any offence for which he or she is sentenced to imprisonment without the option of a fine;
- (d) has been convicted-
 - (i) in the Republic of theft, injury or an offence in terms of the Corruption Act, 1992 ([Act No. 94 of 1992](#));
 - (ii) elsewhere, of any offence corresponding materially with any offence referred to in sub-paragraph (i);
 - (iii) whether in the Republic or elsewhere, of any other offence involving dishonesty; or
 - (iv) of an offence under this Act; or
- (e) he or she is disqualified to act as a director of a company incorporated in terms of the Companies Act, 1973 ([Act No. 61 of 1973](#)).

17. Vacation of office by a Council member

- (1) A member of the Council other than the chairperson may resign from the Council by giving one month's written notice to the MEC.
- (2) A member of the Council must vacate his or her office if he or she has been absent for more than two consecutive meetings without a written notification of absence to the chairperson.
- (3) The chairperson may resign-
 - (a) as chairperson but may serve as a member of the Council; or
 - (b) as chairperson and as member of the Council, on at least two month's written notice to the MEC.
- (4) If the office of a member of the Council becomes vacant before the expiry of the period for which he or she was appointed, the MEC may appoint another person to fill the vacancy for the unexpired period of office of such a member.
- (5) In the event of a vacancy contemplated in subsection (4), the MEC may or may not appoint a substitute, and in the event of appointment of a replacement, the MEC may invite nominations from the same or different sectors.

18. Removal from office of Council members

- (1) The MEC may remove a member of the Council prior to the expiry of his or her term of office if it is in the best interest of the State.

19. Committees of the Council

- (1) The Council shall establish Committees, to assist it in the performance of its functions.
- (2) Any Committee, may include persons who are not members of the Council to assist with necessary skills expertise to fulfil the objectives of this Act.
- (3) The Council must appoint the chairperson of the Committee contemplated in subsection (1).
- (4) Members of the Committees contemplated in [section 19](#) (1) may be appointed for a period to be determined by the Council.

20. Meetings of the Council and Committees

- (1) Meetings of the Council must be held at such times and venues as may be determined by the chairperson concerned, but at least every four months: Provided that the first meeting of a

newly constituted Council shall be held on such date and at such time and place as the MEC may determine, which date may not be later than thirty (30) days after such constitution of the Council.

- (2) The Chairperson may at any time, call for an extraordinary meeting of the Council if in his or her opinion it is justified by the prevailing circumstances to do so; or such a meeting may be initiated by members of the Council and the Chairperson shall convene the meeting if the request has been signed by at least one-third of the Council members.
- (3) Whenever the chairperson is absent from any meeting of the Council, the members present must elect, a person among themselves to preside at that meeting.
- (4) The Council may make rules relating to the procedure of the Council and its Committees, including the quorum for such meetings and any other matters necessary for expedient performance of its functions.
- (5) The proceedings at a meeting of the Council or of a Committee shall not be invalid due to the fact that a vacancy exists on the Council or a Committee.

21. Remuneration and allowances of members of the Council and Committees

- (1) Members of the Council and any person appointed as a member of a Committee under this Act, who is not in the full-time service of the State, may in respect of services rendered by him or her in connection with the affairs of the Council or a Committee, be paid remuneration and/or allowances as the case may be, to be determined by the MEC after consultation with the Member of the Executive Council responsible for Finance in the Province.

22. Expenditure in connection with functions of the Council or its Committees

- (1) All expenditure in connection with the performance of the functions or the performance of the Council or its Committees shall be defrayed from moneys appropriated by the Provincial Legislature for achievement of the objects of this Act, and shall comply with the provisions of the Public Finance Management Act, 1999.

Part V – Administration and transitional matters

23. Validity of agreements and liabilities

- (1) Any agreement of liability which is still in force immediately before the commencement of this Act and which directly or indirectly relates to the operations of the Corporation, remains legally binding and is enforceable as such, despite the repeal of any legislation under which it was concluded.
- (2) Any provision of repealed legislation referred to in subsection (1) shall, in as far as it directly or indirectly relates to or is connected with any agreement or liability contemplated in that section, be deemed to be valid and may be invoked and enforced as if it had not been repealed.
- (3) Any mortgage bond, condition or restriction relating to debt and registered against immovable property on the date of commencement of this Act shall, notwithstanding the repeal of any legislation under which that mortgage or condition was effected remain in force.
- (4) Any provision of repealed legislation referred to in subsection (3) shall, in as far as it is necessary give effect to or enforce any bond, condition or restriction registered against the title deed of that property, be deemed to be valid and may be invoked or enforced as if it had not been repealed.

