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DEPARTEMENT VAN DIE EERSTE MINISTER

DEPARTMENT OF THE PRIME MINISTER

No. 1371. 23 Julie 1975.

No. 1371. 23 July 1975.

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

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

66 van 1975: Skatkis- en Ouditwet, 1975.

No. 66 of 1975: Exchequer and Audit Act, 1975.

ACT

To provide for the regulation of the collection, receipt, control, custody and issue of State moneys and the receipt, custody and control of other State property; the raising and repayment of loans by the State; the granting of certain loans from the State Revenue Fund and the terms and conditions in regard to the repayment of such loans; the duties and powers of the Treasury; the granting of certain guarantees to the South African Reserve Bank; the appointment of an Auditor-General and the auditing of certain accounts by him; and matters connected therewith.

*(English text signed by the State President.)
(Assented to 30 June 1975.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. (1) In this Act and any Financial Regulation and Treasury Instruction, unless the context otherwise indicates—

- (i) "accounting officer" means a person referred to in section 15; (xix)
- (ii) "additional estimates of expenditure" means the estimates of additional expenditure from the State Revenue Fund submitted to Parliament in respect of expenditure on services of the State for the payment of which moneys or sufficient moneys have not already been appropriated by an appropriation Act in the financial year in question; (i)
- (iii) "appropriation account" means an account mentioned in section 14; (ii)
- (iv) "appropriation Act" means an Act by which the estimates or additional estimates of expenditure from the State Revenue Fund have been approved by Parliament; (vi)
- (v) "Auditor-General" means the person appointed as such in terms of section 41; (xvii)
- (vi) "Bank" means the South African Reserve Bank mentioned in the definition of "the Bank" in section 1 of the South African Reserve Bank Act, 1944 (Act No. 29 of 1944); (iii)
- (vii) "credit" means an allocation of an amount of money in the Paymaster-General's Account to an accounting officer; (xv)
- (viii) "estimates of expenditure" means estimates of expected expenditure from the State Revenue Fund on the services of the State during a financial year, which are submitted to Parliament, and includes any estimates of supplementary expenditure on such services during that financial year which it is deemed necessary to provide for after the first-mentioned estimates have been submitted to Parliament but before they have been approved; (iv)
- (ix) "Exchequer Account" means the account mentioned in section 3 (1); (xxi)

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- (x) "Financial Regulations" means any regulations made under section 38; (xi)
- (xi) "financial year" means the period from 1 April in any year to 31 March in the next succeeding year; (ix)
- (xii) "external stock" means stock issued outside the Republic; (x)
- (xiii) "internal stock" means stock issued in the Republic; (viii)
- (xiv) "Minister" means the Minister of Finance; (xvi)
- (xv) "part appropriation Act" means an Act contemplated in the first proviso to section 4 (1); (xiii)
- (xvi) "Paymaster-General's Account" means the account mentioned in section 9 (1); (vii)
- (xvii) "permanent capital" means capital not required to be repaid; (xviii)
- (xviii) "revenue" means all moneys received by way of taxes, imposts or rates and all casual and other receipts of the State, whatever the source, which may be appropriated by Parliament, and includes moneys borrowed in terms of the provisions of this Act, but does not include the amount of any fine not exceeding twenty rand imposed upon any person by any court of law, in so far as such amount has not been paid, and revenue accruing to the Railway and Harbour Fund, the Post Office Fund and a provincial revenue fund; (xiv)
- (xix) "security" means any stock or bond certificate, promissory note, debenture, treasury bill, or document issued as evidence of the borrowing of moneys in terms of this Act, and signed by a person or persons authorized thereto by or in terms of section 19 (4); (xx)
- (xx) "South West Africa Account" means the account mentioned in section 2 (1) (b); (xxx)
- (xxi) "Stabilization Account" means the account established in terms of section 18 (1); (xxvii)
- (xxii) "standard interest rate" means the rate of interest determined in terms of section 26 (1); (xxviii)
- (xxiii) "State debt" means money borrowed in terms of any law and which is to be repaid from the State Revenue Fund; (xxvi)
- (xxiv) "State moneys" means—
 - (a) all revenues; and
 - (b) all other moneys whatever received or held by an accounting officer for, or on account of, the State; (xxii)
- (xxv) "State property" means any property of the State, the disposal of which is not governed by any other law; (xxiii)
- (xxvi) "State Revenue Account" means the account mentioned in section 2 (1) (a); (xxv)
- (xxvii) "State Revenue Fund" means the fund mentioned in section 98 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961); (xxiv)
- (xxviii) "statutory body" means any board, fund, institution, company, corporation or other organization established or constituted by or under any law, in terms of which the accounts thereof are to be audited by the Auditor-General; (xxix)
- (xxix) "Territory" means the territory of South West Africa; (xii)
- (xxx) "Treasury" means the central financial authority in the Public Service which is vested in the Department of Finance mentioned in the Public Service Act, 1957 (Act No. 54 of 1957), and whose powers in relation to any matter are exercised by the Minister or an

