PROVINCE OF WESTERN CAPE

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CONTENTS

PROVINCIAL NOTICE

The following Bill is hereby published for general information:

Western Cape Provincial Capital Fund Ordinance Amendment Bill [B1—2007]

P.N. 35/2007 20 February 2007

Any person or organization wishing to comment on the said Bill is requested to lodge such comment in writing before or on 13 March 2007:

(a) by posting it to:
The Secretary:
Western Cape Provincial Parliament
(Attention: Mr. M. Sassman)
P.O. Box 648
Cape Town
8000

(b) by email to:
msassman@wcpp.gov.za

(c) by fax to:
M. Sassman
(021) 487-1685

P. G. Williams
Secretary to Parliament

PROVINSIE WES-KAAP

Buitengewone Provinsiale Koerant

6416

Dinsdag, 20 Februarie 2007

As 'n Nuusblad by die Poskantoor Geregistreer

INHOUD

PROVINSIALE KENNISGEWING

Die volgende Wetsontwerp word hierby vir algemene inligting gepubliseer:

Wes-Kaapse Provinsiale Kapitaalfonds-Ordonnansie Wysigingswetsontwerp [W 1—2007]

P.K. 35/2007 20 Februarie 2007

Enige persoon of organisasie wat kommentaar oor die genoemde Wetsontwerp wens te lewer, word versoek om sodanige kommentaar skriftelik te lewer voor of op 13 Maart 2007:

(a) deur dit te pos aan:
Die Sekretaris:
Wes-Kaapse Provinsiale Parlement
(Aandag: Mnr. M. Sassman)
Posbus 648
Kaapstad
8000

(b) deur dit te epos aan:
msassman@wcpp.gov.za

(c) deur dit te faks aan:
M. Sassman
(021) 487-1685

P. G. Williams
Sekretaris van die Parlement

IPHONDO LENTSHONA KOLONI

Isongezelelo kwiGazethi yePhondo

6416

Lwesibini, 20 Febhruwari 2007

Ibhaliswe ePosini njengePhephandaba

IZIQULATHO

ISAZISO SEPHONDO

Lo Mthetho uSayilwayo ulandelayo upapashwa apha ukunika ulwazi ngokubanzi:

uMthetho oSayilwayo woLungiso woMiselo leNgxowamali weNtshona Koloni [B 1—2007]

P.N. 35/2007 20 Febhruwari 2007

Nabani na okanye nawuphi na umbutho onqwenela ukuphawula ngalo Mthetho uSayilwayo kuthethwa ngawo uyacelwa ukuba afake izimvo zakhe phambi okanye ngomhla wama-13 uMatshi 2007:

(a) ngokuwuposela ku:
Nobhala oBambeleyo
INtshona Koloni IPalamente ye-Phondo (Iya ku: Mr. M. Sassman)
P.O. Box 648
EKapa
8000

(b) nge-imeyile ku:
msassman@wcpp.gov.za

(c) ngefeksi ku:
M. Sassman
(021) 487-1685

P. G. Williams
UNobhala

BILL

To amend the Provincial Capital Fund Ordinance, 1962, so as to do away with the charging of interest on capital amounts in respect of certain accounts and the charging of rental in respect of the use of accommodation in provincial buildings for certain stores; to abolish the Stores Branch and Requisites Depot, and the School Requisites Store Account; and to provide for matters incidental thereto.

BE IT ENACTED by the Provincial Parliament of the Western Cape as follows:—

Amendment of section 3 of Ordinance 3 of 1962 as substituted by Proclamation 20 of 1992

1. (1) Section 3 of the Provincial Capital Fund Ordinance, 1962 (''the Ordinance''), is amended by:

(a) the deletion of subparagraphs (i), (ii), (iii) and (iv) of paragraph *(a)* of subsection (3); and

(b) the deletion of subparagraphs (i), (ii) and (iii) of paragraph *(b)* of subsection (3).

(2) Subsection (1)*(a)* is deemed to have come into effect on 1 April 1996 in so far as it relates to interest on trading capital in respect of the Central Medical- and the Cape Provincial Regional Requisites Stores Trading Account.

