



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

As 'n Nuusblad by die Poskantoor Geregistreer

Registered at the Post Office as a Newspaper

Prys 20c Price
Oorsee 30c Overseas
POSVRY—POST FREE

VOL. 145]

KAAPSTAD, 1 JULIE 1977

CAPE TOWN, 1 JULY 1977

[No. 5623

DÉPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1172.

1 Julie 1977.

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

No. 93 van 1977: Wet op Finansiële Reëlins met Bophuthatswana, 1977.

No. 1172.

1 July 1977.

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

No. 93 of 1977: Financial Arrangements with Bophuthatswana Act, 1977.

Act No. 93, 1977.

FINANCIAL ARRANGEMENTS WITH BOPHUTHATSWANA
ACT, 1977.**ACT**

To provide for the payment of certain amounts to Bophuthatswana in respect of the 1977-'78 financial year and after 31 March 1978; the transfer of certain property to Bophuthatswana; the reduction of the loan debt of the Post Office and the Railways and Harbours Administration to the Treasury; and for matters connected therewith.

(English text signed by the State President.)

(Assented to 20 June 1977.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Payments to
Bophuthatswana in
respect of the
1977-'78 financial
year.

1. (1) In respect of the 1977-'78 financial year there shall be paid from the State Revenue Fund to Bophuthatswana, in such instalments as may be determined by the Minister of Finance, the following amounts, namely—

(a) the amounts—

(i) which in terms of section 6 (2) (c) of the Bantu Homelands Constitution Act, 1971 (Act No. 21 of 1971), would have been required to be paid into the Bophuthatswana Revenue Fund in respect of the 1977-'78 financial year, if that Act had still applied in respect of Bophuthatswana;

(ii) which in terms of any appropriation as contemplated in section 6 (2) (d) of the said Act are required to be paid into the said fund,

and which have on the date of commencement of this Act not been so paid;

(b) such other amounts (as determined by the accounting officer concerned in consultation with the Treasury) as may have been provided for in a vote of expenditure from the State Revenue Fund for the 1977-'78 financial year with the object of spending it in or on behalf of Bophuthatswana and have on the date of commencement of this Act not been so spent or will not be so spent;

(c) such amounts as may be appropriated for the purpose by Parliament in additional estimates of expenditure from the State Revenue Fund;

(d) such amounts as may be authorized by the Minister of Finance to be paid out of the State Revenue Fund to Bophuthatswana.

(2) In respect of the 1977-'78 financial year there may be paid to Bophuthatswana by the authorities concerned such amounts, as determined after consultation with the Treasury, as are provided for in respect of the said financial year in any estimate of expenditure out of the Provincial Revenue Funds of the Province of the Cape of Good Hope, the Orange Free State Province and the Transvaal Province or out of any other fund or account

WET

Om voorsiening te maak vir die betaling van sekere bedrae aan Bophuthatswana ten opsigte van die boekjaar 1977-'78 en na 31 Maart 1978; die oordrag van sekere goed aan Bophuthatswana; die vermindering van die leningskuld van die Poskantoor en die Spoorweg- en Hawe-administrasie aan die Tesourie; en vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1977.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. (1) Ten opsigte van die boekjaar 1977-'78 word daar uit die Staatsinkomstefonds, in die paaïemente wat die Minister van Finansies bepaal, die volgende bedrae aan Bophuthatswana betaal, naamlik—

Betalings aan
Bophuthatswana ten
opsigte van die
boekjaar 1977-'78.

