Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 526 Cape Town, Kaapstad, 21 April 2009 No. 32149

THE PRESIDENCY

No. 435 21 April 2009

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

No. 7 of 2009: Western Cape Inherited Debt Relief Act, 2009.

DIE PRESIDENSIE

No. 435 21 April 2009

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

No. 7 van 2009: Wet op Aflossing van Oorgeërfde Wes-Kaapse Skuld, 2009.

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.

(English text signed by the President.)
(Assented to 19 April 2009.)

ACT

To authorise the discharge of certain debts of the former Cape Provincial Administration and the former House of Representatives, which have devolved upon the Western Cape Province in terms of the Constitution of the Republic of South Africa, 1993, and are still outstanding; to make arrangements for the settling of accounts in relation to the debts; and to provide for matters incidental thereto.

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

Definitions

1. In this Act, except if inconsistent with the context, **"inherited debt"** means the liabilities incurred on behalf of the former Cape Provincial Administration and the former House of Representatives, which—

(a) in terms of section 239(3) of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), or by virtue of any allocation made in terms of that section, devolved upon the Western Cape Province;

(b) is still outstanding; and

(c) is represented by the amounts as specified in column 2 of Schedule 1 to this Act.

Authorisation of inherited debt

2. (1) The unauthorised expenditure of the former Cape Provincial Administration of R 799 366 196.11, which is specified in column 2 of Schedule 1, is hereby authorised.

(2) The unauthorised expenditure of the former House of Representatives of R 112 724 302.23, which is specified in column 2 of Schedule 1, is hereby authorised.

(3) The amounts referred to in subsections (1) and (2) are direct charges against the National Revenue Fund.

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.

(Engelse teks deur die President geteken.)
(Goedgekeur op 19 April 2009.)

WET

Om die aflossing van sekere skulde van die voormalige Kaapse Provinsiale Administrasie en die voormalige Huis van Verteenwoordigers, wat ingevolge die Grondwet van die Republiek van Suid-Afrika, 1993, na die Wes-Kaapse Provinsie afgewentel het en steeds uitstaande is, te magtig; om reëlings te tref vir die vereffening van rekeninge met betrekking tot die skulde; en om vir aangeleenthede wat daarmee verband hou, voorsiening te maak.

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

Woordomskrywing

1. In hierdie Wet, tensy dit nie met die konteks vereenselwig is nie, beteken **"oorerfde skuld"** die verpligtinge wat namens die voormalige Kaapse Provinsiale Administrasie en die voormalige Huis van Verteenwoordigers aangegaan is, wat—

- *(a)* ingevolge artikel 239(3) van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), of ooreenkomstig enige ander toewysing wat ingevolge daardie artikel gemaak is, oorgegaan het op die Wes-Kaapse Provinsie;
- *(b)* steeds uitstaande is; en
- *(c)* verteenwoordig word deur die bedrae in kolom 2 van Bylae 1 tot hierdie Wet uiteengesit.

Magtiging van oorerfde skuld

2. (1) Die ongemagtigde uitgawes van die voormalige Kaapse Provinsiale Administrasie ten bedrae van R799 366 196.11, wat in kolom 2 van Bylae 1 uiteengesit is, word hierby gemagtig.

(2) Die ongemagtigde uitgawes van die voormalige Huis van Verteenwoordigers ten bedrae van R112 724 302.23, wat in kolom 2 van Bylae 1 uiteengesit is, word hierby gemagtig.

(3) Die bedrae waarna verwys word in subartikels (1) en (2), is 'n regstreekse las teen die Nasionale Inkomstefonds.

Amendment of section 3 of Act 35 of 2000

3. Section 3 of the Finance Act, 2000, is hereby amended by the substitution for the words preceding paragraph *(a)* of the following words:

"The unauthorized expenditure of **[R4 139 465 912,82]** R3 959 123 269,76 referred to in Schedule 3 which—".

Amendment of Schedule 3 to Act 35 of 2000

4. Schedule 3 to the Finance Act, 2000, is hereby amended by—

(a) the deletion of the entries and amounts set out in Schedule 2 to this Act; and

(b) the substitution of the total indicated at the bottom of the first column of Schedule 3, as follows:

"**[R4 139 165 912.82]** R3 959 123 269.76.".

Short title

5. This Act is called the Western Cape Inherited Debt Relief Act, 2009.

Wysiging van artikel 3 van Wet 35 van 2000

3. Artikel 3 van die Finansiewet, 2000, word hierby gewysig deur die vervanging van die woorde wat paragraaf *(a)* voorafgaan deur die volgende woorde:

"Die ongemagtigde uitgawe van **[R4 139 465 912,82]** R3 959 123 269,76 bedoel in Bylae 3 wat—".

