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CONTENTS • INHOUD

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
GOVERNMENT NOTICE		
Water Affairs and Forestry, Department of		
<i>Government Notice</i>		
R.1036 National Water Act (36/1998): Regulations on financial assistance to resource poor farmers	3	30427

GOVERNMENT NOTICE

DEPARTMENT OF WATER AFFAIRS AND FORESTRY

No. R. 1036

31 October 2007

REGULATIONS ON FINANCIAL ASSISTANCE TO RESOURCE POOR FARMERS

The Minister of water Affairs and Forestry, Mrs Lindiwe B. Hendricks, has under section 62 read with section 61 of the National Water Act, 1998 (Act No. 36 of 1998) made the regulations in the Schedule.



MRS L B HENDRICKS, MP
MINISTER OF WATER AFFAIRS AND FORESTRY

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act has the meaning so assigned and unless the context indicates otherwise -

"applicant" means a person who applies for financial assistance;

"approved legal entity" means a registered legal entity that has an approved constitution and conducts sustainable water resource management practices;

"DWAF" means the Department of Water Affairs and Forestry;

"farming unit" means any demarcated agricultural land that is used for agricultural production;

"provincial committee" means the Coordinating Committee on Agricultural Water;

"resource poor farmer" means a farmer who is eligible for financial assistance in terms of regulation 3(1);

"the Act" means the National Water Act, 1998 (Act No. 36 of 1998).

Purpose of regulations

2. The purpose of these regulations is to provide for the granting of financial assistance to resource poor farmers in support of agricultural water use development.

Eligibility for financial assistance

3. (1) Subject to section 61(3) and (4) of the Act, a farmer is, for the purpose of agricultural water use development, eligible for financial assistance contemplated in section 61(1) of the Act if the farmer -
 - (a) is a South African citizen;
 - (b) is a member of any historically disadvantaged population group; and
 - (c) has -
 - (i) agricultural land or access to agricultural land;
 - (ii) a water use authorization, except where financial assistance for acquisition of water entitlement is required; and
 - (iii) agricultural water use development needs and is unable to raise finance for that purpose.
- (2) (a) Except in the case of financial assistance for the operation and maintenance of water works, water resource management and depreciation charges, a resource poor farmer may be given financial assistance only once in respect of each specific use or purpose, or farming unit, but such farmer may in

respect of each additional farming unit apply, subject to paragraph (b) below, for financial assistance.

(b) Each additional application for financial assistance must be accompanied by

–

- (i) a letter confirming that the application is in respect of a different farming unit; and
- (ii) full particulars of any previous financial assistance given to the applicant.

(3) Nothing in this regulation is to be construed as implying that financial assistance is necessarily to be given to a resource poor farmer who in terms of sub-regulation (1) is eligible for financial assistance, but the granting of financial assistance is instead dependent on the approval of an application for financial assistance and the availability of funds.

Procedure for applying for financial assistance

4. (1) Only a resource poor farmer may apply for financial assistance contemplated in section 61(1) of the Act.

(2) An application under sub-regulation (1) must –

(a) be made on DWAF application form, obtainable from any DWAF office, and be submitted to the nearest DWAF regional office mentioned in the Annexure;

(b) contain detailed project proposal/business plan;

(c) be accompanied by the following supporting documents;

- (i) a feasibility and viability report of the project;
- (ii) proof of registration of any approved legal entity involved in the application for financial assistance;
- (iii) a copy of approved constitution of the legal entity referred to in paragraph (ii), if any;
- (iv) certified copies of the identity documents of all beneficiaries;
- (v) a certificate or other proof of water use authorization for the purpose agricultural water use development;
- (vi) proof of the applicant's financial position in the form of bank or audited financial statements or such other documents as the Minister may determine;
- (vii) three quotations for the proposed agricultural water use development or related activities in respect of which financial assistance is required;
- (viii) proof of a farmer's land tenure arrangement in the form of a title deed, lease agreement or otherwise;
- (ix) validated invoices for services already rendered ,if applicable;
- (x) in the case of a joint venture or partnership, a detailed signed agreement in respect thereof; and
- (xi) recommendations, in writing, from the provincial committee or other relevant stakeholders.

