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**October  
Oktober 2005**

**No. 28105**

**THE PRESIDENCY**

No. 990

6 October 2005

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

**No. 18 of 2005: Defence Special Account Amendment Act, 2005.**

**DIE PRESIDENSIE**

No. 990

6 Oktober 2005

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

**No. 18 van 2005: Wysigingswet op die Spesiale Verdedigingsrekening, 2005.**

**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 3 October 2005.)

# ACT

**To amend the Defence Special Account Act, 1974, so as to bring it in line with certain Acts of Parliament; and to provide for matters connected therewith.**

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 6 of 1974, as substituted by section 21 of Act 102 of 1976 and amended by section 1 of Act 17 of 1981, section 10 of Act 113 of 1984 and section 1 of Act 71 of 1995** 5

1. Section 1 of the Defence Special Account Act, 1974 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the deletion of paragraph (b); and

(b) by the substitution for paragraph (cA) of the following paragraph:

“(cA) the proceeds derived from the sale, in accordance with the provisions of any law, of **[armaments]** defence matériel, as defined in section 1 of the **[Armaments Development and Production Act, 1968 (Act No. 57 of 1968)]** Armaments Corporation of South Africa, Limited Act, 2003 (Act No. 51 of 2003), which have been purchased in accordance with the provisions of section 2(2)(a) of this Act;”. 10 15

**Repeal of section 1A of Act 6 of 1974**

2. Section 1A of the principal Act is hereby repealed.

**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, section 7 of Act 142 of 1992 and section 3 of Act 71 of 1995** 20

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)]** Public Finance Management Act, 1999 (Act No. 1 of 1999), and the accounting officer of the Department of Defence shall be charged with the responsibility of administering and accounting for the moneys in the account received by him or her and moneys paid from the 25

**ALGEMENE VERDUIDELIKENDE NOTA:**

- [ ] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- \_\_\_\_\_ Woorde met 'n volstreep daaronder dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken.)  
(Goedgekeur op 3 Oktober 2005.)*

**WET**

**Tot wysiging van die Wet op die Spesiale Verdedigingsrekening, 1974, ten einde dit in ooreenstemming te bring met sekere Parlements wette; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.**

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 6 van 1974, soos vervang deur artikel 21 van Wet 102 van 1976 en gewysig deur artikel 1 van Wet 17 van 1981, artikel 10 van Wet 113 van 1984 en artikel 1 van Wet 71 van 1995** 5

1. Artikel 1 van die Wet op die Spesiale Verdedigingsrekening, 1974 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur paragraaf (b) te skrap; en

(b) deur paragraaf (cA) deur die volgende paragraaf te vervang:

“(cA) die opbrengs verkry uit die verkoop, ooreenkomstig die bepaling van die een of ander wet, van [krygstuig] verdedigingsmaterieel, soos in artikel 1 van die [Wet op Krygstuigontwikkeling en -vervaardiging, 1968 (Wet No. 57 van 1968)] Wet op die Krygstuigkorporasie van Suid-Afrika, Beperk, 2003 (Wet No. 51 van 2003), omskryf, wat ooreenkomstig die bepaling van artikel 2(2)(a) van hierdie Wet aangekoop is;” 10  
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**Herroeping van artikel 1A van Wet 6 van 1974**

2. Artikel 1A van die Hoofwet word hierby herroep.

**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, artikel 7 van Wet 142 van 1992 en artikel 3 van Wet 71 van 1995** 20

3. Artikel 2 van die Hoofwet word hierby gewysig—

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

“(a) Behoudens die bepaling van hierdie Wet, is die geld in die rekening Staatsgeld vir die doeleindes van die [Skatkiswet, 1975 (Wet No. 66 van 1975)] Wet op Openbare Finansiële Bestuur, 1999 (Wet No. 1 van 1999), en is die rekenpligtige beampte van die Departement van Verdediging belas met die administrasie en verantwoording van die geld 25

account by him or her in connection with the special defence activities and purchases of the Department of Defence referred to in paragraph (a) of subsection (2) and the expenditure referred to in paragraph (b) of that subsection.”;

- (b) by the substitution in subsection (1) for paragraph (c) of the following paragraph: 5

“(c) The provisions of the [**Armaments Development and Production Act, 1968**] Armaments Corporation of South Africa, Limited Act, 2003 (Act No. 51 of 2003), shall, subject to the provisions of section 5 of this Act, apply in respect of the expenditure incurred by the Corporation 10 from the account and the administration of and accounting for the moneys paid therefrom by it, to the exclusion of the provisions of the [**Exchequer Act, 1975**] Public Finance Management Act, 1999, but, in so far as the auditing by the Auditor-General in terms of the said section 5 is concerned, the provisions of [sections 5(9) and 6(1), (2) and (3)(a) 15 of the Auditor-General Act, 1989 (Act No. 52 of 1989)] the Public Audit Act, 2004 (Act No. 25 of 2004), shall apply.”;

- (c) by the substitution for subsection (2) of the following subsection:

“(2) The moneys in the account shall—

- (a) [**with the approval of the Minister of Finance**] be utilized to 20 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)**] 2002 (Act No. 42 of 2002), and purchases of the Department of Defence and the Corporation as the Minister of Defence may from time to time 25 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 Department of Defence out of moneys appropriated by [**the Appropriation or other Act in 30 question**] Parliament.”; and

- (d) by the substitution for subsection (4) of the following subsection:

“(4) Notwithstanding anything to the contrary in any law contained, the banking account for moneys in the account shall be kept in the Paymaster-General’s Account of the National Treasury, and the pay- 35 ments referred to in subsection (3) [**, as well as payments resulting from commitments entered into under section 1A,**] shall be made from the latter account: Provided that the Director-General: [**State Expenditure**] National Treasury or any person in the [**Department of State Expenditure**] National Treasury designated by him or her, may 40 authorize a person or persons employed by the Department of Defence in the Defence Secretariat or the Corporation to sign warrant vouchers necessary for the said payments.”.

