



REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

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KANTOOR VAN DIE STAATSPRESIDENT

No. 1611.

13 Julie 1990

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

No. 109 van 1990: Finansiewet, 1990.

STATE PRESIDENT'S OFFICE

No. 1611.

13 July 1990

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

No. 109 of 1990: Finance Act, 1990.

Wet No. 109, 1990

FINANSIEWET, 1990

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om voorsiening te maak vir sekere betalings uit die surplus in die Staatsinkomsterekening en die betaling van sekere bedrae aan dividende aan die Suid-Afrikaanse Spoornetkorporasie Beperk; om die Staatsinkomsterekening met sekere ongemagtige uitgawes ten opsigte van die boekjaar 1987—88 te belas; om die Skatkiswet, 1975, te wysig ten einde 'n sekere uitdrukking te omskryf; die Sekretaris van die Tesourie deur die Direkteur-generaal: Finansies te vervang; en die Minister van Finansies se bevoegdhede betreffende die aangaan van lenings uit te brei; en die verstrekking van sekere waarborgs ten opsigte van behuisingslenings tot sekere lede van die polisie uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 Junie 1990.)*

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

Besteding van sekere surplus-staatsinkomste

1. (1) Uit die surplus in die Staatsinkomsterekening op 31 Maart 1990, soos deur die Ouditeur-generaal gesertifiseer, word—
 - (a) aan die Goud-en-buitelandsevaluta-gebeurlikheidsreserwerekening ingestel kragtens artikel 28 (1) van die Wet op die Suid-Afrikaanse Reserwefond, 1989 (Wet No. 90 van 1989), 'n bedrag van hoogstens R3 000 000 000 oorbetaal;
 - (b) aan die Ontwikkelingsbank van Suider-Afrika 'n bedrag van hoogstens 10 R215 700 000 oorbetaal;
 - (c) aan die Regeringsdienspensioenfonds ingestel by artikel 3 van die Regeringsdienspensioenwet, 1973 (Wet No. 57 van 1973), en die Pensioenfonds vir Geassosieerde Inrigtings ingestel kragtens artikel 2 (1) (b) van die Wet op die Pensioenfonds vir Geassosieerde Inrigtings, 1963 (Wet No. 41 van 1963), gesamentlik 'n bedrag van hoogstens R1 000 000 000 oorbetaal, welke bedrag deur die rekenpligtige beampte van die fondse tussen genoemde fondse verdeel word soos hy met die instemming van die Minister van Finansies besluit; en
 - (d) aan 'n trustfonds vir sosio-ekonomiese opheffing deur die Minister van Finansies aangewys 'n bedrag van hoogstens R2 000 000 000 oorbetaal.
- (2) Indien die omvang van die surplus nie voldoende is om die volle bedrae vermeld in subartikel (1) te betaal nie, kan hierdie bedrae na goedgunke deur die Minister van Finansies verminder word.

Betaling van dividende deur Transnet Beperk aan Suid-Afrikaanse Spoornetkorporasie Beperk 25

2. (1) Die Minister van Finansies kan, ondanks andersluidende bepalings van enige ander wet, in oorleg met die Minister verantwoordelik vir die Suid-Afrikaanse

GENERAL EXPLANATORY NOTE:

I Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with solid line indicate insertions in existing enactments.

ACT

To provide for certain payments from the surplus in the State Revenue Account and the payment of certain amounts of dividends to the South African Rail Commuter Corporation Limited; to charge the State Revenue Account with certain unauthorized expenditure in respect of the financial year 1987—88; to amend the Exchequer Act, 1975, so as to define a certain expression; to replace the Secretary to the Treasury by the Director-General: Finance; and to extend the powers of the Minister of Finance regarding the raising of loans; and to extend the furnishing of certain guarantees in respect of housing loans to certain members of the police; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 28 June 1990.)*

