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KWAZULU-NATAL PROVINSIE
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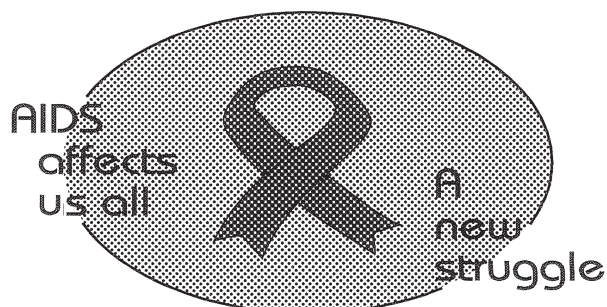
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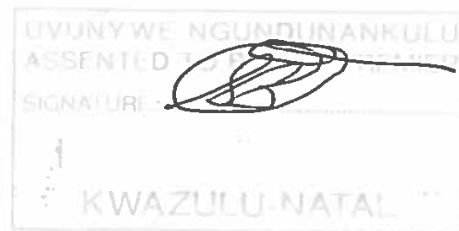
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ACTS • WETTE

NOTICE 3 OF 2020

[English text signed by the Premier]

**KWAZULU-NATAL FUNDING OF
REPRESENTED POLITICAL
PARTIES ACT REPEAL ACT, 2021
(Act No. 06 of 2021)**



Assented to  31-03-2021

ACT

To provide for the repeal of the KwaZulu-Natal Funding of Represented Political Parties Act, 2008; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Province of KwaZulu-Natal, as follows:-

Repeal of Act 7 of 2008

1. The KwaZulu-Natal Funding of Represented Political Parties Act, 2008 (Act No. 7 of 2008), is hereby repealed.

Winding up of Political Parties' Fund established in terms of repealed KwaZulu-Natal Funding of Represented Political Parties Act, 2008

2.(1) The Political Parties' Fund established in terms of section 3 of the repealed KwaZulu-Natal Funding of Represented Political Parties Act, 2008 (Act No. 7 of 2008), is hereby wound up and disestablished.

(2) All assets, liabilities, rights, duties and obligations, including any unspent portion of any funds accrued to or received by the disestablished Political Parties' Fund are transferred to, and vest in, the KwaZulu-Natal Legislature.

(3) The KwaZulu-Natal Legislature is, in respect of the assets, liabilities, rights, duties and obligations and funds referred to in subsection (2), for all purposes the successor-in-law of the disestablished Political Parties' Fund.

Transitional Arrangements

3.(1) All unspent portions of any funds standing to the credit of a political party in respect of a bank account envisaged in section 8(1) of the repealed KwaZulu-Natal Funding of Represented Political Parties Act, 2008 (Act No. 7 of 2008), must, be shown in the books and records of account of the Party as a credit balance carried forward to the next financial year: Provided that –

- (a) the money that may be carried forward is limited to an amount not exceeding 25% of the allocation made to that Party for the financial year; and
- (b) the money carried forward to the next financial year may not be taken into account in determining an allocation to the Party concerned during that financial year.

(2) All political parties which received funding in terms of the repealed KwaZulu-Natal Funding of Represented Political Parties Act, 2008 (Act No. 7 of 2008), must, with regard to the spent portion of the allocation, submit audited accounts, statements and report of the auditor to the Secretary of the Legislature.

(3) The audited accounts, statements and report of the auditor referred to in subsection (2) must be submitted within three months of the end of the 2020/2021 financial year, provided that the audited accounts, statements and report of the auditor for the unspent funds referred to in section 3(1) above must be submitted within six months of the end of the 2020/2021 financial year.

(4) If, after studying the financial reports, the Secretary of the Legislature is of the view that the

funds were spent for activities mentioned in section 6(7) of the repealed KwaZulu-Natal Funding of Represented Political Parties Act, 2008 (Act No. 7 of 2008), he or she may institute civil proceedings to recover such funds or set off the amount irregularly spent against any allocation that may become payable to that Party.

Short title

4. This Act is called the KwaZulu-Natal Funding of Represented Political Parties Act Repeal Act, 2021.

KENNISGEWING 3 VAN 2021

[Engelse teks deur die Premier geteken]

**KWAZULU-NATALSE WET OP DIE BEFONDSING
VAN VERTEENWOORDIGDE POLITIEKE PARTYE,
2021.**

(No. 06 van 2021)

Goedgekeur op 31-03-2021

WET

Om voorsiening te maak vir die herroeping van die KwaZulu-Natalse Wet op die Befondsing van Verteenwoordigde Politieke Partye, 2008; en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die provinsie van KwaZulu-Natal, soos volg:-

Herroeping van Wet 7 van 2008

1. Die KwaZulu-Natalse Wet op die Befondsing van Verteenwoordigde Politieke Partye, 2008 (Wet No. 7 van 2008), word hiermee herroep.