#### **Substitution of section 3 of Act 6 of 1974, as amended by section 7 of Act 142 of 1992**

4. The following section is hereby substituted for section 3 of the principal Act: 45

#### **“Investment of balances**

3. Any moneys standing to the credit of the account which are not required for immediate use or as a reasonable working balance, shall be invested with the [**Public Investment Commissioners**] corporation established by section 2 of the Corporation for Public Deposits Act, 1984 50 (Act No. 46 of 1984), and may be withdrawn when required for use.”.

#### **Short title and commencement**

5. This Act is called the Defence Special Account Amendment Act, 2005, and comes into operation on a date determined by the President by proclamation in the *Gazette*.

WYSIGINGSWET OP DIE SPESIALE VERDEDIGINGS- **Wet No. 18, 2005**  
REKENING, 2005

- in die rekening deur hom of haar ontvang en van geld deur hom of haar uit die rekening betaal in verband met die spesiale verdedigings-aktiwiteite en -aankope van die Departement van Verdediging in paragraaf (a) van subartikel (2) bedoel en die uitgawes in paragraaf (b) van daardie subartikel bedoel.”; 5
- (b) deur in subartikel (1) paragraaf (c) deur die volgende paragraaf te vervang:  
“(c) Die bepalings van die [**Wet op Krygstuigontwikkeling en -vervaardiging, 1968**] Wet op die Krygstuigkorporasie van Suid-Afrika, Beperk, 2003 (Wet No. 51 van 2003), is, behoudens die bepalings van artikel 5 van hierdie Wet, ten opsigte van die uitgawes deur die Korporasie uit die rekening aangegaan en die administrasie en verantwoording van die geld deur hom daaruit betaal, van toepassing tot uitsluiting van die bepalings van die [**Skatkiswet, 1975**] Wet op Openbare Finansiële Bestuur, 1999, maar, vir sover dit die ouditering deur die Ouditeur-generaal ingevolge genoemde artikel 5 betref, is die bepalings van [**artikels 5(9) en 6(1), (2) en (3)(a) van die Wet op die Ouditeur-generaal, 1989 (Wet No. 52 van 1989)**] die Wet op Openbare Oudit, 2004 (Wet No. 25 van 2004), van toepassing.”; 10 15
- (c) deur subartikel (2) deur die volgende subartikel te vervang:  
“(2) Die geld in die rekening word— 20
- (a) [**met die goedkeuring van die Minister van 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)**] [**“Defence Act, 2002”**] (Wet No. 42 van 2002), en aankope van die Departement van Verdediging en die Korporasie wat die Minister van Verdediging van tyd tot tyd goedkeur; 25
- (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**] deur die [**betrokke Begrotingswet of ander Wet**] Parlement bewillig is deur die Departement van Verdediging bestry sou word.”; en 30
- (d) deur subartikel (4) deur die volgende subartikel te vervang:  
“(4) Ondanks andersluidende wetsbepalings word die bankrekening vir geld in die rekening in die Betaalmceester-generaalrekening van die Nasionale Tesourie gehou en word die in subartikel (3) bedoelde betalings [**asook betalings wat voortspruit uit verpligtinge kragtens artikel 1A aangegaan,**] uit laasgenoemde rekening gemaak: Met dien verstande dat die Direkteur-generaal: [**Staatsbesteding**] Nasionale Tesourie of iemand in die [**Departement van Staatsbesteding**] Nasionale Tesourie deur hom of haar aangewys, ’n persoon of persone in diens van die Departement van Verdediging in die Verdedigingsekreteriat of die Korporasie kan magtig om die skatkisorders wat nodig is vir bedoelde betalings te teken.”. 35 40

**Vervanging van artikel 3 van Wet 6 van 1974, soos gewysig deur artikel 7 van Wet 142 van 1992**

4. Artikel 3 van Hoofwet word hierby deur die volgende artikel vervang: 45

**“Belegging van saldo’s**

3. Geld waarmee die rekening gekrediteer is en wat nie vir onmiddellike gebruik of as ’n redelike bedryfsaldo nodig is nie, word by die [**Openbare Beleggingskommissarisse**] korporasie ingestel by artikel 2 van die Wet op die Korporasie vir Openbare Deposito’s, 1984 (Wet No. 46 van 1984), belê en kan getrek word wanneer dit vir gebruik nodig is.”. 50

**Kort titel en inwerkingtreeding**

5. Hierdie Wet heet die Wysigingswet op die Spesiale Verdedigingsrekening, 2005, en tree in werking op ’n datum wat deur die President by proklamasie in die *Staatskoerant* bepaal word. 55