- (3) On receipt of an application referred to in sub regulation (2), the relevant DWAF regional office must-
 - (a) in writing, acknowledge receipts thereof; and
 - (b) submit the application, together with all supporting documents, to the Minister for consideration.
- (4) After the Minister has reached a decision on an application for financial assistance, the Minister must-
 - (a) cause notification of the decision to be given to the applicant; and
 - (b) in the event of the application being refused, give written reasons for the decision.
- (5) Where an application is refused because of non-compliance with the requirements of these regulations, the application may be corrected and resubmitted for reconsideration.

Terms and conditions applicable to financial assistance granted

5. Financial assistance granted under section 61 of the Act for the purpose agricultural water used development is subject to-
 - (a) the terms and conditions that –
 - (i) it may be granted and utilized only for activities that ensure that water is protected, used, developed, conserved, managed, and controlled in a sustainable and equitable manner;
 - (ii) it must be used-
 - (aa) strictly in accordance with the project proposal or business plan that was submitted with the application for financial assistance; and
 - (bb) to directly cover the resource poor farmer's proportional share of the cost of the agricultural water use development activities in respect of which the financial assistance was granted;
 - (iii) any disbursement of funds in respect of the financial assistance is subject to –
 - (aa) the availability of funds in DWAF's budget for this purpose;
 - (bb) the submission of certified claims in respect of actual expenditure; and
 - (cc) compliance of the completed activities with the specifications approved by DWAF;
 - (iv) repayment conditions may be imposed by the Minister to-
 - (aa) enforce an agreement entered into with DWAF regarding the granting of the financial assistance; and
 - (bb) prevent any deviation from or non-compliance with the conditions subject to which the financial assistance was granted; and
 - (v) the financial assistance is to be withdrawn by DWAF in the event of any deviation from the project proposal or business plan that was submitted with the application for financial assistance, or non-compliance with any term or condition subject to which the financial assistance was granted;

and

(b) such other conditions as the Minister may consider necessary to impose.

Short title

6. These regulations are called the Regulations on Financial Assistance to Resource Poor Farmers, 2007.

ANNEXURE

Contact details of DWAF regional offices

PROVINCE	STREET ADDRESS	POSTAL ADDRESS	TELEPHONE	FAX
Eastern Cape	2 Hargreave Avenue KING WILLIAM'S TOWN	Private Bag X 7485 KING WILLIAM'S TOWN 5600	(043) 604 5400	(043) 604 5587
Free State	Sanlam Plaza, 2 nd floor C/o Maitland & Eastburger Street BLOEMFONTEIN	P O Box 528 BLOEMFONTEIN 9300	(051) 405 9000	(051) 430 8146
Gauteng	285 Schoeman Street PRETORIA	Private Bag X995 PRETORIA 0001	(012) 392 1300	(012) 392 1304
KwaZulu Natal	Southren Life Building , 9 th Floor 88 Field Street DURBAN	P O Box 1018 DURBAN 4000	(031) 336 2700	(031) 304 9546
Mpumalanga	Prorom Building, 5 th Floor C/o Paul Kruger and Brown Streets NELSPRUIT	Private Bag X11259 NELSPRUIT 1200	(013) 759 7300	(013) 755 1678
Northern Cape	Department of Public Works Bldg, C/o Knight and Stead Streets KIMBERLEY	Private Bag X6101 KIMBERLEY 8800	(053) 831 4125	(053) 831 5682
Limpopo	Azmo Place 49 Joubert Street POLOKWANE	Private Bag X9506 POLOKWANE 0700	(015) 290 1200	(015) 295 3249
North West	Motswedi House, 1 st Floor Dr James Moroka Drive MMABATHO	Private Bag X5 MMABATHO 2735	(018) 384 3270/6	(018) 384 2059
Western Cape	De Goede Hoop Park 17 Strand Street BELLVILLE	Private Bag X 16 Sanlamhof BELLVILLE 7532	(021) 950 7100	(021) 946 3666

