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PRESIDENT'S OFFICE

No. 1534.

6 October 1995

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

No. 71 of 1995: Defence Special Account Amendment Act, 1995.

KANTOOR VAN DIE PRESIDENT

No. 1534.

6 Oktober 1995

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

No. 71 van 1995: Wysigingswet op die Spesiale Verdedigingsrekening, 1995.

GENERAL EXPLANATORY NOTE:

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

 Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Defence Special Account Act, 1974, so as to replace certain expressions; and to provide for matters in connection therewith.

*(English text signed by the President.)
(Assented to 28 September 1995.)*

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

Amendment of section 1 of Act 6 of 1974, as amended by section 21 of Act 102 of 1976, section 1 of Act 17 of 1981 and section 10 of Act 113 of 1984

1. Section 1 of the Defence Special Account Act, 1974 (hereinafter referred to as the principal Act), is hereby amended by the substitution for paragraph (b) of the following paragraph:

“(b) moneys appropriated by Parliament by an Appropriation or other Act for the requirements of the **[South African] Department of Defence [Force]** if the Minister of Defence in consultation with the Minister of **[State Expenditure] Finance** deems it necessary in the public interest, and thereupon such moneys shall be deemed to have been appropriated by law for the account;”.

Amendment of section 1A of Act 6 of 1974, as inserted by section 4 of Act 96 of 1982

2. Section 1A of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The **[Chief of the South African] accounting officer of the Department of Defence [Force]** may, with the prior approval of the Minister of **[State Expenditure] Finance** in respect of any financial year enter into commitments for expenditure from the account for which moneys in the account may be utilized in terms of section 2(2) but for which no money has been provided in the account, and which in the aggregate does not exceed the amount shown in the estimates of expenditure, as defined in the Exchequer Act, 1975 (Act No. 66 of 1975), for the financial year concerned, under the vote of the **[South African] Department of Defence [Force]**, as estimated under-expenditure.”.

ALGEMENE VERDUIDELIKENDE NOTA:

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

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

WET

Tot wysiging van die Wet op die Spesiale Verdedigingsrekening, 1974, ten einde sekere uitdrukkings te vervang; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 28 September 1995.)*

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

Wysiging van artikel 1 van Wet 6 van 1974, soos gewysig deur artikel 21 van Wet 102 van 1976, artikel 1 van Wet 17 van 1981 en artikel 10 van Wet 113 van 1984

- 5 1. Artikel 1 van die Wet op die Spesiale Verdedigingsrekening, 1974 (hieronder die Hoofwet genoem), word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

10 “(b) geld deur die Parlement by 'n Begrotingswet of ander Wet vir die behoeftes van die **[Suid-Afrikaanse Weermag]** Departement van Verdediging bewillig indien die Minister van Verdediging in oorleg met die Minister van **[Staatsbesteding]** Finansies dit in die openbare belang nodig ag, en daarop word sodanige geld geag by wet vir die rekening bewillig te gewees het;”.

15 Wysiging van artikel 1A van Wet 6 van 1974, soos ingevoeg deur artikel 4 van Wet 96 van 1982

2. Artikel 1A van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

20 “(1) Die **[Hoof van die Suid-Afrikaanse Weermag]** rekenpligtige beampte van die Departement van Verdediging kan, met die voorafgaande goedkeuring van die Minister van **[Staatsbesteding]** Finansies ten opsigte van 'n boekjaar verpligtinge aangaan vir uitgawes uit die rekening waarvoor geld in die rekening ingevolge artikel 2(2) aangewend kan word maar waarvoor geen geld in die rekening voorsien is nie, en wat in die geheel die bedrag wat in die begroting van uitgawes, soos in die Skatkiswet, 1975 (Wet No. 66 van 1975), omskryf, vir die
25 betrokke boekjaar, onder die begrotingspos van die **[Suid-Afrikaanse Weermag]** Departement van Verdediging as beraamde onderbesteding aangegee word, nie te bowe gaan nie.”.