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officer in that Department who, by virtue of a division of work in that Department, deals with that matter; (xxx1)

(xxx1) "Treasury Instruction" means an instruction issued in terms of section 39; (xxx2)

(xxx2) "vote" means a vote shown in a schedule to an appropriation Act. (v)

(2) Any reference in any law to the Consolidated Revenue Fund shall be deemed to be a reference to the State Revenue Fund.

(3) Any reference in any law to the Controller and Auditor-General shall be deemed to be a reference to the Auditor-General.

CHAPTER I

REVENUE, EXPENDITURE AND ACCOUNTING SYSTEM

Accounts of State Revenue Fund.

2. (1) The Treasury shall, in respect of the State Revenue Fund, keep in its books—

(a) a State Revenue Account which shall, subject to the provisions of paragraph (b) and subsection (2), be credited with all revenue, and moneys transferred in terms of section 18 (2) to the Exchequer account, and from which shall be defrayed all expenditure and be paid any amounts with which it is charged in terms of this Act or any other law; and

(b) a South West Africa Account which shall be credited with the revenue referred to in section 22 (1) of the South-West Africa Affairs Act, 1969 (Act No. 25 of 1969), and any revenue which in terms of a determination under subsection (2) is to be paid into it, and from which shall be defrayed all expenditure and be paid any amounts with which it is charged in terms of this Act or any other law.

(2) If any law provides that any specified revenue shall be paid into the State Revenue Fund or specified expenditure shall be defrayed out of that fund, but does not specify the account in the State Revenue Fund which shall be credited with such revenue or charged with such expenditure, or if any moneys are utilized under section 10 (1) the Treasury may determine which account shall be so credited or charged or charged with the amount of such moneys.

The Exchequer Account.

3. (1) The Treasury shall maintain at the Bank an account, entitled "the Account of the Exchequer of the Republic of South Africa", into which shall be deposited all revenues.

(2) (a) The Secretary for Customs and Excise and the Secretary for Inland Revenue shall each cause the revenue of his department received from time to time, less the amount of any drawbacks or refunds, to be deposited in the Exchequer Account.

(b) Such deposits shall be made on each appropriate working day.

(3) Returns of all such deposits shall on each appropriate working day be rendered by the Bank to the Treasury and the Auditor-General in such form as the Treasury may determine.

(4) The Treasury may utilize any moneys in the Exchequer Account for the defrayment of expenditure chargeable to an account mentioned in section 2.

(5) The Treasury shall, subject to the provisions of this Act, ensure that there shall at all times be sufficient moneys in the Exchequer Account for transfer in accordance with section 9 (1).

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Appropriation of moneys in State Revenue Fund, and estimates of expenditure and revenue.

4. (1) The moneys in the State Revenue Fund shall, subject to the provisions of subsection (6), be appropriated by Parliament by an appropriation or other Act for the requirements of the State: Provided that until such time as provision has been made in an appropriation Act for such requirements during a financial year, Parliament may, subject to the provisions of subsection (2), by a part appropriation Act, appropriate out of the State Revenue Fund a sum of money necessary for a part of such requirements: Provided further that such a part appropriation Act shall cease to have effect on the commencement of the appropriation Act for that financial year and issues already made under such a part appropriation Act shall be deemed to be issues made under that appropriation Act.

(2) Moneys appropriated by a part appropriation Act shall only be utilized for services in respect of which expenditure was authorized by an appropriation Act during the immediately preceding financial year, or in respect of which some other authorization by Act of Parliament exists.