Ontbinding van die Fonds vir Politieke Partye gestig ingevolge herroepe KwaZulu-Natalse Wet op die Befondsing van Verteenwoordigde Politieke Partye, 2008

2.(1) Die Fonds vir Politieke Partye gestig ingevolge artikel 3 van die herroepe KwaZulu-Natalse Wet op die Befondsing van Verteenwoordigde Politieke Partye, 2008 (Wet No. 7 van 2008), word hiermee ontbind en afgeskaf.

(2) Alle bates, laste, regte, pligte en verpligtinge, insluitend enige onbestede gedeelte van enige opgelope fondse of fondse ontvang deur die afgeskafte Fonds vir Politieke Partye word oorgeplaas na, en berus by, die KwaZulu-Natalse Wetgewer.

(3) Die KwaZulu-Natalse Wetgewer is, met betrekking tot die bates, laste, regte, pligte en verpligtinge en fondse vermeld in subartikel (2), vir alle doeleindes die regsopvolger van die afgeskafte Fonds vir Politieke Partye.

Oorgangsreëlings

3.(1) Alle onbestede gedeeltes van enige fondse waarmee 'n politieke party gekrediteer staan ten opsigte van 'n bankrekening beoog in artikel 8(1) van die herroepe KwaZulu-Natalse Wet op die Befondsing van Verteenwoordigde Politieke Partye, 2008 (Wet No. 7 van 2008), moet in die boeke en rekeningstate van die Party aangedui word as 'n kredietsaldo en na die volgende boekjaar oorgedra word: Met dien verstande dat –

- (a) die geld wat oorgedra mag word beperk is tot 'n bedrag wat nie 25% van die toekenning wat vir die boekjaar aan daardie Party gemaak is, oorskry nie; en
- (b) die geld wat na die volgende boekjaar oorgedra word, nie in berekening gebring mag word by die bepaling van 'n toekenning aan die betrokke Party gedurende daardie boekjaar nie.

(2) Alle politieke partye wat befondsing ingevolge die herroepe KwaZulu-Natalse Wet op die Befondsing van Verteenwoordigde Politieke Partye, 2008 (Wet No. 7 van 2008) ontvang, moet

met betrekking tot die bestede gedeelte van die toekenning, geouditeerde rekeninge, state en ouditeursverslag by die Sekretaris van die Wetgewer indien.

(3) Die geouditeerde rekeninge, state en ouditeursverslag vermeld in subartikel (2) moet binne drie maande na die einde van die 2020/2021 boekjaar ingedien word; met dien verstande dat die geouditeerde rekeninge, state en ouditeursverslag vir die onbestede fondse vermeld in artikel 3(1) hierbo, binne ses maande na die einde van die 2020/2021 boekjaar ingedien moet word.

(4) Indien die Sekretaris van die Wetgewer, na bestudering van die finansiële verslae, van mening is dat die fondse bestee is vir aktiwiteite vermeld in artikel 6(7) van die herroepe KwaZulu-Nataalse Wet op die Befondsing van Verteenwoordigde Politieke Partye, 2008 (Wet No. 7 van 2008), kan hy of sy siviele verrigtinge instel om sodanige fondse te verhaal of die bedrag wat onreëlmatig bestee is, teen enige toekenning wat aan daardie Party verskuldig mag raak, verreken.

Kort titel

4. Hierdie Wet word genoem die Herroepingswet op die KwaZulu-Nataalse Wet op die Befondsing van Verteenwoordigde Politieke Partye, 2021.

[Umbhalo wesiNgisi unyathelwe nguNdunankulu]

**UMTHETHO WOKUCHITHA UMTHETHO
WAKWAZULU-NATALI WOKUXHASWA
KWAMAQEMBU EZOMBUSAZWE EMELELEKILE, KA-
2021**

(Umthetho Na. 06 ka 2021)

Uvunywe mhlaka

UMTHETHO

Ukuhlinzekela ukuchithwa koMthetho waKwaZulu-Natali Wokuxhaswa Kwamaqembu Ezombusazwe Amelelekile, ka-2008; kanye nokuhlinzekela ezinye izindaba eziphathele nalokho.