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

Disposal of certain surplus State revenues

1. (1) There shall be paid from the surplus in the State Revenue Account as at 5 March 1990, as certified by the Auditor-General—
- (a) to the Gold and Foreign Exchange Contingency Reserve Account established under section 28 (1) of the South African Reserve Bank Act, 1989 (Act No. 90 of 1989), an amount not exceeding R3 000 000 000;
 - (b) to the Development Bank of Southern Africa an amount not exceeding 10 R215 700 000;
 - (c) to the Government Service Pension Fund established by section 3 of the Government Service Pension Act, 1973 (Act No. 57 of 1973), and the Associated Institutions Pension Fund established under section 2 (1) (b) of the Associated Institutions Pension Fund Act, 1963 (Act No. 41 of 1963), jointly an amount not exceeding R1 000 000 000, such amount to be divided between the said funds by the accounting officer for such funds as he may with the concurrence of the Minister of Finance decide; and
 - (d) to a trust fund for socio-economic upliftment designated by the Minister of Finance an amount not exceeding R2 000 000 000.
- 20 (2) If the extent of the surplus is insufficient to meet the full amounts mentioned in subsection (1), the Minister of Finance may in his discretion reduce these amounts.

Payment of dividends by Transnet Limited to South African Rail Commuter Corporation Limited

- 25 2. (1) The Minister of Finance may, notwithstanding the provisions of any other law, in consultation with the Minister responsible for the South African Rail

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Spoorpendelkorporasie Beperk vermeld in artikel 22 (1) van die Wet op die Regsopvolging van die Suid-Afrikaanse Vervoerdienste, 1989 (Wet No. 9 van 1989), bepaal dat die dividende of 'n bepaalde gedeelte van die dividende wat die Staat as aandeelhouer van die Maatskappy bedoel in artikel 2 van genoemde Wet en wat Transnet Beperk heet, toeval, deur Transnet Beperk aan genoemde Korporasie oorbetaal moet word.

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(2) Die bedrag aan dividende ingevolge subartikel (1) bepaal, word regstreeks aan genoemde Korporasie oorbetaal, en die balans van die dividende, indien daar is, word in die Staatsinkomstefonds gestort.

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(3) Die bedrag bedoel in subartikel (2) word deur genoemde Korporasie aangewend om bedryfsverliese op spoorpendeldienste waaromtrent genoemde Korporasie en die Minister van Finansies ooreenkoms, te bestry en gaan nie die bedrag van sodanige verliese te bowe nie.

Bestryding van ongemagtigde uitgawes uit Staatsinkomsterekening vir boekjaar 1987—88

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3. (1) Die Staatsinkomsterekening word hierby belas met die bedrag van R1 283 082,89 tot dekking van sekere uitgawes bo en behalwe die bedrae beskikbaar gestel vir die diens van die Republiek vir die boekjaar wat op 31 Maart 1988 geëindig het.

(2) Die uitgawes in subartikel (1) bedoel, word uiteengesit in die Bylae en word nader beskryf in paragrawe 11 (1) (a) en (b), 11 (3) en 11 (4) op onderskeidelik bladsye 11 en 12 van die Verslag van die Ouditeur-generaal oor die Appropriasie- en Diverse Rekenings ten opsigte van Algemene Sake vir 1987—88 [RP 111—88], wat aan die Parlement voorgelê is, en in die Verslag van die Gesamentlike Komitee oor Openbare Rekenings, 1989.

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Magtiging van uitgawes

4. (1) Die uitgawe van R34 633 aangegaan deur die Staatsbiblioteek, Pretoria, vermeld in artikel 2 van die Wet op Nasionale Biblioteke, 1985 (Wet No. 56 van 1985), en nader beskryf in paragraaf 3 op bladsy 283 van die Verslag van die Ouditeur-generaal oor die Appropriasie- en Diverse Rekenings ten opsigte van Algemene Sake vir 1987—88 [RP 111—88], wat aan die Parlement voorgelê is, en in die Verslag van die Gesamentlike Komitee oor Openbare Rekenings, 1989, word hierby gemagtig.

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(2) Die uitgawe van R10 272 aangegaan deur die Stigting vir Onderwys, Weten-skap en Tegnologie, 'n verklaarde inrigting bedoel in artikel 1 van die Wet op Kulturele Inrigtings, 1969 (Wet No. 29 van 1969), en nader beskryf in paragraaf 3 op bladsy 291 van die Verslag van die Ouditeur-generaal oor die Appropriasie- en Diverse Rekenings ten opsigte van Algemene Sake vir 1987—88 [RP 111—88], wat aan die Parlement voorgelê is, en in die Verslag van die Gesamentlike Komitee oor Openbare Rekenings, 1989, word hierby gemagtig.