(a) die bedrae—

(i) wat ingevolge artikel 6 (2) (c) van die Grondwet van die Bantoetuislande, 1971 (Wet No. 21 van 1971), ten opsigte van die boekjaar 1977-'78 in die Bophuthatswana-inkomstefonds inbetaal sou moet geword het as dié Wet nog ten opsigte van Bophuthatswana van toepassing was;

(ii) wat, volgens bewilliging soos in artikel 6 (2) (d) van genoemde Wet beoog, in genoemde fonds inbetaal moet word,

en wat op die datum van inwerkingtreding van hierdie Wet nog nie aldus inbetaal is nie;

(b) die ander bedrae (soos bepaal deur die betrokke rekenpligtige beampte in oorleg met die Tesourie) waarvoor voorsiening gemaak is in 'n begrotingspos van uitgawes uit die Staatsinkomstefonds vir die boekjaar 1977-'78 met die oog op besteding daarvan in of ten behoeve van Bophuthatswana en wat op die datum van inwerkingtreding van hierdie Wet nog nie aldus bestee is of wat nie aldus bestee sal word nie;

(c) bedrae wat in 'n addisionele begroting van uitgawes uit die Staatsinkomstefonds deur die Parlement vir dié doel bewillig word;

(d) bedrae ten opsigte waarvan die Minister van Finansies magtiging verleen dat dit uit die Staatsinkomstefonds aan Bophuthatswana betaal word.

(2) Ten opsigte van die boekjaar 1977-'78 kan daar deur die betrokke instansies aan Bophuthatswana betaal word die bedrae, soos bepaal na oorleg met die Tesourie, waarvoor ten opsigte van genoemde boekjaar voorsiening gemaak word in 'n begroting van uitgawes uit die Provinsiale Inkomstefondse van die provinsie die Kaap die Goeie Hoop, die provinsie Oranje-Vrystaat en die provinsie Transvaal of uit 'n ander by wet ingestelde fonds of

Act No. 93, 1977

FINANCIAL ARRANGEMENTS WITH BOPHUTHATSWANA
ACT, 1977.

established by law with the object of spending it in or on behalf of Bophuthatswana and as may on the date of commencement of this Act have not been so spent or as will not be so spent.

(3) Notwithstanding anything to the contrary in any law contained, there shall also be paid to Bophuthatswana in respect of the 1977-'78 financial year such amounts as, in the opinion of the Minister of Finance, are in the aggregate equal to the amount of the taxes and other moneys paid by Bophuthatswana citizens in the Republic of South Africa during that financial year in terms of the Bantu Taxation Act, 1969 (Act No. 92 of 1969), less the amount of such taxes and moneys which, on the date of commencement of this Act, has already been paid to Bophuthatswana.

(4) For the purposes of the proviso to section 7 (1) and of section 7 (2) of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), any authority granted under subsection (1) (d) of this section shall be deemed to be an authority granted under the said section 7 (1).

Payments to
Bophuthatswana
after 31 March
1978.

2. (1) The Minister of Foreign Affairs may, in consultation with the Minister of Finance, undertake towards the Government of Bophuthatswana to pay, subject to such conditions and in respect of such financial years after the 1977-'78 financial year as the said Ministers may deem fit, the following amounts to Bophuthatswana, namely—

(a) amounts which are, in the opinion of the Minister of Finance, in the aggregate equal to the amount of the taxes and other moneys which are paid by Bophuthatswana citizens in the Republic of South Africa in any financial year in terms of the Bantu Taxation Act, 1969 (Act No. 92 of 1969);

(b) an amount equal to—

(i) an amount determined by the Minister of Finance but not exceeding the sum of the amounts appropriated in the 1977-'78 financial year by an Act of Parliament, and the amounts provided for in respect of that financial year in the estimates of expenditure of the Province of the Cape of Good Hope, the Orange Free State Province and the Transvaal Province or any body established by law, for utilization in or on behalf of Bophuthatswana for services for which Bophuthatswana is responsible; and

(ii) an amount determined by the Minister of Finance but not exceeding the amount which, in addition to the amount contemplated in subparagraph (i), Bophuthatswana will in the 1978-'79 financial year be required to spend in respect of the carrying on of the services contemplated in the said subparagraph; less an amount equal to the total additional revenue which accrues (as confirmed by an audit certificate issued by the Auditor-General of Bophuthatswana) to Bophuthatswana during the 1978-'79 financial year from sources the revenue from which accrued, prior to the commencement of the Status of Bophuthatswana Act, 1977, to the State Revenue Fund, the Post Office Fund or any other fund or account established by law; and

(c) any further amounts appropriated by Parliament for Bophuthatswana.