Abolition of Stores Branch and Requisites Depot

2. The Stores Branch and Requisites Depot referred to in section 3(3)*(a)*(ii) and *(b)*(i) of the Ordinance is abolished and must be wound up.

Abolition of Schools Requisites Store Account

3. The School Requisites Store Account referred to in column 1 of Schedule 1 to the Ordinance is abolished, and the balance in the account must be transferred to the Provincial Revenue Fund.

Amendment of Schedule 1 to Ordinance 3 of 1962, as amended by section 6 of Ordinance 7 of 1964 and Proclamation 20 of 1992

4. Schedule 1 of the Ordinance is amended by the deletion of the reference to the Schools Requisites Store Account in column 1 and the concomitant amount in column 2.

Short title

5. This Act is called the Provincial Capital Fund Ordinance Amendment Act, 2007.

EXPLANATORY MEMORANDUM

The Provincial Capital Fund Ordinance 3 of 1962 (''the Ordinance'') provides for, amongst others, the establishment of a Provincial Working Capital Fund which must be credited with amounts allocated to the respective accounts referred to in the Ordinance. The Ordinance further provides for interest to be charged on capital amounts appropriated in respect of certain trading accounts listed therein, as well as for rental, which must be charged for the use of accommodation in provincial buildings.

The Ordinance was erroneously omitted from the national proclamations that assigned competencies to the provinces in 1994. The State President only assigned the Ordinance to this Province on 21 November 2001.

The Ordinance requires an amendment for the following reasons:

- Interest charged on the capital accounts and rental charged on provincial buildings referred to in the Ordinance was charged to augment the Provincial Revolving Loan Fund, which was abolished with effect from 1 April 1992. No provision for the charging of interest on capital accounts or rental is made in the Manual for Trading and Related Accounts issued by the Department of State Expenditure (Circular No. 14/1995 dated 15 May 1995).

- The abolition of the charging of interest on such accounts would be consistent with all the other Provinces.

- Section 3(3)*(b)* of the Ordinance makes provision for the charging of rental in respect of the use of accommodation in provincial buildings in respect of Pharmaceutical Stores and Hospital Regional Stores. Originally, the rental received was used to enlarge the said Provincial Revolving Loan Fund. When that Fund was abolished, the rental was recognised as revenue within the Provincial Revenue Fund. This nullified the purpose of charging rental on capital account.

Clause 1

Subclause (1) of clause 1 provides for the deletion of subparagraphs pertaining to the charging of interest on certain capital amounts and rental charged for the use of accommodation in certain provincial buildings.

Subclause (2) provides for the retrospective abolition to 1 April 1996 of the charging of interest on trading capital in respect of the Central Medical- and the Cape Provincial Regional Stores Trading Account.

Clause 2

Clause 2 provides for the abolition and winding-up of the Stores Branch and Requisites Depot.

Clause 3

Clause 3 provides for the abolition of the Schools Requisites Store Account and the transferral of the balance in this account to the Provincial Revenue Fund.

Clause 4

Clause 4 provides for the deletion of the reference to the Schools Requisites Store in the Schedule to the Ordinance.

Clause 5

Clause 5 provides for the short title of the Amendment Act.

WETSONTWERP

Om die Provinsiale Kapitaalfonds-ordonnansie, 1962, te wysig ten einde weg te doen met die heffing van rente op die gebruik van kapitaalbedrae met betrekking tot sekere rekeninge en die heffing van huurgeld met betrekking tot die gebruik van akkommodasie in provinsiale geboue vir sekere winkels; om die Voorradetak- en Benodigdhedemagasyn, en die Magasyn vir Skoolbenodigdhede rekening af te skaf, en om voorsiening te maak vir sake behorende daartoe.

DAAR WORD BEPAAL deur die Provinsiale Parlement van die Wes-Kaap, soos volg:—

Wysiging van artikel 3 van Ordonnansie 3 van 1962 soos vervang deur Proklamasie 20 van 1992

1. (1) Artikel 3 van die Provinsiale Kapitaalfonds-ordonnansie, 1962 (''die Ordonnansie''), word gewysig deur:

(a) die skrapping van subparagrawe (i), (ii), (iii) en (iv) van paragraaf *(a)* van subartikel (3); en

(b) die skrapping van subparagrawe (i), (ii) en (iii) van paragraaf *(b)* van subartikel (3).