MAKUMISWE UMTHETHO yiSishayamthetho seSifundazwe saKwaZulu-Natali, kanje:-

Ukuchithwa koMthetho 7 ka-2008

1. UMthetho waKwaZulu-Natali Wokuxhaswa Kwamaqembu Ezombusazwe Amelelekile, ka-2008 (uMthetho No. 7 ka-2008), ngalokhu uyachithwa.

Ukugoqwa kweSikhwama Samaqembu Ezombusazwe ngokulandela uMthetho ochithiwe waKwaZulu-Natali Wokuxhaswa Kwamaqembu Ezombusazwe Amelelekile, ka-2008

2.(1) ISikhwama Samaqembu Ezombusazwe esasungulwa ngokulandela isigaba 3 soMthetho ochithiwe waKwaZulu-Natali Wokuxhaswa Kwamaqembu Ezombusazwe Amelelekile, ka-2008 (uMthetho No. 7 ka-2008) ngalokhu siyagoqwa futhi siyavalwa.

(2) Zonke izimpahla, izikweletu, amalungelo, izibopho nemisebenzi, kubandakanya nanoma yiziphi izimali eziqokelelwe noma ezemukelwe yiSikhwama Samaqembu Ezombusazwe esesivaliwe kudluliselwa, futhi kungena ngaphansi kweSishayamthetho saKwaZulu-Natali.

(3) ISishayamthetho saKwaZulu-Natali, mayelana nalezi zimpahla, izibopho, amalungelo, imisebenzi nezimali okubalulile esigatshaneni (2) ngenhla, sithatha indawo yeSikhwama Samaqembu Ezombusazwe esivaliwe sahlakazwa ngazo zonke izinhloso.

Izinhlelo Zesikhashana

3.(1) Zonke izingxenye zanoma yiziphi izimali ezingasetshenzisiwe ezisalele iqembu lezombusazwe mayelana ne-akhawunti yasebhange okukhulunywa ngayo esigabeni 8(1) soMthetho ochithiwe waKwaZulu-Natali Wokuxhaswa Kwamaqembu Ezombusazwe Amelelekile, ka-2008 (uMthetho No. 7 ka-2008), kumele zikhonjiswe emabhukwini nakumarekhodi alelo Qembu njengemali esele okumele idluliselwe onyakeni wezimali olandelayo: Inqobo nje uma –

(a) leyo mali okumele idluliselwe onyakeni olandelayo kuyisamba esingevile kumaphesenti angama-25 emali eyabelwe lelo Qembu kulowo nyaka wezimali; futhi

(b) leyo mali edluliselwe onyakeni olandelayo ingeke ibalwe uma sekunqunywa isamba semali ezokwabelwa lelo Qembu kulowo nyaka wezimali.

(2) Wonke amaqembu ezombusazwe athola uxhaso ngokoMthetho ochithiwe waKwaZulu-Natali Wokuxhaswa Kwamaqembu Ezombusazwe Amelelekile, ka-2008 (uMthetho No. 7 ka-2008), mayelana nengxenye esisetshenzisiwe yesabelo sawo, kumele ethule ama-akhawunti acwangingiwe, izitatimende zezimali kanye nombiko womcwaningi-mabhuku kuNobhala weSishayamthetho.

(3) La ma-akhawunti acwangingiwe, izitatimende nombiko womcwaningi-mabhuku okukhulunywa

ngakho esigatshaneni (2) ngenhla kumele kwethulwe zingakapheli izinyanga ezintathu kusukela ekupheleni konyaka wezimali ka-2020/2021, kweyame ekutheni ama-akhawunti acwaningiwe, izitatimende kanye nombiko womcwaningi-mabhuku kwezimali ezingasetshenziswanga okukhulunywa ngazo esigabeni 3(1) ngenhla kumele zethulwe zingakadluli izinyanga eziyisithupha kuphele unyaka wezimali ka-2020/2021.

(4) Uma, emva kokucubungula imibiko yezimali, uNobhala weSishayamthetho ebona ukuthi izimali zisetshenziselwa imisebenzi ebekiwe esigabeni 6(7) soMthetho ochithiwe waKwaZulu-Natali Wokuxhaswa Kwamaqembu Ezombusazwe Amelelekile, ka-2008 (uMthetho No. 7 ka-2008), angathatha izinyathelo zomthetho ukuze kubuye lezo zimali noma abambe leyo mali engasebenzanga ngokufanele esabelweni salelo Qembu.

Isihloko esifushane

4. Lo Mthetho ubizwa ngoMthetho Wokuchitha uMthetho WaKwaZulu-Natali Wokuxhaswa Kwamaqembu Ezombusazwe Amelelekile, ka-2021.

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