(2) Amounts paid in terms of subsection (1) (a) shall not be regarded as revenue for the purposes of the Exchequer and Audit Act, 1975 (Act No. 66 of 1975), and any amounts paid in terms of subsection (1) (b) shall be deemed to have been appropriated by Parliament.

Transfer of
property to
Bophuthatswana
or its nominee.

3. If any property the ownership or control of which is vested in the State, including the Post Office, the Railways and Harbours Administration and the provincial administrations of the Province of the Cape of Good Hope, the Orange Free State Province and

WET OP FINANSIËLE REËLINGS MET
BOPHUTHATSWANA, 1977.

Wet No. 93, 1977

rekening met die oog op besteding daarvan in of ten behoeve van Bophuthatswana en wat op die datum van inwerkingtreding van hierdie Wet nog nie aldus bestee is of wat nie aldus bestee sal word nie.

(3) Ondanks andersluidende bepalings van die een of ander wet word daar ook ten opsigte van die boekjaar 1977-'78 aan Bophuthatswana betaal bedrae wat na die mening van die Minister van Finansies saam gelyk is aan die bedrag van die belasting en ander geld wat in daardie boekjaar ingevolge die Wet op Bantoebelasting, 1969 (Wet No. 92 van 1969), deur Bophuthatswana-burgers in die Republiek van Suid-Afrika betaal is, min die bedrag van sodanige belasting en geld wat op die datum van inwerkingtreding van hierdie Wet reeds aan Bophuthatswana betaal is.

(4) By die toepassing van die voorbehoudsbepaling by artikel 7 (1) en van artikel 7 (2) van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), word 'n magtiging kragtens subartikel (1) (d) van hierdie artikel verleen, geag 'n magtiging te wees wat kragtens genoemde artikel 7 (1) verleen is.

2. (1) Die Minister van Buitelandse Sake kan in oorleg met die Minister van Finansies teenoor die Regering van Bophuthatswana onderneem om, onderworpe aan die voorwaardes en ten opsigte van die boekjare na die boekjaar 1977-'78 wat genoemde Ministers goedvind, die volgende bedrae aan Bophuthatswana te betaal, naamlik—

Betalings aan
Bophuthatswana
na 31 Maart 1978.

(a) bedrae wat, na die mening van die Minister van Finansies, saam gelyk is aan die bedrag van die belasting en ander geld wat in 'n boekjaar ingevolge die Wet op Bantoebelasting, 1969 (Wet No. 92 van 1969), deur Bophuthatswana-burgers in die Republiek van Suid-Afrika betaal word;

(b) 'n bedrag gelyk aan—

(i) 'n bedrag wat die Minister van Finansies bepaal maar wat nie meer is nie as die som van die bedrae wat in die boekjaar 1977-'78 bewillig is deur 'n Wet van die Parlement, en die bedrae waarvoor ten opsigte van genoemde boekjaar in die begroting van uitgawe van die provinsie die Kaap die Goeie Hoop, die provinsie Oranje-Vrystaat en die provinsie Transvaal of 'n by wet ingestelde liggaam voorsiening gemaak is, vir aanwending in of ten behoeve van Bophuthatswana vir dienste waarvoor Bophuthatswana verantwoordelik is; en

(ii) 'n bedrag wat die Minister van Finansies bepaal maar wat nie meer is nie as die bedrag wat Bophuthatswana, benewens die bedrag in subparagraaf (i) bedoel, ten opsigte van die voortsetting van die dienste in genoemde subparagraaf beoog, in die boekjaar 1978-'79 sal moet bestee;

min 'n bedrag gelyk aan die totale addisionele inkomste wat (soos gestaaf deur 'n ouditsertifikaat uitgereik deur die Ouditeur-generaal van Bophuthatswana) Bophuthatswana in die boekjaar 1978-'79 toeval uit bronne waarvan die inkomste voor die inwerkingtreding van die Wet op die Status van Bophuthatswana, 1977, die Staatsinkomstefonds, die Poskantoorfonds of 'n ander by wet ingestelde fonds of rekening toegeval het; en

(c) enige verdere bedrae wat die Parlement vir Bophuthatswana bewillig.

