



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Vol. 342

CAPE TOWN, 17 DECEMBER 1993

No. 15353

KAAPSTAD, 17 DESEMBER 1993

STATE PRESIDENT'S OFFICE

No. 2436. 17 December 1993

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

No. 175 of 1993: Agricultural Development Fund Act, 1993.

KANTOOR VAN DIE STAATSPRESIDENT

No. 2436. 17 Desember 1993

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

No. 175 van 1993: Wet op die Landbou-ontwikkelingsfonds, 1993.

ACT

To provide for the establishment and control of the Agricultural Development Fund and for matters connected therewith.

*(English text signed by the Acting State President.)
(Assented to 8 December 1993.)*

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

Definitions

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

- (i) “advisory committee” means an advisory committee appointed under section 3; (i) 5
- (ii) “Director-General” means the Director-General of Agriculture; (iii)
- (iii) “fund” means the Agricultural Development Fund established by section 2; (iv)
- (iv) “Minister” means the Minister of Agriculture; (v) 10
- (v) “officer” means an officer as defined in section 1 of the Public Services Act, 1984 (Act No. 111 of 1984). (ii)

Establishment of Agricultural Development Fund

2. (1) There is hereby established a fund to be known as the Agricultural Development Fund, which shall be credited with— 15

- (a) moneys accruing to the fund from any source, including any moneys donated or bequeathed by any person, institution, government or administration for the benefit of the fund; and
- (b) interest derived from the investment of moneys standing to the credit of the fund: 20

Provided that no moneys donated or bequeathed as contemplated in paragraph (a) shall, if the donation or bequest is subject to any condition, be accepted for the benefit of the fund, except under the authority of the Minister with the concurrence of the Minister of State Expenditure.

(2) The Director-General shall— 25

- (a) for the purposes of the Exchequer Act, 1975 (Act No. 66 of 1975), be the accounting officer and he shall keep proper records of all moneys received by the fund and expended from the fund;
- (b) open such accounts as he deems necessary, into which he shall pay the moneys contemplated in section 2(1) accruing to the fund; and 30
- (c) report to the Minister every six months on the activities and the balance of the fund.

(3) The fund shall be audited annually by the Auditor-General.

Minister may appoint advisory committees

3. (1) The Minister may appoint advisory committees to advise him on the utilization of the moneys in the fund or in one or more of the accounts contemplated in section 2(2)(b). 35

(2) The Minister shall determine the composition, and the terms of office of members, of each advisory committee.

Utilization of money in fund

4. (1) The Minister may, on the recommendation of the advisory committee in question, approve that moneys in the fund or in an account contemplated in section 2(2)(b) be utilized for—

- (a) the undertaking or promotion of any development in the field of agriculture which is of material importance to any branch of agriculture; 45

WET

Om voorsiening te maak vir die instelling van en beheer oor die Landbou-ontwikkelingsfonds en vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Waarnemende Staatspresident geteken.)
(Goedgekeur op 8 Desember 1993.)

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

Woordomskrywing

1. In hierdie Wet, tensy dit uit die samehang anders blyk, beteken—
- 5 (i) “advieskomitee” ’n advieskomitee kragtens artikel 3 aangestel; (i)
 - (ii) “beampte” ’n beampte soos omskryf in artikel 1 van die Staatsdienswet, 1984 (Wet No. 111 van 1984); (v)
 - (iii) “Direkteur-generaal” die Direkteur-generaal van Landbou; (ii)
 - (iv) “fonds” die Landbou-ontwikkelingsfonds by artikel 2 ingestel; (iii)
 - 10 (v) “Minister” die Minister van Landbou. (iv)

Instelling van Landbou-ontwikkelingsfonds

2. (1) Daar word hierby ’n fonds ingestel wat die Landbou-ontwikkelingsfonds heet, wat gekrediteer word met—
- 15 (a) geld wat die fonds uit enige bron toeval, met inbegrip van geld wat deur enige persoon, instelling, regering of administrasie ten bate van die fonds geskenk of bemaak word; en
 - (b) rente verkry uit die belegging van geld waarmee die fonds gekrediteer is: Met dien verstande dat geen geld wat geskenk of bemaak is soos in paragraaf (a) beoog, ten bate van die fonds aangeneem word nie as dit aan enige voorwaarde
 - 20 onderworpe is, behalwe kragtens magtiging van die Minister met die instemming van die Minister van Staatsbesteding.
- (2) Die Direkteur-generaal—
- (a) is by die toepassing van die Skatkiswet, 1975 (Wet No. 66 van 1975), die rekenpligtige beampte en hy hou behoorlik boek van alle geld deur
 - 25 die fonds ontvang en deur die fonds bestee;
 - (b) open sodanige rekenings as wat hy nodig ag, waarin hy die geld wat die fonds toeval soos in artikel 2(1) beoog, inbetaal; en
 - (c) doen sesmaandeliks aan die Minister verslag oor die bedrywighede en die stand van die fonds.
 - 30 (3) Die fonds word jaarliks deur die Ouditeur-generaal geouditeer.