Wysiging van Bylae 3 van Wet 35 van 2000

4. Bylae 3 van die Finansiewet, 2000, word hierby gewysig deur—

(a) die inskrywings en bedrae soos uiteengesit in Bylae 2 tot hierdie Wet te skrap; en

(b) die totale bedrag soos aangedui aan die einde van die eerste kolom van Bylae 3 te vervang, soos volg: "**[R4 139 165 912,82]** R3 959 123 269,76.".

Kort titel

5. Hierdie Wet heet die Wet op Aflossing van Oorgeërfde Wes-Kaapse Skuld, 2009.

Schedule 1

INHERITED DEBTS	
Column 1: Source of Inherited Debt	**Column 2: Amount of Inherited Debt (R)**
Former Cape Provincial Administration	799 366 196.11
Former House of Representatives	112 724 302.23
TOTAL (R):	912 090 498.34

Schedule 2

Entries Deleted from Schedule 3 to Act 35 of 2000

Amount Unauthorised R	*Resolution Reference*	*Financial Year*	*RP/PR No.*	*Former Province, TBVC or self-governing states*	*Vote/Title*
94 119 749.67	P93 Resolution 1	1992/1993	109/94	Cape of Good Hope	Health Services
78 749 147.40	P93 Resolution 3	1993/1994	166/95	Cape of Good Hope	Health Services
191 400.00	P93 Resolution 2	1993/1994	166/95	Cape of Good Hope	Gen Provincial Services
3 878 000.00	WI Resolution 27	1994/1995	PR27/1996	Cape of Good Hope	Improv of Conditions of Service
1 894 623.54	P91 Resolution 26	1994/1995	PR27/1996	Cape of Good Hope	Gen Provincial Services
15 297.31	P90 Resolution 1*(a)*	1989/1990	PR27/1996	House of Representatives	Education and Culture
174 720.00	P89 Resolution 2*(b)*	1986/1987	RP76/1991	House of Representatives	Budgetary and Auxiliary Services
390 366.14	P89 Resolution 2*(b)*	1987/1988	RP85/1993	House of Representatives	Budgetary and Auxiliary Services
345 744.00	P89 Resolution 2*(b)*	1988/1989	RP85/1993	House of Representatives	Budgetary and Auxiliary Services
53 095.00	P89 Resolution 2*(b)*	1991/1992	RP85/1993	House of Representatives	Health and Welfare Service
530 500.00	P75 Resolution 5(1)	1994/1995	RP225/1995	House of Representatives	Education and Culture

Bylae 1

OORERFDE SKULDE	
Kolom 1: Bron van Oorerfde Skuld	**Kolom 2: Bedrag van Oorerfde Skuld (R)**
Voormalige Kaapse Provinsiale Administrasie	799 366 196.11
Voormalige Huis van Verteenwoordigers	112 724 302.23
TOTAAL (R):	912 090 498.34

Bylae 2

Inskrywings van Bylae 3 van Wet 35 van 2000 Geskrap

Ongemagtigde Bedrag R	*Resolusie Verwysing*	*Finansiële Jaar*	*RP/PR No.*	*Voormalige Provinsie, TBVC of selfregerende state*	*Begrotingspos/Titel*
94 119 749.67	P93 Resolusie 1	1992/1993	109/94	Kaap die Goeie Hoop	Gesondheidsdienste
78 749 147.40	P93 Resolusie 3	1993/1994	166/95	Kaap die Goeie Hoop	Gesondheidsdienste
191 400.00	P93 Resolusie 2	1993/1994	166/95	Kaap die Goeie Hoop	Alg Provinsiale Dienste
3 878 000.00	WI Resolusie 27	1994/1995	PR27/1996	Kaap die Goeie Hoop	Verbetering van Diensvoorwaardes
1 894 623.54	P91 Resolusie 26	1994/1995	PR27/1996	Kaap die Goeie Hoop	Alg Provinsiale Dienste
15 297.31	P90 Resolusie 1*(a)*	1989/1990	PR27/1996	Huis van Verteenwoordigers	Opvoeding en Kultuur
174 720.00	P89 Resolusie 2*(b)*	1986/1987	RP76/1991	Huis van Verteenwoordigers	Begroting en Hulpdienste
390 366.14	P89 Resolusie 2*(b)*	1987/1988	RP85/1993	Huis van Verteenwoordigers	Begroting en Hulpdienste
345 744.00	P89 Resolusie 2*(b)*	1988/1989	RP85/1993	Huis van Verteenwoordigers	Begroting en Hulpdienste
53 095.00	P89 Resolusie 2*(b)*	1991/1992	RP85/1993	Huis van Verteenwoordigers	Gesondheid en Welsyn
530 500.00	P75 Resolusie 5(1)	1994/1995	RP225/1995	Huis van Verteenwoordigers	Opvoeding en Kultuur