Contact details of DWAF head office

PROVINCE	STREET ADDRESS	POSTAL ADDRESS	TELEPHONE	FAX
Gauteng,	185 Schoeman Street, Sedibeng Bldg PRETORIA	Department of Water Affairs and Forestry Directorate: Water Resource Pricing and Finance Private Bag X313 PRETORIA 0001	(012) 336 8066 082 807 6160	(012) 323 5041

MUHASHO WA ZWA MAḐI NA VHUSIMAMIRI**No. R. 1036****31 Thangule 2007****NDAULO DZA THUSEDZO YA MASHELENI U THUSA VHALIMIVHAFUWI VHA SHAYAHO**

Minisiṭa wa zwa MaḐi na Vhusimamiri, Vho Lindiwe B. Hendricks, nga fhasi ha khethekanyo 62, i tshi vhaliwa na khethekanyo 61, ya Mulayo wa Lushaka wa MaḐi, 1998 (Mulayo 36 wa 1998), vho ita ndaulo kha Shedulu.

**MUFUMAKADZI VHO L B HENDRICKS, MP
MINISITA WA ZWA MAḐI NA VHUSIMAMIRI**

Sheduju

Thandavhudzo

1. Kha ndaulo idzi ipfi liṅwe na liṅwe kana vhudinyanyuli hune thalutshedzo ya vha yo netshedzwa kha Mulayo li na thalutshedzo yeneyo yo netshedzwaho nga nḡa ha musi tshivhumbeo tshi tshi khou sumbedza nga iṅwe nḡila-
 "muhumbeli" zwi amba muthu ane a khou ita khumbelo ya thusedzo ya masheleni;
 "tshiimiswa tsha mulayo tsho tendelwaho" zwi amba tshiimiswa tsha mulayo tsho redzhisitariwaho tshine tsha vha na ndayotewa yo tendelwaho nahone tshine tsha laula maitele a u langula zwiko zwa maḡi a shumaho;
 "DWAF" zwi amba Muhasho wa zwa Maḡi na Vhusima Miri;
 "yunithi ya vhalimivhafuwi" zwi amba mavu a vhumivhufuwi o khethekanywaho ane a shumiswa kha zwa mveledziso ya zwa vhumivhufuwi;
 "komiti ya vundu" zwi amba Komiti ya u Pfananya ya zwa Maḡi a Vhumivhufuwi;
 "thuso ya mulimimufuwi a shayaho" zwi amba rabulasi o tewaho nga thusedzo ya masheleni u ya nga ndaulo 3(1);
 "Mulayo" zwi amba Mulayo wa Lushaka wa Maḡi, 1998 (Mulayo 36 wa 1998).

Ndivho ya Ndaulo

2. Ndivho ya ndaulo idzi ndi u netshedza hu u itela u kovha thuso ya masheleni u itela u thusa vhorabulasi vha shayaho hu tshi tikedzwa mveledziso ya u shumisa maḡi a zwa vhumivhufuwi.

U tewa nga u wana thusedzo ya masheleni

3. (1) U ya nga khethekanyo 61(3) na (4) dza Mulayo, rabulasi u, hu tshi itelwa ndivho ya mveledziso ya u shumisa maḡi a vhumivhufuwi, u tewa nga thusedzo ya masheleni sa zwo bulwaho kha khethekanyo 61(1) ya Mulayo arali mulimimufuwi a -
 - (a) mudzulapo wa Afurika Tshipembe;
 - (b) murado wa tshigwada tsha vhathu vha re na divhazwakale i konḡaho; nahone
 - (c) vha na -
 - (i) tsimu ya zwa vhumivhufuwi kana u swikelela tsimu ya zwa vhumivhufuwi;