Minister kan advieskomitees aanstel

3. (1) Die Minister kan advieskomitees aanstel om hom oor die aanwending van die geld in die fonds of een of meer van die rekenings beoog in artikel 2(2)(b) te adviseer.
- 35 (2) Die Minister bepaal die samestelling en ampstermyn van lede van elke advieskomitee.

Aanwending van geld in fonds

4. (1) Die Minister kan op aanbeveling van die betrokke advieskomitee goedkeur dat geld in die fonds of in ’n rekening beoog in artikel 2(2)(b)
- 40 aangewend word vir—
- (a) die onderneming of bevordering van enige ontwikkeling op die gebied van die landbou wat van wesenlike belang vir enige vertakking van die landbou is;

- (b) a grant to any person engaged, in the Republic or elsewhere, in the development of agriculture;
- (c) the training or the fostering of the training of persons in any branch of agriculture;
- (d) the establishment and control of facilities for the collection and dissemination of information in connection with any matter relating to the development of agriculture; 5
- (e) the payment to members of advisory committees who are not officers, of subsistence and transport expenses at the tariffs to which officers are entitled; and 10
- (f) any other matter in connection with the development of agriculture.

(2) Moneys standing to the credit of the fund which accrued to it by virtue of a donation or bequest shall be utilized in accordance with the conditions, if any, of the donation or bequest.

(3) Any condition of a donation referred to in subsection (2), may be altered by agreement between the donor and the Minister, acting with the concurrence of the Minister of State Expenditure. 15

Unexpended balance in fund

5. (1) Moneys standing to the credit of the fund which are not required for immediate use or as a reasonable working balance, shall be invested with the Corporation for Public Deposits established under section 2 of the Corporation for Public Deposits Act, 1984 (Act No. 46 of 1984). 20

(2) Moneys standing to the credit of the fund at the close of the financial year, shall be carried forward to the following financial year as a credit in the fund. 10

Regulations

6. The Minister may, with the concurrence of the Minister of State Expenditure, make regulations with regard to any matter which he considers necessary or expedient to prescribe in order to achieve the objects of this Act. 25

Delegation of powers

7. (1) The Minister may delegate or assign any power or duty conferred or imposed upon him by or under this Act, except the power conferred upon him under section 6, to any officer of the Department of Agriculture. 30

(2) A delegation or assignment under subsection (1) shall not prevent the Minister from himself exercising the power or performing the duty concerned.

Short title

8. This Act shall be called the Agricultural Development Fund Act, 1993. 35

- (b) 'n toekenning aan enige persoon wat in die Republiek of elders met die ontwikkeling van die landbou besig is;
- (c) die opleiding of die bevordering van die opleiding van persone in enige vertakking van die landbou;
- 5 (d) die instelling en beheer van inrigtings vir die insameling en verspreiding van inligting in verband met enige aangeleentheid met betrekking tot die ontwikkeling van die landbou;
- (e) die vergoeding van lede van advieskomitees wat nie beamptes is nie van verblyf- en vervoeruitgawes teen die tariewe waarop beamptes
- 10 geregtig is; en
- (f) enige ander aangeleentheid in verband met die ontwikkeling van die landbou.
- (2) Geld waarmee die fonds gekrediteer is en wat die fonds toeval uit hoofde van 'n skenking of bemaking, word ooreenkomstig die voorwaardes, as daar is,
- 15 van die skenking of bemaking aangewend.
- (3) 'n Voorwaarde van 'n skenking in subartikel (2) bedoel, kan by wyse van ooreenkoms tussen die skenker en die Minister, handelende met die instemming van die Minister van Staatsbesteding, gewysig word.

Onbestede saldo in fonds

- 20 5. (1) Geld waarmee die fonds gekrediteer is en wat nie vir onmiddellike gebruik of as 'n redelike bedryfsaldo benodig word nie, moet by die Korporasie vir Openbare Deposito's ingestel kragtens artikel 2 van die Wet op die Korporasie vir Openbare Deposito's, 1984 (Wet No. 46 van 1984), belê word.
- (2) Geld waarmee die fonds by die sluiting van die boekjaar gekrediteer is,
- 25 word as 'n krediet in die rekening na die daaropvolgende boekjaar oorgedra.

Regulasies

6. Die Minister kan met die instemming van die Minister van Staatsbesteding regulasies maak met betrekking tot enige aangeleentheid wat hy nodig of
- 30 dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te verwesenlik.

Delegering van bevoegdhede

7. (1) Die Minister kan enige bevoegdheid of plig by of kragtens hierdie Wet aan hom verleen of opgedra, behalwe 'n bevoegdheid aan hom verleen kragtens artikel 6, aan 'n beampte in die Departement van Landbou deleger of opdra.
- 35 (2) 'n Delegering of opdrag kragtens subartikel (1) belet nie die Minister om die betrokke bevoegdheid of plig self uit te oefen of te verrig nie.

Kort titel

8. Hierdie Wet heet die Wet op die Landbou-ontwikkelingsfonds, 1993.