(3) The Minister shall for every financial year, in a form determined by him, submit to Parliament an estimate of expenditure to be defrayed from the State Revenue Fund and an estimate of expected revenue during that financial year.

(4) The Minister may submit to Parliament, in a form determined by him, an additional estimate of expenditure from the State Revenue Fund.

(5) The expenditure to be defrayed from the State Revenue Fund shall be classified and distinguished in an estimate of expenditure under two headings, namely—

- (a) expenditure to be defrayed from the State Revenue Account; and
- (b) expenditure to be defrayed from the South West Africa Account,

and an estimate of revenue shall also be classified under these two headings.

(6) Moneys in the South West Africa Account shall be utilized for the sole benefit of the Territory and its inhabitants.

Duration of appropriation Act, and expenditure in a financial year.

5. (1) An appropriation Act shall not be construed as authorizing the utilization of moneys appropriated thereby in a financial year other than the financial year to which it expressly relates.

(2) Subject to the provisions of section 6, expenditure shall in each financial year be incurred in accordance with standing statutory appropriations and, in respect of each vote, the main divisions thereof.

(3) Expenditure on a service in respect of which no or insufficient provision has been made in an appropriation Act, shall not be brought to account as a final debit against a vote, unless the Minister has—

- (a) under the powers conferred on him by section 6, given prior approval for a saving under any main division of the vote concerned being applied towards such expenditure; or
- (b) granted an authority therefor in terms of section 7.

Utilization of savings in certain circumstances.

6. (1) (a) When money has been appropriated by an appropriation Act, the Minister may approve that a saving under a main division of a vote be applied towards the defrayment of excess expenditure under another main division, or of expenditure under a new main division of the same vote.

(b) Unless the Treasury otherwise directs, a saving under a subdivision of a main division may be applied by the accounting officer concerned towards the defrayment of excess expenditure under another subdivision of the same main division.

(2) The amounts appearing in "Column 2" of a schedule to an appropriation Act in respect of any vote shall, subject to the

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provisions of section 7 (1) (b) (ii), not be exceeded, and savings thereon may, with the approval of the Minister, be applied towards the defrayment of any other expenditure for which insufficient appropriation has been made under that vote.

Authority by Minister for utilization of moneys in certain circumstances.

7. (1) Notwithstanding the provisions of sections 4 and 6, the Minister may grant authority for moneys in the State Revenue Fund to be utilized during a financial year—

- (a) to defray expenditure of an exceptional nature which has not been provided for in an appropriation Act and which cannot without serious prejudice to the public interest be postponed until appropriation therefor can be made by Parliament; or
- (b) to defray—
 - (i) expenditure in connection with an expected excess on a vote which cannot without serious prejudice to the public interest be postponed until appropriation therefor can be made by Parliament; and
 - (ii) expenditure in connection with an expected excess of amounts which appear in "Column 2" of a schedule to an appropriation Act:

Provided that the total amount in respect of which authority may be granted in terms of this section shall not at any time exceed an amount equal to two per cent of the total amount appropriated by the then current appropriation Act or part appropriation Act.

(2) Steps shall be taken, not later than during the next ensuing session of Parliament, for the appropriation of any amounts in respect of which authority has been granted in terms of subsection (1).

Power of Treasury to limit or suspend incurring of expenditure.

8. (1) Notwithstanding anything to the contrary in any law contained, the appropriation by an appropriation Act, or an authority granted in terms of section 7, shall be construed as merely indicating the maximum amount which may be utilized for the service or purpose concerned, and the Treasury may limit the granting of credits referred to in section 9 (3) to the amounts which, in its opinion, are required for current payments in respect of the service or purpose concerned, or it may withhold or suspend the disbursement of moneys which have been appropriated or in respect of which authority has been granted in terms of section 7 (1), if in the opinion of the Treasury circumstances make such withholding or suspension desirable.

(2) The Treasury shall keep a record of every withholding or suspension in terms of subsection (1) and shall without delay notify the accounting officer concerned and the Auditor-General of every such withholding or suspension.

(3) Any amount of which payment was in terms of subsection (1) withheld or suspended may, subject to the provisions of section 6, be utilized during the financial year concerned for a purpose approved by the Treasury.

(4) The Treasury shall keep a record, and without delay notify the Auditor-General, of every approval granted in terms of subsection (3).

Account of Paymaster-General.