(2) Subartikel (1)*(a)* word geag op 1 April 1996 in werking te getree het sover dit betrekking het op rente op handelskapitaal met betrekking tot die Sentrale Mediese en die Kaapse Provinsiale Streekswinkel-handelsrekening.

Afskaffing van Voorradetak- en Benodigdhedemagasyn

2. Die Voorradetak- en Benodigdhedemagasyn waarna daar in artikel 3(3)*(a)*(ii) en *(b)*(i) van die Ordonnansie verwys word, word afgeskaf en moet beredder word.

Afskaffing van Magasyn vir Skoolbenodigdhede Rekening

3. Die Magasyn vir Skoolbenodigdhede Rekening waarna daar in kolom 1 van Bylae 1 tot die Ordonnansie verwys word, is afgeskaf en die saldo in hierdie rekening moet na die Provinsiale Inkomstefonds oorgedra word.

Wysiging van Bylae 1 tot Ordonnansie 3 van 1962, soos gewysig deur artikel 6 van Ordonnansie 7 van 1964 en Proklamasie 20 van 1992

4. Bylae 1 van die Ordonnansie word gewysig deur die skrapping van die verwysing na die Magasyn vir Skoolbenodigdhede Rekening in kolom 1 en die meegaande bedrag in kolom 2.

Kort titel

5. Hierdie Wet word die Wysigingswet op die Provinsiale Kapitaalfonds-ordonnansie, 2007, genoem.

VERKLARENDE MEMORANDUM

Die Provinsiale Kapitaalfonds-ordonnansie 3 van 1962 ("die Ordonnansie") maak onder andere voorsiening vir die stigting van 'n provinsiale bedryfskapitaalfonds wat gekrediteer moet word met bedrae wat toegewys moet word aan die onderskeie rekeninge waarna daar in die Ordonnansie verwys word. Die Ordonnansie maak verder voorsiening vir rente wat gehef moet word op kapitaalbedrae wat bestem word vir sekere handelsrekeninge wat daarin gelys word, asook vir huurgeld, wat vir die gebruik van akkommodasie in provinsiale geboue gehef word.

Die Ordonnansie is foutiewelik weggelaat uit die nasionale proklamasies wat in 1994 bevoegdhede aan die provinsies toegewys het. Die Staatspresident het eers op 21 November 2001 die Ordonnansie aan hierdie Provinsie toegewys.

Die Ordonnansie vereis om die volgende redes 'n wysiging:

- Rente op die kapitaalrekeninge en huur op provinsiale geboue waarna daar in die Ordonnansie verwys word, is gehef om die Provinsiale Wentelleningsfonds aan te vul, wat op 1 April 1992 afgeskaf is. Die Handleiding vir Handels- en Verwante Rekeninge wat deur die Departement van Staatsbesteding uitgereik is (Omsendbrief 14/1995 gedateer 15 Mei 1995), maak geen voorsiening vir die heffing van rente op kapitaalrekeninge of huur nie.

- Die afskaffing van die heffing van rente op sodanige rekeninge sal met gebruike in al die ander Provinsies ooreenstem.

- Artikel 3(3)*(b)* van die Ordonnansie maak voorsiening vir die heffing van rente op die gebruik van akkommodasie in provinsiale geboue deur farmaseutiese winkels en hospitaalstreekswinkels. Die huurgeld wat ontvang is, is oorspronklik gebruik om genoemde Provinsiale Wentelleningsfonds aan te vul. Toe daardie fonds afgeskaf is, is die huur as inkomste in die Provinsiale Inkomstefonds erken. Dit het die doel om huur op die kapitaalrekening te hef, uitgeskakel.

Klousule 1

Subklousule (1) van klousule 1 maak voorsiening vir die skrapping van subparagrawe wat op die heffing van rente op sekere kapitaalbedrae en huur wat gehef word vir die gebruik van akkommodasie in sekere provinsiale geboue betrekking het.