Amendment of section 2 of Act 6 of 1974, as substituted by section 2 of Act 17 of 1981 and amended by section 5 of Act 96 of 1982 and section 7 of Act 142 of 1992

3. Section 2 of the principal Act is hereby amended—

- (a) by the substitution in subsection (1) for paragraph (a) of the following paragraph:

“(a) Subject to the provisions of this Act, the moneys in the account shall be State moneys for the purposes of the Exchequer Act, 1975 (Act No. 66 of 1975), and the **[Chief of the South African Defence Force, as]** accounting officer of the **[South African Department of Defence [Force in terms of that Act]]** shall be charged with the responsibility of administering and accounting for the moneys in the account received by him and moneys paid from the account by him in connection with the special defence activities and purchases of the **[South African Department of Defence [Force]]** referred to in paragraph (a) of subsection (2) and the expenditure referred to in paragraph (b) of that subsection.”;

- (b) by the substitution for subsections (2) and (3) of the following subsections:

“(2) The moneys in the account shall—

- (a) with the approval of the Minister of **[State Expenditure Finance]** be utilized to defray the expenditure incurred in connection with such special defence activities in connection with the functions contained in the Defence Act, 1957 (Act No. 44 of 1957), and purchases of the **[South African Department of Defence [Force]]** and the Corporation as the Minister of Defence may from time to time approve;

- (b) if the account has been credited with moneys referred to in section 1(b), also be utilized to defray any expenditure which would normally have been defrayed by the **[South African Department of Defence [Force]]** out of moneys appropriated by the Appropriation or other Act in question.

(3) Payments for the said special defence activities and purchases of the **[South African Department of Defence [Force]]** shall be made by the **[South African Department of Defence [Force]]**, and payments for the said special defence activities and purchases of the Corporation shall be made by the Corporation.”; and

- (c) by the substitution for the proviso to subsection (4) of the following proviso:

“: Provided that the Director-General: State Expenditure or any person in the Department of State Expenditure designated by him, may authorize a person or persons employed by the **[South African Department of Defence [Force]]** in the Defence Secretariat or the Corporation to sign warrant vouchers necessary for the said payments.”.

Short title

- 4. This Act shall be called the Defence Special Account Amendment Act, 1995.**

Wysiging van artikel 2 van Wet 6 van 1974, soos vervang deur artikel 2 van Wet 17 van 1981 en gewysig deur artikel 5 van Wet 96 van 1982 en artikel 7 van Wet 142 van 1992

3. Artikel 2 van die Hoofwet word hierby gewysig—

- 5 (a) deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) Behoudens die bepalings van hierdie Wet, is die geld in die rekening Staatsgeld vir die doeleindes van die Skatkiswet, 1975 (Wet No. 66 van 1975), en is die **[Hoof van die Suid-Afrikaanse Weermag as]** rekenpligtige beampte van die **[Suid-Afrikaanse Weermag ingevolge daardie Wet]** Departement van Verdediging belas met die administrasie en verantwoording van die geld in die rekening betaal in verband met die spesiale verdedigingsaktiwiteite en -aankope van die **[Suid-Afrikaanse Weermag]** Departement van Verdediging in paragraaf (a) van subartikel (2) bedoel en die uitgawes in paragraaf (b) van daardie subartikel bedoel.”;

- (b) deur subartikels (2) en (3) deur die volgende subartikels te vervang:

“(2) Die geld in die rekening word—
20 (a) met die goedkeuring van die Minister van **[Staatsbesteding Finansies]** aangewend ter bestryding van die uitgawes aangegaan in verband met dié spesiale verdedigingsaktiwiteite in verband met die werksaamhede vervat in die Verdedigingswet, 1957 (Wet No. 44 van 1957), en aankope van die **[Suid-Afrikaanse Weermag]** Departement van Verdediging en die Korporasie wat die Minister van Verdediging van tyd tot tyd goedkeur;

(b) indien die rekening met geld bedoel in artikel 1(b) gekrediteer is, ook aangewend ter bestryding van enige uitgawes wat normaalweg uit geld wat by die betrokke Begrotingswet of ander Wet bewillig is deur die **[Suid-Afrikaanse Weermag]** Departement van Verdediging bestry sou word.

(3) Betalings vir genoemde spesiale verdedigingsaktiwiteite en -aankope van die **[Suid-Afrikaanse Weermag]** Departement van Verdediging word deur die **[Suid-Afrikaanse Weermag]** Departement van Verdediging gemaak, en betalings vir genoemde spesiale verdedigingsaktiwiteite en -aankope van die Korporasie word deur die Korporasie gemaak.”; en

- 40 (c) deur die voorbehoudsbepaling by subartikel (4) deur die volgende voorbehoudsbepaling te vervang:

“: Met dien verstande dat die Direkteur-generaal: Staatsbesteding of iemand in die Departement van Staatsbesteding deur hom aangewys, 'n persoon of persone in diens van die **[Suid-Afrikaanse Weermag]** Departement van Verdediging in die Verdedigingsektariaat of die Korporasie kan magtig om die skatkisorders wat nodig is vir bedoelde betalings te teken.”.

Kort titel

4. Hierdie Wet heet die Wysigingswet op die Spesiale Verdedigingsrekening, 1995.