9. (1) In addition to the Exchequer Account, the Treasury shall maintain at the Bank an account entitled the Account of the Paymaster-General and may cause so much of any moneys—

- (a) appropriated by law;
- (b) which may, by virtue of the provisions of section 7, be utilized for any purpose; or
- (c) deemed to be appropriated by law,

as has been requisitioned in terms of subsection (3), to be transferred from the Exchequer Account to the Paymaster-General's Account.

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(2) The Bank shall on each appropriate working day transmit to the Auditor-General a statement of all the amounts transferred in terms of subsection (1) from the Exchequer Account.

(3) The Treasury shall grant to an accounting officer, on a requisition by him, and out of the moneys in the Paymaster-General's Account, credits out of which disbursements for the services for which he is responsible, shall be made by him.

(4) The Treasury shall not grant a credit in respect of an amount of which payment was withheld or suspended in terms of section 8 (1), unless an approval has been granted in terms of section 8 (3).

(5) An accounting officer shall keep account of all credits granted to him in terms of subsection (3) as well as all disbursements therefrom.

(6) An accounting officer may, in addition to State moneys, deposit other moneys for which he is accountable in the Paymaster-General's Account and may make disbursements from that account.

(7) In regard to the Paymaster-General's Account the Treasury shall maintain for each accounting officer an account of all credits, deposits, disbursements and withdrawals.

(8) An accounting officer shall as soon as is practicable after his accounts for any financial year have been closed, surrender to the Treasury, for redepositing in the Exchequer Account, any unexpended moneys in respect of which he received credits in terms of subsections (3) and (9), and the Treasury shall credit therewith the account in the State Revenue Fund which was charged with the anticipated expenditure concerned.

(9) If it appears after 31 March of any financial year that the expenditure by an accounting officer on services in that financial year may possibly exceed the amount of the credits granted to him by the Treasury in terms of subsection (3), he shall as soon as possible, provided appropriate funds for that financial year are still available under the vote concerned, requisition the Treasury for a credit to cover such expected excess, and the Treasury may, in the manner prescribed in subsections (1) and (3), grant the necessary credit and cause the moneys in question to be transferred in the following financial year.

(10) An accounting officer shall limit the amount of his requisitions on the Treasury for credits to the amounts which in his opinion are essential to meet his current monthly disbursements, and the Treasury shall, subject to the provisions of section 8 (1), grant credits to the extent of such amounts and to such extent only.

(11) Notwithstanding anything to the contrary contained in this section, the Accountant-General mentioned in section 15 (3) (e) may, on a requisition by the Secretary to Parliament, pay to the said Secretary the moneys appropriated for the services of Parliament, or which, by virtue of the provisions of section 7, may be utilized therefor, or are deemed to be appropriated therefor by law, and the Treasury shall for that purpose grant the said Accountant-General credits.

(12) The Treasury may temporarily invest any moneys in the Paymaster-General's Account which in its opinion are available for investment.

Power of the Treasury to utilize moneys in the Exchequer Account for certain purposes.

10. (1) The Treasury may utilize available moneys in the Exchequer Account—

- (a) for temporary investment in or outside the Republic on such conditions as it may determine;
- (b) to grant advances, on such conditions as it may determine, to the National Supplies Procurement Fund established by section 12 of the National Supplies Procurement Act, 1970 (Act No. 89 of 1970);
- (c) to make transfers in terms of section 18 (1) to the Stabilization Account;

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(d) for the payment of legitimate claims arising from a guarantee or an indemnification against losses furnished by the Government; and

(e) for the refund of money inadvertently or incorrectly paid into the Exchequer Account.

(2) The moneys utilized under subsection (1) for specific purposes, shall be deemed to have been appropriated for such purposes.

Authority for opening of bank accounts.

11. An account in respect of State moneys may only be opened at the Bank or any other bank on the written authority of the Treasury, and where an account has been so opened the Bank or the bank concerned, as the case may be, shall not allow such an account to be overdrawn.

System of book-keeping and accounting.

12. The Treasury shall, after consultation with the Auditor-General, give guidance, in such manner as it deems necessary, to accounting officers in connection with the systems of book-keeping and accounting to be followed by them.

Accounting for Exchequer Account, and preparation of statements.