- (ii) thendelo ya u shumisa maḡi, nga nḡa ha hune thusedzo ya masheleni ya u wana vhuḡe ha maḡi ya ḡoḡea; khathihi
 - (iii) ḡoḡea dza mveledziso dza u shumiswa ha maḡi a vhumimivhufuwi nahone a vha a tshi khou balelwa nga u kuvhanganya masheleni hu u itela ndivho yeneyo.
- (2) (a) Nga nḡa ha musi hu tshi ḡoḡea thuso ya masheleni a u londota mishumo ya maḡi, ndangulo ya zwiko zwa maḡi khathihi na mbadelo dza tsuḡufhalo, thusedzo ya masheleni kha mulimimufuwi a shayaho hu nga itwa luthihi ho sedzwa mushumo kana ndivho yo tiwaho, kana yunithi ya vhumimivhafuwi, fhedzi mulimimufuwi onoyo anga ita khumbelo hu tshi itelwa yunithi ya vhumimivhufuwi vhuḡwe na vhuḡwe, zwi tshi ya nga pharagirafu (b) i re a fho fhasi, u wana thuso ya masheleni.
- (b) Khumbelo iḡwe na iḡwe ya nyengedzedzo ya thuso ya masheleni i fanela u fheletshedzwa nga –
- (i) luḡwalo lu khwaḡhisedzaho uri khumbelo iyi ndi ya yunithi ya vhumimivhufuwi vhuḡwe vho; na
 - (ii) zwidodombedzwa zwo fhelelaho zwa thusedzo ya masheleni iḡwe yo no ḡetshedzwaho muhumbeli kale.
- (3) A hu na tshithu tshine tsha ḡo ḡalutshedzwa sa zwine zwa amba uri thusedzo ya masheleni kha ndaulo iyi ndi ya ndeme kha u fhiwa rabulasi a shayaho a no ḡoḡa thusedzo u ya nga ndaulo ḡhukhu (1) o tewa nga thusedzo ya masheleni, fhedzi u kovhelwa ha thusedzo ya masheleni i itwa nga u tendelwa ha khumbelo ya thusedzo ya masheleni khathihi na u vha hone ha masheleni eneo.

Nḡila ya u ita khumbelo ya thuso ya masheleni

4. (1) Ndi mulimimufuwi a shayaho fhedzi a ḡoḡaho thusedzo ya masheleni ane a nga ita khumbelo ya thuso ya masheleni yo bulwaho kha khethekanyo 61(1) ya Mulayo.
- (2) Khumbelo i re nga fhasi ha ndaulo-ḡhukhu (1) i fanela u –
- (a) itwa kha fomo ya khumbelo ya DWAF, i wanalaho ofisini iḡwe na iḡwe ya DWAF, nahone i ḡetshedzwe kha ofisi ya dzingu ya tsini ya DWAF kha Tshipiḡa nyengedzedzo;
 - (b) katela ḡikumedzwa ḡo fhelelaho ḡa thandela/pulane ya bindu;