(2) Bedrae ingevolge subartikel (1) (a) betaal, word nie as inkomste vir die doeleindes van die Skatkis- en Ouditwet, 1975 (Wet No. 66 van 1975), beskou nie, en bedrae ingevolge subartikel (1) (b) betaal, word geag deur die Parlement bewillig te wees.

3. Indien goed waarvan die eiendomsreg of beheer by die Staat, met inbegrip van die Poskantoor, die Spoorweg- en Hawe-administrasie en die provinsiale administrasies van die provinsie die Kaap die Goeie Hoop, die provinsie Oranje-Vrystaat en die

Oordrag van goed
aan Bophuthatswana
of sy genomineerde.

Act No. 93, 1977**FINANCIAL ARRANGEMENTS WITH BOPHUTHATSWANA
ACT, 1977.**

the Transvaal Province, is used in connection with services for which Bophuthatswana becomes responsible on the date of commencement of the Status of Bophuthatswana Act, 1977, such property may be transferred to Bophuthatswana or its nominee.

Reductions of the
loan debt of the
Post Office and
the Railways
and Harbours
Administration.

4. (1) The Minister of Finance may from a date determined by him reduce the loan debt of the Post Office and the Railways and Harbours Administration to the Treasury by an amount which he, after consultation with the Post Office or the said Administration, as the case may be, is satisfied is adequate compensation for property transferred by it to Bophuthatswana in terms of section 3.

(2) Interest received by the Treasury, after the date determined in terms of subsection (1), in respect of an amount by which any outstanding loan debt is reduced in terms of the said subsection, shall be repayable out of current revenue collections.

Short title and
commencement.

5. This Act shall be called the Financial Arrangements with Bophuthatswana Act, 1977, and shall come into operation on the date of commencement of the Status of Bophuthatswana Act, 1977.

WET OP FINANSIËLE REËLINGS MET
BOPHUTHATSWANA, 1977.

Wet No. 93, 1977

provinsie Transvaal, berus, gebruik word in verband met dienste waarvoor Bophuthatswana op die datum van inwerkingtreding van die Wet op die Status van Bophuthatswana, 1977, verantwoordelik word, kan dié goed aan Bophuthatswana of sy genomineerde oorgedra word.

4. (1) Die Minister van Finansies kan vanaf 'n datum wat hy bepaal, die leningskuld van die Poskantoor en die Spoorweg- en Hawe-administrasie aan die Tesourie verminder met 'n bedrag ten opsigte waarvan hy na oorlegpleging met die Poskantoor of dié Administrasie, na gelang van die geval, oortuig is dat dit voldoende vergoeding is vir goed wat ingevolge artikel 3 deur hom aan Bophuthatswana oorgedra is.

Vermindering van die leningskuld van die Poskantoor en die Spoorweg- en Hawe-administrasie.

(2) Rente wat deur die Tesourie ontvang is, na die datum ingevolge subartikel (1) bepaal, ten opsigte van 'n bedrag waarmee die een of ander uitstaande leningskuld ingevolge genoemde subartikel verminder word, is terugbetaalbaar uit lopende inkomstevorderings.

5. Hierdie Wet heet die Wet op Finansiële Reëlins met Bophuthatswana, 1977, en tree in werking op die datum van inwerkingtreding van die Wet op die Status van Bophuthatswana, 1977.

Kort titel en inwerkingtreding.