13. (1) The Treasury shall account for the Exchequer Account and shall keep such accounts and records as are necessary to exercise proper control over the State Revenue Fund.

(2) The Treasury shall as soon as practicable after the end of each month, cause statements to be published in the *Gazette* showing the receipts into and transfers from the Exchequer Account during the period from the first day of the relative financial year to the end of that month as well as the balances in the Exchequer Account at the beginning and at the end of such period.

(3) As soon as practicable after the accounts in respect of any financial year have been closed, but in any case within six months after the close of a financial year, the Treasury shall prepare statements of—

- (a) the Exchequer Account;
- (b) the State Revenue Account;
- (c) the South West Africa Account;
- (d) the Paymaster-General's Account;
- (e) the State debt of the Republic and the amount of debt created and redeemed during the financial year;
- (f) the interest and dividends received in the State Revenue Account and the interest paid therefrom on the State debt;
- (g) the purposes to which the State debt of the Republic has been applied; and
- (h) all other moneys controlled by the Treasury.

(4) The Treasury shall within the period referred to in subsection (3), also prepare statements, in support of the accounts of the State Revenue Fund in respect of the financial year in question, of the receipts under the various headings shown in the estimates of revenue and of the transfers from the Exchequer Account on account of each of the votes shown in any appropriation Act for that year.

(5) The Treasury shall transmit the statements referred to in subsections (3) and (4) to the Auditor-General for examination as soon as they have been prepared.

Appropriation Accounts.

14. (1) An accounting officer shall as soon as possible, but not later than five months after the close of a financial year, prepare and transmit to the Auditor-General for examination, an appropriation account in respect of such year and in respect of each vote under his control and shall at the same time send a copy thereof to the Treasury.

(2) In an appropriation account an accounting officer shall in respect of each main division of a vote specify—

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- (a) on the receipts side thereof the amount appearing in the estimates of expenditure and additional estimates of expenditure for the financial year in question; and
 - (b) on the expenditure side thereof the amount actually expended during the same period: Provided that the amount of any advance by an accounting officer to defray expected expenditure which is not supported by acceptable expenditure vouchers, shall not be included on the expenditure side.
- (3) Each appropriation account rendered to the Auditor-General shall be accompanied by—
- (a) explanations of the causes of variation, in excess of two per cent, between expenditure and the amount contemplated in subsection (2) (a);
 - (b) an indication of the amount of any surplus to be surrendered or of any deficit;
 - (c) a statement to the effect that the preceding financial year's surplus, if any, has been surrendered.
- (4) Appropriation accounts and particulars furnished in terms of this section shall be signed by the accounting officer.

Accounting officer.

15. (1) There shall be an accounting officer for each vote who shall be charged with the responsibility of accounting for all State moneys received and payments made by him.
- (2) An accounting officer shall exercise the powers conferred upon him and perform the duties assigned to him by law, by Treasury Instructions or by the Treasury.
- (3) Unless otherwise directed by the Secretary to the Treasury, the accounting officer for—
- (a) the vote or votes of a department of State shall be the head of the department appointed in terms of the Public Service Act, 1957 (Act No. 54 of 1957), for that department;
 - (b) the South African Mint vote shall be the Director of the South African Mint;
 - (c) the Government Printing Works vote shall be the Government Printer;
 - (d) the Audit vote shall be the Assistant Auditor-General;
 - (e) the votes administered in the Department of Finance shall be the Accountant-General in that department;
 - (f) the financial transactions referred to in section 11 (1) of the Public Debt Commissioners Act, 1969 (Act No. 2 of 1969), shall be the Secretary to the Public Debt Commissioners.
- (4) During the absence of an accounting officer his powers shall be exercised and his duties performed by the officer acting in his place.

CHAPTER II

RAISING AND GRANTING OF STATE LOANS

Power of Minister to borrow moneys on behalf of the State.

16. (1) The Minister may at any time borrow moneys to—
- (a) finance anticipated deficits in the Exchequer Account;
 - (b) obtain foreign currency;
 - (c) maintain such credit balance in the Exchequer Account as he may deem necessary in the public interest.
- (2) Subject to the provisions of this Act or any other law, a department of State shall not borrow any moneys on behalf of the State and shall not, without the approval of the Treasury, accept any financial assistance from any person.

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Borrowing of moneys to regulate internal monetary conditions.