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Wysiging van artikel 1 van Wet 66 van 1975, soos gewysig deur artikel 36 van Proklamasie 85 van 1979, artikel 7 van Wet 21 van 1980, artikel 1 van Wet 100 van 1984, artikel 4 van Wet 79 van 1985, artikel 22 van Wet 69 van 1986, artikel 7 van Wet 77 van 1986 en artikel 18 van Wet 52 van 1989

5. Artikel 1 van die Skatkiswet, 1975 (hieronder die Hoofwet genoem), word hierby gewysig—

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(a) deur in subartikel (1) voor die omskrywing van "Finansiële Regulasies" die volgende omskrywing in te voeg:

"finansiële instrument"—

(a) 'n termynkontrak;

(b) 'n opsiekontrak; of

(c) enige ander instrument wat deur die Registrateur van Finansiële Markte vermeld in artikel 1 van die Wet op Beheer van Finansiële Markte, 1989 (Wet No. 55 van 1989), by kennisgewing in die Staatskoerant tot finansiële instrument verklaar is;" en

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- Commuter Corporation Limited referred to in section 22 (1) of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989), determine that the dividends or any specified portion of the dividends accruing to the State as a shareholder of the Company referred to in section 2 of the said Act and which is called Transnet Limited, shall be paid by Transnet Limited to the said Corporation.
- (2) The amount of dividends determined in terms of subsection (1) shall be paid directly to the said Corporation, and the balance of the dividends, if any, shall be deposited in the State Revenue Fund.
- (3) The amount referred to in subsection (2) shall be utilized by the said Corporation to defray any operating loss on rail commuter services which may be agreed upon between the said Corporation and the Minister of Finance, but shall not exceed the amount of such loss.

Defraying of unauthorized expenditure from State Revenue Account for 1987-88 financial year

3. (1) The State Revenue Account is hereby charged with the amount of R1 283 082,89 to defray certain expenditure over and above the amounts appropriated for the service of the Republic for the financial year which ended on 31 March 1988.
- (2) The expenditure referred to in subsection (1) is set forth in the Schedule and is further described in paragraphs 11 (1) (a) and (b), 11 (3) and 11 (4) on pages 11 and 12, respectively, of the Report of the Auditor-General on the Appropriation and Miscellaneous Accounts in respect of General Affairs for 1987-88 [RP 111-88], which has been submitted to Parliament, and in the Report of the Joint Committee on Public Accounts, 1989.

25 Authorizing of expenditure

4. (1) The expenditure of R34 633 incurred by the State Library, Pretoria, mentioned in section 2 of the National Libraries Act, 1985 (Act No. 56 of 1985), and further described in paragraph 3 on page 283 of the Report of the Auditor-General on the Appropriation and Miscellaneous Accounts in respect of General Affairs for 1987-88 [RP 111-88], which has been submitted to Parliament, and in the Report of the Joint Committee on Public Accounts, 1989, is hereby authorized.

- (2) The expenditure of R10 272 incurred by the Foundation for Education, Science and Technology, a declared institution referred to in section 1 of the Cultural Institutions Act, 1969 (Act No. 29 of 1969), and further described in paragraph 3 on page 291 of the Report of the Auditor-General on the Appropriation and Miscellaneous Accounts in respect of General Affairs for 1987-88 [RP 111-88], which has been submitted to Parliament, and in the Report of the Joint Committee on Public Accounts, 1989, is hereby authorized.

Amendment of section 1 of Act 66 of 1975, as amended by section 36 of Proclamation 85 of 1979, section 7 of Act 21 of 1980, section 1 of Act 100 of 1984, section 4 of Act 79 of 1985, section 22 of Act 69 of 1986, section 7 of Act 77 of 1986 and section 18 of Act 52 of 1989

5. Section 1 of the Exchequer Act, 1975 (hereinafter referred to as the principal Act), is hereby amended—
- (a) by the insertion in subsection (1) after the definition of “Exchequer Account” of the following definition:
- “financial instrument” means—
- (a) a futures contract;
- (b) an option contract; or
- (c) any other instrument declared by the Registrar of Financial Markets mentioned in section 1 of the Financial Markets Control Act, 1989 (Act No. 55 of 1989), by notice in the *Gazette* to be a financial instrument;”; and

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(b) deur die volgende subartikel by te voeg:

“(5) (a) 'n Verwysing in hierdie Wet of enige ander wet na die Sekretaris van die Tesourie word geag 'n verwysing na die Direkteur-generaal: Finansies te wees.