- (c) i fanela u fheletshedzwa nga mañwalo a u tikedza a tevhelaho;
- (i) muvhigo wa zwine zwa nga konadzea khathihi na zwine zwa nga shuma zwa thandela;
 - (ii) vhuṭanzi ha u ḡiñwalisa ha tshiimiswa tsha mulayo tshinwe na tshinwe tsho tendelwaho tsho dzhenelelaho kha u ita khumbelo ya thusedzo ya masheleni;
 - (iii) khophi ya mulayotewa wo themendelwaho wa tshiimiswa tsha mulayo tsho sumbedzwaho kha pharagirafu (ii), arali i hone;
 - (iv) khophi dzo khwaṭhisedzwaho dza mañwalo a vhuṅe a vhavhuelwa;
 - (v) ṭhanziela kana vhuñwe vhuṭanzi ha thendelo ya u shumisa maḡi hu tshi itelwa ndivho ya mveledziso ya u shumiswa ha maḡi a zwa vhulimivhufuwi;
 - (vi) vhuṭanzi ha tshiimo tsha masheleni tsha muhumbeli nga ndila ya zwitatamennde zwa masheleni zwa bannga kana zwo ṭolwaho nga muofisiri wa muṭolamuvhalelano kana mañwe mañwalo sa zwine Minisṭa a nga ta ngaho;
 - (vii) miredzo miraru ya ḡikumedzwa hut shi itelwa mveledziso ya u shumiswa ha maḡi a zwa vhulimivhufuwi kana mishumo i re na vhushaka zwi tshi elana na uri ndi zwifhio zwine zwa khou ṭoda thusedzo ya masheleni;
 - (viii) vhuṭanzi ha uri nzulele ya tsimu ya rabulasi yo vhekanyiswa hani nga ndila ya ḡisumbavhuṅe, thendelano ya khadzimiso kana nga inwe ndila;
 - (ix) tsumbathengo dzo khwaṭhisedzwaho dza tshumelo yo no itwaho, arali zwi tshi elana;
 - (x) hune ha vha na ṭhanganelano kana vhufarakani, thendelano yo sainiwaho yo dodombedzwaho i elanaho na zwenezwo nga u tou ralo; khathihi na
 - (xi) themendelo, nga u tou ñwala, u bva kha komiti ya vundu kana vhañwe vhafaramikovhe vho teaho.

(3) Musi hu tshi ṭanganedzwa khumbelo yo sumbedzwaho kha ndaulo-ṭhukhu (2), ofisi ya dzingu ya DWAF yo teaho i fanela-

- (a) nga u tou ñwala, u tenda uri o l ṭanganedza; na
- (b) u ñekedza khumbelo, khathihi na mañwalo a u tikedza, kha Minisṭa uri a sedzuluse.

(4) Nga murahu ha musisṭa o no swikelela tsheo ya khumbelo ya thusedzo ya

masheleni, Minisiṭa u fanela u-

- (a) ita uri ṅdivhadzo ya tsheo i ṅetshedzwe muhumbeli; nahone
- (b) hune khumbelo ya vha yo haniwa, hu ṅetshedzwe zwiitisi zwo tou ṅwalwaho.

- (5) Hune khumbelo ya haniwa nga u sa tevhedza ṭhōḁea dza ndaulo idzi, khumbelo i nga khakhululwa ya dovha u ṅetshedzwa ya sedzuluswa hafhu.

ṭhōḁea na nyimele dzi tevhedzwaho hu tshi kovhelwa thusedzo ya masheleni

5. U kovhiwa ha thuso ya masheleni nga fhasi ha khethekanyo 61 ya Mulayo hu tshi itelwa ndivho ya mveledziso ya u shumiswa ha maḁi a zwa vhulimivhufuwi i fanela u sedza zwi tevhelaho-

- (a) ṭhōḁea na nyimele dza uri –
 - (i) i nga kovhelwa na u shumiswa fhedzi kha mishumo ine ya vhona uri maḁi o tsireledzwa, o shumiswa, o bveledziswa, o vhulungwa, o langiwa, khathihi na u laulwa nga ṅḁila i konadzeaho nahone i linganaho;
 - (ii) i fanela u shumiswa-
 - (aa) yo livhanywa fhedzi na ḁikumedzwa ḁa thandela kana pulane ya bindu yo ṅetshedzwaho na khumbelo ya thuso ya masheleni; khathihi na
 - (bb) u angaredza mikovhe ya mutengo wa mveledziso ya u shumiswa ha maḁi a zwa vhulimivhufuwi ya mulimimufuwi a shayaho a ṭōḁaho thuso hu tshi sedzwa uri ndi thuso ifhio ya masheleni yo itwaho-;
 - (iii) u badelwa huṅwe na huṅwe ha tshelede hu tshi itelwa thuso ya masheleni hu fanela u tevhedzwa –
 - (aa) u vha hone ha tshelede kha mugaganyagwama wa DWAF hu tshi itelwa ndivho yeneyi;
 - (bb) u ṅetshedzwa ha mbilo yo kwhaṭhisedzwaho ho sedzwa zwibviswa vhukuma; na
 - (cc) u tevhedzwa ha ṭhōḁea dzo tendelwaho nga DWAF kha mishumo yo no fhelaho;
 - (iv) nyimele dza u badela murahu dzi nga vhewa nga Minisiṭa u itela u-
 - (aa) shumisa thendelano yo itwaho na vha DWAF i elanaho na u kovhelwa ha thuso ya masheleni;
 - (bb) thivhela u pambuwa kha kana u sa tevhedzwa ha nyimele dze dza tevhedzwa musi hu tshi kovhiwa thuso ya masheleni; na
 - (v) thuso ya masheleni i ḁo humiselwa murahu nga vha DWAF arali ha nga