Stabilization Account.

17. The Minister may, in addition to any sums which he may borrow under section 16, borrow such further amounts as he, after consultation with the Bank, may deem to be necessary for the proper regulation of internal monetary conditions.

18. (1) Moneys borrowed in terms of section 17 and such portions as the Minister may deem necessary of any surplus in the State Revenue Account at the close of a financial year, shall be transferred to the Bank and deposited in an account which shall be established and managed by the Bank on behalf of the Treasury.

(2) The Minister may, after consultation with the Bank, cause moneys to be transferred from the Stabilization Account to the Exchequer Account whenever he deems it necessary.

(3) The Bank may, with the approval of the Treasury—

(a) invest the moneys in the Stabilization Account in any country; or

(b) grant advances from the moneys in the Stabilization Account to the National Supplies Procurement Fund established by section 12 of the National Supplies Procurement Act, 1970 (Act No. 89 of 1970),

and the interest, if any, earned on moneys so invested or on advances so granted shall be paid into the State Revenue Account at such times as the Treasury may determine.

(4) (a) Any expenditure incurred, loss suffered or profit earned by the Bank in the management of the Stabilization Account, shall be on account of the State Revenue Account: Provided that any such loss or expenditure shall be defrayed from moneys appropriated by Parliament for the purpose.

(b) The Auditor-General may accept as correct a certificate by the auditors of the Bank that a statement of account to which such certificate refers, is a true and complete statement of the transactions, receipts and payments by the Bank in terms of the provisions of this section during the period covered by the statement.

(5) The Bank shall at the request of the Treasury transfer moneys from the Stabilization Account to the Exchequer Account to defray a temporary deficit in the latter account.

(6) The Treasury shall, as soon as is practicable, transfer from the Exchequer Account to the Stabilization Account, either in a lump sum or in such instalments as it may determine, an amount equal to the moneys transferred in terms of subsection (5), and the amount of such transfers shall be deemed to be appropriated by law.

(7) The Minister shall as soon as is practicable after 31 March in each year, lay on the Table in the Senate and in the House of Assembly a statement showing the balance in the Stabilization Account at the beginning and at the close of the preceding financial year.

Method of raising loans.

19. (1) The Minister may borrow moneys in terms of section 16 in the Republic or any other country but in terms of section 17 in the Republic only and may do so by—

(a) entering into agreements with governments, banks or financial institutions, including an international bank or foreign institution;

(b) making issues of public stock and bonds and by issuing treasury bills,

on such terms and conditions as he may deem fit and may furnish any security required to be lodged therefor or which is considered to be necessary: Provided that the currency of any treasury bill shall not exceed twelve months.

(2) The Minister may also borrow moneys in terms of the said sections by accepting from the Public Debt Commissioners or the Bank, at their request, moneys on investment by making available special issues of stock on such conditions regarding interest, period of currency and issue price as he may determine.

(3) Any amount borrowed in terms of a power conferred by this Act and the interest thereon shall, subject to the provisions

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of section 101 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), be chargeable to and payable from the revenues and assets of the Republic.

(4) Agreements entered into in terms of subsection (1) (a) and the securities issued under such agreements, shall be signed by the Minister or a person or persons authorized thereto by him in writing, and securities for loans negotiated in terms of subsections (1) (b) and (2), shall be signed by the Secretary to the Treasury or persons authorized thereto by him in writing.

(5) Agreements entered into in terms of subsection (1) (a) may provide that any moneys borrowed thereunder may at any time during the currency of the agreement be repaid in whole or in part and that an amount so repaid shall again be available for drawing in terms of that agreement.

Expenditure in connection with loans.

20. (1) When in the raising of a loan the gross amount of the moneys borrowed is reduced by any costs, including any discount and commission, such costs shall be deemed to be expenditure chargeable to the State Revenue Account and the net amount so borrowed shall be increased by the amount of such costs.

(2) (a) All interest payable on any State debt, exchange rate losses, commission, management charges and any other costs incurred in respect of moneys borrowed in terms of this Act or incurred with the object of borrowing moneys in terms of this Act, shall be paid by the Treasury from the State Revenue Account.

(b) Any amounts payable during a financial year in respect of interest and other charges contemplated in paragraph (a) in connection with the State debt of the Republic and in respect of which a credit was obtained out of the Exchequer Account, shall be deemed to be amounts of actual expenditure on those services, even if at the close of the financial year in question those amounts have not actually been paid to the persons to whom they are due.

