

**NORTH WEST
NOORDWES**

**EXTRAORDINARY
PROVINCIAL GAZETTE**

**BUITENGEWONE
PROVINSIALE KOERANT**

Vol. 251

**28 OCTOBER 2008
OKTOBER**

No. 6550

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GENERAL NOTICE

NOTICE 608 OF 2008

Note the following contact details for receiving comments on this bill:

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**THE NORTH WEST TENDER BOARD REPEAL BILL,
2008**

[ASSENTED TO _____]

[DATE OF COMMENCEMENT _____]

BILL

To provide for the repeal of the North West Tender Board Act, 1994; to provide for the disestablishment of the North West Tender Board; to provide for the winding up of the affairs of the North West Tender Board; to provide for the transfer of assets, powers, functions, rights, duties and obligations of the North West Tender Board; and to provide for matters incidental thereto.

ARRANGEMENT OF SECTIONS

1. Definitions
2. Disestablishment of the North West Tender Board
3. Transfer of powers, functions, rights, duties and obligations of the Tender Board to the North West Provincial Treasury
4. Repeal and savings
5. Short title and commencement

BE IT ENACTED by the Legislature of the North West Province as follows:-

1. **Definitions** – in this Act, unless the context indicates otherwise -

“**Board**” means the North West Tender Board established in terms of section 2 of the North West Tender Board Act, 1994 (Act No. 3 of 1994);

“**Department**” means the North West Provincial Department of Finance;

“**Province**” means the North West Province as established in terms of section 103(1)(h) of the Constitution;

“**Provincial Treasury**” means the treasury for the North West Province established in terms of section 17 of the PFMA, and includes the MEC and the Department;

“**The Act**” means the North West Tender Board Repeal Act, 2008.

2. Disestablishment of the North West Tender Board

(1) The North West Tender Board, a body established in terms of section 2 of Act No. 3 of 1994 is hereby disestablished.

(2) Subject to the provisions of subsection (1), the term of office of all members of the Board who are still in office immediately at the commencement of this Act are hereby terminated.

(3) The chairperson of the Board shall transfer all records of the Board to the Provincial Treasury.

3. Transfer of powers, functions, rights, duties and obligations of the Board

(1) (a) A contract concluded by the Board that benefits a single Department and that is still in force at the time of repeal of the North West Provincial Tender Board Act, 1994 (Act 3 of 1994), by section 4 of this Act, must as from the date of repeal of Act 3 of 1994 be managed by that Department as if the Department has concluded the contract.

- (b) A contract concluded by the Board that benefits more than one Provincial Department and that is still in force at the time of repeal of the North West Provincial Tender Board Act, 1994, must as from the date of repeal of the Act 3 of 1994 be managed by the Provincial Treasury on behalf of those Departments as if the Provincial Treasury has concluded the contract on behalf of those Departments.
- (2) Any power, function, right whether tangible or intangible or vested or not, of the Board whether such power or right is conferred by or arises from contractual agreement or otherwise prior to the disestablishment of the Board shall vest in the Provincial Treasury.
- (3) All movable assets of the Board shall be transferred to and vest in the Provincial Treasury.
- (4) All liabilities and obligations, whether contingent or vested or latent, of the Board, whether such liability or obligation is assigned by or arises from contractual agreement or otherwise, shall be transferred to the Provincial Treasury immediately at the commencement of this Act.
- (5) The Provincial Treasury shall in respect of assets, liabilities, rights, duties and obligations so transferred to it be deemed to be the successor in law of the Board.

4. Repeal of laws and savings

- (1) The laws appearing in the Schedule attached hereto are repealed to the extent indicated in the third column of the Schedule.

(2) Notwithstanding the repeal of any law in terms of subsection (1), anything done under any such law by the Board or its predecessor and which could have been done under a provision of any such law shall be deemed to have been done lawfully in terms of this Act.

5. Short title and commencement

This Act is called the North West Tender Board Repeal Act, 2008 and shall come into operation on the date of promulgation.

SCHEDULE OF REPEALS

Number and Year of Law	Short Title of Law	Extent of Repeal
3 of 1994	North West Tender Board Act	The Whole
4 of 1998	North West Tender Board Amendment Act	The Whole
5 of 2000	North West Tender Board Amendment Act	The Whole
9 of 2003	North West Tender Board Amendment Act	The Whole