(b) Enige bevoegdheid of plig verleen of opgedra aan die Direkteur-generaal: Finansies uit hoofde van die bepalings van paragraaf (a) kan deur die Direkteur-generaal: Finansies aan die Tesourie gedelegeer word.”.

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Wysiging van artikel 10 van Wet 66 van 1975, soos gewysig deur artikel 8 van Wet 21 van 1980

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6. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Die **[verantwoordelike]** Minister van die Staatsdepartement betrokke by 'n aangeleentheid in artikel 35 bedoel, moet in die **[Senaat en die Volksraad]** Parlement of die betrokke Huis van die Parlement, na gelang van die geval, so 15 gou doenlik 'n staat ter Tafel lê wat die aanwending van geld ingevolge subartikel (1) (d) weergee.”.

Wysiging van artikel 19 van Wet 66 van 1975, soos gewysig deur artikels 8 en 12 van Wet 100 van 1984

7. Artikel 19 van die Hoofwet word hierby gewysig deur die volgende paragraaf by 20 subartikel (1) te voeg:

“(c) die aangaan van ooreenkomste deur middel van finansiële instrumente.”.

Wysiging van artikel 25 van Wet 11 van 1977

8. Artikel 25 van die Konsolidasiewet op Finansiële Reëlingswette, 1977, word hierby gewysig deur die volgende subartikels by te voeg:

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“(6) Die bepalings van subartikels (1) en (2) is *mutatis mutandis* van toepassing op 'n persoon bedoel in artikel 4 (7) van die Derde Polisiewysigingswet, 1989 (Wet No. 76 van 1989).

(7) Subartikel (6) word geag op 1 Oktober 1989 in werking te getree het.”.

Kort titel

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9. Hierdie Wet heet die Finansiewet, 1990.

Bylae

Begrotingsposnommer	Titel van Begrotingspos en boekjaar	Bedrag
		R
Begrotingspos 12	Weermag, 1987—88	1 069 234,27
Begrotingspos 27	Polisie, 1987—88.....	193 848,62
Begrotingspos 28	Omgewingsake, 1987—88.....	20 000,00
		1 283 082,89

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(b) by the addition of the following subsection:

"(5) (a) Any reference in this Act or any other law to the Secretary to the Treasury shall be deemed to be a reference to the Director-General: Finance.

5 (b) Any power or duty conferred or imposed upon the Director-General: Finance by virtue of the provisions of paragraph (a) may be delegated by the Director-General: Finance to the Treasury.”.

Amendment of section 10 of Act 66 of 1975, as amended by section 8 of Act 21 of 1980

6. Section 10 of the principal Act is hereby amended by the substitution for 10 subsection (3) of the following subsection:

“(3) The [responsible] Minister of the State department concerned in a matter referred to in section 35, shall as soon as practicable lay upon the Table in [the Senate and in the House of Assembly] Parliament or the relevant House of Parliament, as the case may be, a statement reflecting the utilization of moneys in terms of subsection (1) (d).”.

Amendment of section 19 of Act 66 of 1975, as amended by sections 8 and 12 of Act 100 of 1984

7. Section 19 of the principal Act is hereby amended by the addition of the following paragraph to subsection (1):

20 “(c) entering into agreements by means of financial instruments,”.

Amendment of section 25 of Act 11 of 1977

8. Section 25 of the Finance and Financial Adjustments Acts Consolidation Act, 1977, is hereby amended by the addition of the following subsections:

“(6) The provisions of subsections (1) and (2) are *mutatis mutandis* applicable to any person referred to in section 4(7) of the Police Third Amendment Act, 1989 (Act No. 76 of 1989).

(7) Subsection (6) shall be deemed to have come into operation on 1 October 1989.”.

Short title

30 9. This Act shall be called the Finance Act, 1990.

Schedule

Vote Number	Title of Vote and financial year	Amount
Vote 12	Defence, 1987-88	R 1 069 234,27
Vote 27	Police, 1987-88	193 848,62
Vote 28	Environment Affairs, 1987-88	20 000,00
		1 283 082,89