Subklousule (2) maak voorsiening vir die terugwerkende afskaffing tot 1 April 1996 van die heffing van rente op handelskapitaal met betrekking tot die Sentrale Mediese en die Kaapse Provinsiale Streekswinkel-handelsrekening.

Klousule 2

Klousule 2 maak voorsiening vir die afskaffing en likwidering van die Voorradetak- en Benodigdhedemagasyn.

Klousule 3

Klousule 3 maak voorsiening vir die afskaffing van die Magasyn vir Skoolbenodigdhede Rekening en die oordrag van die saldo in hierdie rekening na die Provinsiale Inkomstefonds.

Klousule 4

Klousule 4 maak voorsiening vir skrapping van die verwysing na die Magasyn vir Skoolbenodigdhede rekening in die Bylae tot die Ordonnansie.

Klousule 5

Klousule 5 maak voorsiening vir die kort titel van die Wysigingswet.

UMTHETHO OSAYILWAYO

Ukulungisa uMiselo lweNgxowamali yePhondo, 1962, ukwenzela ukuba kupheliswe ukuxhuzulwa kwemali-nzala yeemali eziyikuazi ezinxulumene neeakhawunti ezithile kunye nokubizwa kwerenti yeendawo ezithile zogcino-mpahla ezikwizakhiwo zephondo; ukuvala iCandelo lezoGcino-mpahla kunye noVimba weziSetyenziswa kunye neAkhawunti yeziSetyenziswa zeZikolo; kananjalo nokulungiselela imiba enxulumene nezo zinto.

KUWISWA UMTHETHO KE NGOKO yiPalamente yePhondo leNtshona Koloni ngale ndlela ilandelayo:—

Ukulungiswa kwecandelo 3 loMiselo 3 luka-1962 njengoko kungeniswe iSibhengezo 20 ka-1992 endaweni yayo

1. (1) ICandelo 3 loMiselo lweNgxowa-mali yeKapitali yePhondo, 1962 (''uMiselo''), lulungiswa ngokuthi:

(a) kucinywe imihlathana (i), (ii), (iii) nomhlathana (iv) womhlathi *(a)* wecandelwana (3); kananjalo

(b) kucinywe imihlathana (i), (ii) nomhlathana (iii) womhlathi *(b)* wecandelwana (3).

(2) ICandelwana (1)*(a)* lithatyathwa njengelithe laqalisa ukusebenza ngomhla woku-1 kuEpreli 1996 ngokunxulumene nemali-nzala kwimali eyinkunzi yokurhwebelana ngokubhekiselele kwiAkhawunti eNkulu yoRwebo ndawonye neAkhawunti yoku-Rhwebelana yeeNdawo zoGcino-mpahla zeeNqila zePhondo.

Ukuvalwa kweCandelo loGcino-mpahla noVimba weziSetyenziswa

2. ICandelo loGcino Mpahla kunye noVimba weziSetyenziswa ekubhekiswe kulo kwicandelo 3(3)*(a)*(ii) necandelo *(b)*(ii) loMiselo liyavalwa kwaye kufuneka kuqosheliswe imicimbi yalo ke ngoko.

Ukuvalwa kweAkhawunti yeziSetyenziswa zeziKolo

3. IAkhawunti yeziSetyenziswa zeZikolo ekubhekiswe kuyo kwikholam 1 yeShedyuli 1 yoMiselo iyavalwa kwaye imali eyintsalela ekuloo akhawunti kufuneka idluliselwe kwiNgxowa-mali yeNgeniso yePhondo.

Ukuhlonyelwa kweShedyuli 1 yoMiselo 3 ka-1962, njengoko ilungigiwe licandelo 6 yoMiselo 7 ka-1964 yeSibhengezo20 ka 1992

4. IShedyuli 1 yoMiselo ihlonyelwa ngokucima oko kuthethwa ngako ngokubhekiselele kwiNdawo yoGcino-ziSetyenziswa zeZikolo kwikholam 1 kunye nemali ekwikholam 2.