(3) Moneys required for expenditure and payments as contemplated by subsections (1) and (2), shall be deemed to have been appropriated by law.

Provisions applicable to issues of stock.

21. (1) The public stock that the Minister may issue in terms of section 19 (1) (b) shall be either internal stock or external stock, and such internal stock shall be either internal inscribed stock or internal registered stock.

(2) Internal inscribed stock shall be transferable by entry in registers kept by the Treasury in respect of such stock and which shall be *prima facie* evidence of the title of a person to stock entered therein in his name.

(3) Internal registered stock shall be transferable by a securities transfer form in terms of the Securities' Transfer Act, 1965 (Act No. 69 of 1965), and the stock certificate which the Treasury issues in respect thereof shall be *prima facie* evidence of the title of the person mentioned therein as the holder of the stock in question, to such stock.

(4) The Treasury shall keep registers in which shall be entered in respect of each issue of stock—

- (a) the name and address of each holder of such stock;
- (b) the amount of such stock of each holder; and
- (c) the date or dates on which such stock was registered in the name of a holder.

(5) The Treasury shall issue—

- (a) to a person, upon payment to the Treasury of the full amount of any internal registered stock allocated by the Treasury to him on application by him, a stock certificate for the full amount of such stock;

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- (b) to the transferee a stock certificate for the full amount of any such stock transferred by the Treasury into his name by a securities transfer form lodged with the Treasury and accompanied by the relevant stock certificate in the transferor's name.

(6) The Treasury shall only issue certificates in respect of stock allocated or transferred to the Public Debt Commissioners at their request, and the registers, which in terms of subsection (4) are kept by the Treasury, shall be *prima facie* evidence of the title of the Public Debt Commissioners to such stock entered therein in their names and in respect of which no certificates were issued to them.

(7) External stock may—

- (a) be transferred by a written instrument in the acceptable or general form applicable in the country in which the stock is issued;
- (b) at the request of a holder of such stock, be converted by the Treasury, in its discretion, into internal registered stock at such value as the Treasury may determine and subject to the relevant conditions prescribed at the time of the issue thereof, except that the principal amount and interest shall be payable at Pretoria.

Appointment of agents and making of advances.

22. (1) The Minister may, on the terms and conditions agreed upon, appoint the Bank, a financial institution, the Department of Posts and Telecommunications or any other person as an agent for the issue, management, repurchase or repayment of securities issued under this Act, or to perform any other action which the Treasury may or is required to perform in terms of this Chapter.

(2) The Treasury may, as a charge against the State Revenue Account, make interest-free advances to an agent referred to in subsection (1) for the repurchase of securities, and advances so made shall be deemed to have been appropriated by law.

Treasury not responsible for fulfilment of obligations resulting from lien over securities.

23. Neither the Treasury nor any agent appointed under section 22 (1) shall be responsible for the fulfilment of any obligation resulting from any lien, whether expressed, implied or constructive, held over any security, notwithstanding that the Treasury or such agent was notified of such lien.

Repayment of loans.

24. (1) The Treasury may prior to the due date, unless it is inconsistent with any conditions of issue or agreement, or on the due date, repay any moneys borrowed in terms of this Act, and any moneys so repaid shall be deemed to have been appropriated by law.

(2) If any moneys so borrowed are repayable during a financial year and a credit was obtained out of the Exchequer Account in respect thereof, the amount of such moneys shall be deemed to represent actual expenditure during that financial year, even if at the close of that financial year that amount of money has not actually been paid to the persons to whom they are due.

(3) Any moneys borrowed in terms of this Act and not claimed by the person entitled thereto within a period of six years from the date on which he became entitled to claim such moneys, shall be paid into the State Revenue Fund: Provided that moneys so paid into that Fund and subsequently claimed by or on behalf of the person entitled thereto, may be paid by means of a drawback from current revenue accruing to the State Revenue Account.

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Use of the words "local stock" or "local registered stock".

Determining of interest rates and other terms and conditions of State loans granted and debts to the State.

25. The words "local stock" and "local registered stock", when used in a law in relation to stock issued by the State, shall be construed as meaning "internal stock" as contemplated in this Act.

