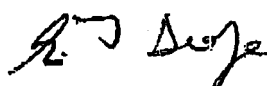


No. R. 908

16 September 2005

AMENDMENT OF FINANCIAL REGULATIONS MADE UNDER THE KWAZULU-NATAL INGONYAMA TRUST ACT, 1994 (ACT No. 3 OF 1994)

I, Angela Thokozile Didiza, Minister for Agriculture and Land Affairs, hereby make the regulations, as set out in the Schedule, under section 2A(7) of the KwaZulu-Natal Ingonyama Trust Act, 1994 (Act No. 3 of 1994).



A T DIDIZA

MINISTER FOR AGRICULTURE AND LAND AFFAIRS

SCHEDULE

1. Definitions

In this Schedule "the Regulations" means the Regulations made by Government Notice No. R. 1236 of 2 October 1998.

2. Amendment of regulation 1

Regulation 1 of the Regulations is hereby amended —

- (a) by the substitution for the definition of "Accounting Officer" of the following definition :

“**accounting authority**’ means the Board;”; and

- (b) by the insertion after the definition of “estimates” of the following definition :

“**official**’ means the person to whom any powers have been entrusted or delegated or who has been instructed to perform any duties, in terms of section 56(1) of the Public Finance Management Act, 1991 (Act No. 1 of 1999);”.

3. Amendment of regulation 2

Regulation 2 of the Regulations is hereby substituted for the following regulation :

“2. These regulations apply to the financial administration of all income earned by or accrued to the Trust and are subject to the provisions of the Public Finance Management Act, 1999 (Act No. 1 of 1999).”.

4. Amendment of regulation 3

Regulation 3 of the Regulations is hereby amended –

- (a) by the substitution for the heading “Accounting Officer” of the heading “Accounting authority”;
- (b) by the deletion of subregulation (1); and
- (c) by the substitution in subregulation **(2)** for the words preceding paragraph (a) of the following words :

“The official is responsible for –“

5. Amendment of regulation 10

Regulation 10 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation :

“(2) An amount not exceeding 10 per cent of the Trust income may be utilised for the operational costs of the accounting authority, being costs reasonably incurred by the accounting authority, including ordinary administrative costs, to achieve the objectives of the Act.”.

6. Amendment of regulation 11

Regulation 11 of the Regulations is hereby amended –

(a) by the substitution for subregulation (1) of the **following** subregulation :

“(1) The official is responsible for the collection of all moneys due to the Trust and such moneys must be paid to the Trust or where the accounting authority so directs, to the Trust’s Bankers.”; and

(b) by the substitution for subregulation (2) of the following subregulation :

“(2) All moneys received must be banked daily or at **such** regular intervals as the accounting authority may determine.”.

7. Amendment of regulation 12

Regulation 12 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation :

"(2) Every cancelled receipt must be re-affixed in its proper place in the receipt book, or, in the absence of a receipt book, filed in accordance with instructions issued by the accounting authority."

8. Amendment of regulation 13

Regulation 13 of the Regulations is hereby amended –

(a) by the substitution *for* subregulation (3) of the following subregulation:

"(3) The head of the Secretariat must establish and maintain a register of persons to whom authority has been delegated to sign official documents, and such register must indicate the nature of the documents to which such signing authority applies, and must include specimen signatures of such persons.";

(b) by the substitution in subregulation (5) of the words preceding paragraph (a) of the following words :

"**Every** voucher submitted *for* payment must be in the form prescribed by the accounting authority and must be certified by the person requesting the payment, and when submitted to the official, be accompanied by supporting documents, where applicable, and have indicated thereon :"; and

(c) by the substitution in subregulation (5) for paragraph (9) of the following paragraph :

"(f) such other information as the accounting authority **may** require."

9. Amendment of regulation 14

Regulation 14 of the Regulations is hereby amended –

- (a) by the substitution for subregulation (1) of the following subregulation :

“(1) Imprest accounts for the making of petty disbursements may only be established with the approval of the accounting authority, which must prescribe the amount of such accounts, the nature and extent of payments to be made ~~therefrom.~~”; ~~and- _____~~

- (b) by the substitution for subregulation (2) of the following subregulation :

“(2) Every voucher submitted for the refund of petty disbursements must be accompanied by supporting documents for **all** such payments **and** proper record must be kept in a form approved **by** the accounting authority.”.

10. Repeal of regulation 15

Regulation 15 of the Regulations **is** hereby repealed.

11. Repeal of regulation 17

Regulation 17 of the Regulations is hereby repealed.

12. Amendment of regulation 18

Regulation 18 ~~of~~ the Regulations **is** hereby substituted for the following regulation :

“**18. The** accounting authority is responsible for the investment of the funds of the Trust on such terms and conditions as may be prescribed by law and in accordance with a policy determined **by** the accounting authority and **is** in respect of such investments, empowered to purchase or sell any securities.”.

13. Amendment of regulation 19

Regulation 19 of the Regulations is hereby amended by the substitution in subregulation (1) for paragraph (b) of the following paragraph :

- “(b) if the loan complies with the provisions of the Act and the Public Finance Management Act, 1999 (Act No. 1 of 1999), and if such loan is in pursuance of the objectives of the Act.”.

14. Amendment of regulation 22

Regulation 22 of the Regulations is hereby amended –

- (a) by the substitution for subregulation (1) of the following subregulation :

“(1) Notice of all meetings of the accounting authority must be sent to the head of the Secretariat and the official, together with full agendas and reports.”; and

- (b) by the substitution for subregulation (2) of the following subregulation :

“(2) The head of the Secretariat and the official have the authority to attend such meetings and take part in discussions.”.

15. General amendment

The Regulations are hereby amended –

- (a) by the substitution for the words “Accounting Officer”, wherever they appear, of the word “official”; and

- (b) by the substitution for the word “Board” wherever it appears, but excluding the definition of “accounting authority” in regulation 1, of the words “accounting authority.”.

16. These Regulations shall be known as the KwaZulu-Natal Ingonyama Trust Financial Amendment Regulations, 2005, and come into operation on the date of publication thereof in the *Government Gazette*.