



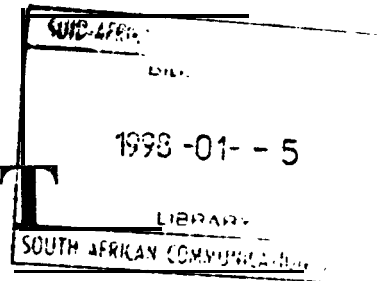
REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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# STAATSKOERANT



VAN DIE REPUBLIEK VAN SUID-AFRIKA

*Registered at the Post Office as a Newspaper*

*As 'n Nuusblad by die Poskantoor Geregistreer*

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VOL 390

CAPE TOWN, 17 DECEMBER 1997

No. 18510

KAAPSTAD, 17 DESEMBER 1997

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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 1650.

17 December 1997

No. 1650.

17 Desember 1997

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

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

No. 95 of 1997: Revenue Funds Interim Arrangements Act, 1997.

No. 95 van 1997: Wet op Tussentydse Reëlings op Inkomstefondse, 1997.

# ACT

To make interim arrangements in connection with the payment of money into the National Revenue Fund and the Provincial Revenue Funds; and to provide for matters in connection therewith.

(English text signed by the President.) “  
(Assented to 26 November 1997.)”

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

## Definitions

1. In **this** Act, unless the context otherwise indicates—
- “national department” means a department, administration or office listed in Schedule 1 or 2 of the Public Service Act, 1994 ( Proclamation No. 103 of 1994);
- “national government” means—
- (a) the national executive;
  - (b) any functionary or authority, or any department, administration, office or other organisation, or any statutory body, which is part of, under the control of or responsible to the national executive; or
  - (c) Parliament;
- “National Treasury” means the Treasury in terms of the Exchequer Act, 1975 (Act No. 66 of 1975);
- “provincial department” means—
- (a) a provincial administration listed in Schedule I of the Public Service Act, 1994; or
  - (b) a department within a provincial administration;
- “provincial government” means—
- (a) a provincial executive;
  - (b) any functional or authority, a provincial administration, or any department, office or other organisation, or any statutory body, which is part of, under the control of or responsible to a provincial executive; or
  - (c) a provincial legislature;
- “statutory body” means any board, commission, company, corporation, fund or other institution established in terms of legislation and whose financial records must or may be audited by the Auditor-General in terms of legislation or section 188 of the Constitution;
- “trading entity” means an entity which a national or provincial department has established within its administration, with the approval of the National Treasury, for the provision or sale of goods or services.

## Payments into National Revenue Fund

2. All money received by the national government must be paid into the National Revenue Fund, excluding money received by Parliament and excluding money falling within any of the following categories and exempted by the National Treasury from payment into the Fund:

- (a) Money received by a statutory body—
  - (i) which is part of, under the control of or responsible to the national executive; and
  - (ii) which is a juristic person or entitled to open its own bank accounts separate from the bank accounts of the National Revenue Fund.

- (b) Money received by a national department operating a trading entity, in so far as the money is received in the ordinary course of operating the trading entity.
- (c) Money received by the national government in trust for a specific person, category of persons or purpose.
- (d) Any other money received by the national government and exempted by any other Act of Parliament from payment into the National Revenue Fund. 5

#### Payments into Provincial Revenue Funds

3. All money received by a provincial government must be paid into the relevant Provincial Revenue Fund, excluding money received by the provincial legislature and excluding money falling within any of the following categories and exempted by the National Treasury from payment into the Fund: 10

- (a) Money received by a statutory body—
  - (i) which is part of, under the control of or responsible to the provincial executive; and
  - (ii) which is a juristic person or entitled to open its own bank accounts separate from the bank accounts of the Provincial Revenue Fund. 15
- (b) Money received by a provincial department operating a trading entity, in so far as the money is received in the ordinary course of operating the trading entity.
- (c) Money received by the provincial government in trust for a specific person, category of persons or purpose. 20
- (d) Any other money received by the provincial government and exempted by any other Act of Parliament from payment into the Provincial Revenue Fund.

#### Withdrawal of exemptions

4. The National Treasury may withdraw any exemption granted in terms of section 2 or 3 if— 25

- (a) the exemption is not reasonable in the context of section 213(1) or 226(1) of the Constitution; or
- (b) the National Treasury regards withdrawal of the exemption necessary for transparency or more effective and accountable financial management.

#### Surpluses of trading entities 30

5. If a trading entity at the end of a financial year shows a surplus, the surplus accrues to—

- (a) the National Revenue Fund, if the trading entity is operated by a national department; or
- (b) the relevant Provincial Revenue Fund, if the trading entity is operated by a provincial department. 35

#### Inconsistency with the Exchequer Act, etc.

6. To the extent that a provision of this Act is inconsistent with the Exchequer Act, 1975 (Act No. 66 of 1975), or a provincial exchequer Act, the provision of this Act prevails. 40

#### Short title and commencement

7. (1) This Act is called the Revenue Funds Interim Arrangements Act, 1997, and takes effect on 1 January 1998.

(2) Unless repealed earlier, this Act remains in force until 31 December 1998.