Isihloko esifutshane

5. Lo Mthetho kuthiwa nguMthetho woLungiso woMiselo lweNgxowa-mali yePhondo, 2007.

IMEMORANDAM ECACISAYO

UMiselo 3 luka 1962 (''uMiselo'') lweNgxowa-mali yePhondo, phakathi kwezinye izinto, ilungiselelwe ukumiselwa kweNgxowa-mali yeKapitali eSetyenzisway0 yePhondo ekufuneka inikwe imali eyabelwe iiakhawunti ekubhekiswe kuzo kuMiselo. Olu Miselo kananjalo lulungiselela ukuba kuxhuzulwe imali-nzala kwiimali eziyikapitali ezabelwe iiakhawunti ezithile zokurhwebelana nezidweliswe kuyo, ndawonye nerenti efanele ukubizelwa ukusetyenziswa kweendawo ezikwizakhiwo zephondo.

Olu Miselo lwashiyeka ngempazamo kwisibhengexo sesizwe esanika amaphondo amagunya okwenza imisebenzi ethile ngowe-1994. UMongameli-mbuso olu Miselo ulunikele kweli Phondo kuphela ngomhla wama-21 kuNovemba 2001.

Olu Miselo lufuna isilungiso ngenxa yezi zizathu zilandelayo:

- Imali-nzala exhuzulwa kwiiakhawunti zekapitali kunye nerenti ebizwa kwizakhiwo zephondo ekubhekiswe kuzo kwiOdinensi yabizelwa ukuxhasa iMali-mboleko eJikelezayo yePhondo, eyapheliswa ukususela ngomhla woku-1 kuEpreli 1992. Akukho malungiselelo enzelwe ukuxhuzula imali-nzala kwiiakhawunti zekapitali okanye kwirenti kwiNcwadana yoRhwebelwano neeAkhawunti eziNxulumeneyo neyakhutshwa liSebe leNkcitho kaRhulumente (Isetyula engunombolo 14/1995 yomhla we-15 kuMeyi 1995).

- Ukupheliswa kokuxhuzulwa kwemali-nzala kwezo akhawunti kuya kufana noko kwenzeka kwamanye amaPhondo.

- ICandelo 3(3)*(b)* Olu Miselo lilungiselela ukubizwa kwerenti yokusebenzisa indawo ekwizakhiwo zephondo ngokubhekiselele kwiiNdawo zoGcino-mpahla engaMachiza neeNdawo zoGcino-mpahla ezikwiinqila zezibhedlele. Ekuqaleni phaya irenti eyayifunyanwa yayisetyenziselwa ukwandisa iNgxowa-mali yePhondo yeMali-mboleko eJikelezayo. Mhla kwapheliswa loo Ngxowa-mali irenti yathatyathwa njengengeniso yeNgxowa-mali yeNgeniso yePhondo. Loo nto yatsho yayicima imfuneka yokubiza irenti kwiakhawunti yekapitali.

Igatya 1

Igatyana (1) legatya 1 lilungiselelwe ukucinywa kwemihlathana enxulumene nokuxhuzulwa kwemali-nzala kwiimali ezithile eziyikapitali kunye nerenti ebizelwa ukusetyenziswa kweendawo ezikwizakhiwo ezithile zephondo.

Igatyana (2) lilungiselelwe ukupheliswa kwangaphambili ngomhla woku-1 kuEpreli kokuxhuzulwa kwemali-nzala kwikapitali yorhwebelwano ngokubhekiselele kwiAkhawunti eNkulu yezaMayeza kunye neAkhawunti yoRhwebelwano yeeNdawo zoGcino-mpahla zePhondo leNtshona Koloni.

Igatya 2

Igatya 2 lilungiselelwe ukuvalwa nokuqosheliswa kwemicimbi yeCandelo loGcino-mpahla noVimba weziSetyenziswa.

Igatya 3

Igatya 3 lilungiselelwe ukuvalwa kweAkhawunti yeziSetyenziswa zeZikolo nokudluliselwa kwemali eseleyo kwiNgxowa-mali yeNgeniso yePhondo.

Igatya 4

Igatya 4 lilungiselelwe ukucinywa koko kuthethwa ngako ngokubhekiselele kuGcino-zisetyenziswa zeZikolo kwiShedyuli yoMiselo.

Igatya 5

Igatya 5 lilungiselelwe isihloko esifutshane soMthetho woLungiso.

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