vha na u pambuwa hunwe vho kha likumedzwa la thandela kana pulane ya bindu ye ya nekudzwa khathihi na khumbelo ya thuso ya masheleni, kana u sa tevhedzwa ha thodea kana nyimele dze dza tevhedzwa musi hu tshi kovhelwa thuso ya masheleni; nahone

- (vi) nyimele dzenedzo dziñwe dzine Minisiṭa a nga vhona zwo fanela uri dzi shumisiwe.

Thoho thukhu

6. Ndaulo idzi dzi vhidzwa Ndaulo dza Thuso ya Masheleni u Thusa Vhalimivhafuwii vha Shayaho, 2007.

TSHIPIĀ- NYENGEDZEDZO**Zwidombedzwa zwa vhukwamani zwa ofisi dza madzingu dza DWAF**

VUNDU	DIRESI YA TSHIĀARAĀ	DIRESI YA POSWO	LUĀINGO	FEKISI
Eastern Cape	2 Hargreave Avenue KING WILLIAM'S TOWN	Private Bag X 7485 KING WILLIAM'S TOWN 5600	(043) 604 5400	(043) 604 5587
Free State	Sanlam Plaza, 2 nd floor C/o Maitland & Eastburger Street BLOEMFONTEIN	P O Box 528 BLOEMFONTEIN 9300	(051) 405 9000	(051) 430 8146
Gauteng	285 Schoeman Street PRETORIA	Private Bag X995 PRETORIA 0001	(012) 392 1300	(012) 392 1304
KwaZulu Natal	Southren Life Building , 9 th Floor 88 Field Street DURBAN	P O Box 1018 DURBAN 4000	(031) 336 2700	(031) 304 9546
Mpumalanga	Prorom Building, 5 th Floor C/o Paul Kruger and Brown Streets NELSPRUIT	Private Bag X11259 NELSPRUIT 1200	(013) 759 7300	(013) 755 1678
Northern Cape	Tshifhajo tsha Muhasho wa zwa Mishumo, C/o Knight and Stead Streets KIMBERLEY	Private Bag X6101 KIMBERLEY 8800	(053) 831 4125	(053) 831 5682
Limpopo	Azmo Place 49 Joubert Street POLOKWANE	Private Bag X9506 POLOKWANE 0700	(015) 290 1200	(015) 295 3249
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Western Cape	De Goede Hoop Park 17 Strand Street BELLVILLE	Private Bag X 16 Sanlamhof BELLVILLE 7532	(021) 950 7100	(021) 946 3666

Zwidombedzwa zwa vhukwamani zwa ofisi khulwane ya DWAF

VUNDU	DIRESI YA TSHIĀARAĀ	DIRESI YA POSWO	LUĀINGO	FEKISI
Gauteng,	185 Schoeman Street, Sedibeng Bldg PRETORIA	Muhasho wa zwa MaĀi na Vhusima Miri Khethekanyo: Masheleni na Mitengo ya Zwiko zwa MaĀi Private Bag X313 PRETORIA 0001	(012) 336 8066 082 807 6160	(012) 323 5041