24. Debt or months outstanding to the Corporation

- (1) The Accounting Authority shall in relation to all debt or monies outstanding:
 - (a) Monitor the repayment of debt or moneys outstanding, on a regular basis, and investigate any factor or factors that may influence the timeous repayment thereof;
 - (b) audit all securities related to debt or moneys outstanding;
 - (c) collect all debt or moneys that are outstanding;
 - (d) consider the writing off of debt or moneys outstanding which cannot be recovered, in accordance with the requirements of the Public Finance Management Act, 1999;
 - (e) acquire movable and/or immovable assets in the event that debt or
 - (f) exercise any power or take any action, within the law, relating to debt that may be required to safeguard the interests of the State, including the closure of any debt collection actions.
- (2) Any immovable property bought by the Accounting Authority in terms of subsection (1) shall as such as practicable be registered in the name of the North West Provincial Government.
- (3) The Accounting Authority may, at the request of a debtor or any person who has a legitimate interest herein, and on such conditions as he or she may determine-
 - (a) consolidate amounts and interest owed as debt under different agreements;
 - (b) substitute debtors, vary or substitute bonds, impose restrictions, or accept other or vary securities;
 - (d) vary or waive any right of the State, consent to any legal act and vary or waive any term/s of an existing agreement;

[Please note: numbering as in original.]

 - (e) determine any other condition subject to which an agreement contemplated in [section 24\(3\)\(a\)](#), (3)(b) and (3)(c) is concluded or amended, including interest rates, the payment of collection costs or legal fees incurred in the collection of debt, and the incorporation of any bond, condition or restriction or other provisions of an existing agreement into that new agreement.
- (4) The Accounting Authority may, in accordance with the provisions of the Public Finance Management Act, 1999, write off debt or moneys outstanding.
- (5) The Accounting Authority may, on such conditions as he or she may determine-
 - (a) contract with any person to collect debt that is outstanding and to take all such actions reacting hereto as may be necessary to ensure the collection thereof;
 - (b) appoint any person to represent him or her at auctions where assets of a debtor are sold and buy such assets on behalf of the State;
 - (c) from time to time enter into agreements with such other persons as may be necessary to safeguard the interest of the State in this Act.
- (6) The fees, or the expenses or any costs incurred by a person referred to in [section 24\(5\)](#) shall be borne by the Department or the Directorate as the case may be.

25. Tendering of documents for registration and exemptions

- (1) Notwithstanding the provisos of any other law, the Accounting Authority may tender a mortgage bond, agreement, consent, authorisation or other document at any deeds registry for registration

or filing, and on receipt thereof the registrar shall, cause the necessary endorsements to be made in his or her records.

- (2) No duties, taxes or other fees shall be payable under subsection (1).
- (3) The provisions of the Stamp Duties Act, 1968 ([Act No. 77 of 1968](#)), shall not apply to any existing agreement or to be entered into, after promulgation of this Act.

26. Auditing and reporting

- (1) The financial year for the Directorate of Entrepreneurial Development shall begin on the first day of April and end on the thirty-first day of March of the following year.
- (2) The Accounting Authority shall keep such accounting records as are necessary to accurately reflect the status of the account and submit such accounting records as required by the Public Finance Management Act, 1999.
- (3) The Books of account of the Directorate Entrepreneurial Development shall be audited by the Auditor General.

27. Offences

- (1) If a member of the Council or any employee, agent, inspector or valuator employed by the Accounting Authority or under agreement with the MEC, directly or indirectly receives any fee or reward for his or her personal advantage from any person in respect of or in connection with any service rendered or offered by the MEC or Accounting Authority, or an application for such service, under this Act, he or she shall be guilty of an offence.
- (2) Any person who bribes or attempts to bribe, or corruptly influences or attempts corruptly to influence an officer or a member of the Council, or any person, agent, inspector or valuator employed by the Accounting Authority or under agreement with the MEC in respect of or in connection with any service rendered or offered by the MEC or the Accounting Authority, or an application for such service, under this Act, shall be guilty of an offence.

28. Penalties

- (1) Any person convicted of an offence in terms of this Act is liable to a fine or an imprisonment term of 6 months or to both such fine and imprisonment.
- (2) Notwithstanding anything to the contrary in any law, a Magistrate's court shall have jurisdiction to impose any sentence provided for in this Act.

29. Regulations

- (1) The MEC may make regulations consistent with this Act on-
 - (a) any matter which the MEC is empowered or required to prescribe by regulation in terms of this Act; and
 - (b) any other matter in respect of which the MEC deems necessary or expedient to achieve the aims of this Act.

30. Repeal of laws and savings

- (1) The laws set out in the Schedule to this Act are hereby repealed to the extent set out in the third column thereof.
- (2) No act, determination, decision, or proceedings taken or done under a law that regulated the activities of the Corporation shall be invalid by reason only of the Corporation ceasing to exist;

and any such act, decision, determination or proceedings shall be deemed to have been pursued in terms of this Act.

31. Short title and commencement

- (1) This Act shall be called the North West Directorate of Entrepreneurial Development in Natural Resources Act, 2003, and shall be deemed to have come into effect on 1 April 2003.

Schedule

No. and year of Law	Short title	Extent of repeal
Act 4 of 1995	North West Agricultural Services Corporation Act, 1995	The whole Act