26. (1) The Minister shall from time to time determine a standard interest rate which shall be applicable to loans granted by the State out of the State Revenue Fund, and, subject to any provision to the contrary in any law contained, interest shall be paid at that rate on loans so granted.

(2) The Minister may determine that any such loan and a debt referred to in subsection (6) shall be subject to such other terms and conditions as may be specified by him, and, subject to any provision to the contrary in any law contained, such terms and conditions shall apply in respect of such loans and debts.

(3) If the Minister is of the opinion that the circumstances warrant it, he may, on such terms and conditions as he may determine, approve that interest be paid on a loan at a rate lower than the said standard interest rate and determined by him, or that no interest shall be payable thereon, and the Minister may at any time withdraw any such approval or vary any terms and conditions or rate of interest so determined by him.

(4) Whenever moneys are paid out of the State Revenue Fund as permanent capital the Minister shall determine the rate at which interest shall be paid thereon, or may determine that no interest shall be payable thereon, and subject to any provision to the contrary in any law contained, interest at such rate shall be paid on such capital, or as the case may be, no interest shall be payable thereon.

(5) Whenever a loan granted out of the State Revenue Fund, is paid by means of various drawings on different dates, the interest rate applicable to any particular drawing shall, subject to any provision to the contrary in any law contained, be the standard interest rate or the rate approved in terms of subsection (3), as the case may be, which is in force on the date on which that drawing is effected.

(6) Whenever a debt to the State is created otherwise than by the granting of a loan out of the State Revenue Fund, the Minister may, subject to any provision to the contrary in any law contained, determine the rate at which interest shall be payable on such debt or determine that no interest shall be payable thereon.

(7) The rate of interest applicable to a loan or permanent capital granted by the State before the commencement of this Act, or any other debt which arose prior to the said commencement, shall, subject to any provision to the contrary in any law contained, remain in force in respect thereof after the said commencement and, in the case of a loan or debt, until such loan has been redeemed or such debt has been paid.

Requisition by the Railways and Harbours Administration for capital sums from loan moneys, the payment of interest thereon and reimbursement of raising and management costs.

27. (1) Moneys appropriated out of the State Revenue Fund as loans to the Railways and Harbours Administration and which that Administration requires from time to time for its capital expenditure, shall be obtained by requisition on the Treasury, and the Treasury shall determine in what instalments and on what dates the moneys so requisitioned shall be paid to that Administration and whether it shall be paid—

(a) from moneys obtained by the issue of stock or from loans negotiated in terms of an agreement with the object of obtaining capital for railways and harbours purposes or for such purposes as well as other purposes; or

(b) from other available moneys, if moneys referred to in paragraph (a) are not available: Provided that if any moneys are so paid a corresponding amount shall be paid into the account in question when moneys

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obtained as contemplated in paragraph (a) become available.

(2) Notwithstanding any provision to the contrary in any law contained, the Railways and Harbours Administration shall pay interest on loans granted to it from time to time out of the State Revenue Fund and—

- (a) in the case of moneys obtained by issues of stock, at the rate of interest payable by the State on such stock, subject to adjustment of such rate of interest to—
 - (i) the rate of interest paid by the State on later issues of stock into which the former stock is converted; or
 - (ii) the rate of interest paid by the State on moneys borrowed and utilized by it to replace the capital amount of that stock if it is repaid and not converted into other stock;
- (b) in the case of moneys obtained by a loan in terms of an agreement entered into by the State, at the rate of interest payable by the State on that loan, subject, upon repayment by the State of such loan, to adjustment of such rate of interest to the rate of interest paid by the State on moneys borrowed and utilized by it to replace the capital amount of the loan repaid;
- (c) in the case of moneys paid to that Administration in terms of subsection (1) (b), at a rate of interest equal to that at which interest is paid by the Public Debt Commissioners to the said Administration on the latter's deposits repayable on demand at the time when the payment concerned is made.

(3) Save as may be otherwise agreed between the Railways and Harbours Administration and the Treasury, the total amount of interest due by that Administration in terms of subsection (2) in respect of a financial year, shall be paid to the Treasury in twelve more or less equal monthly instalments.

(4) The Railways and Harbours Administration shall be liable for—

- (a) such percentage of the Treasury's direct raising and management costs in respect of any stock or loan out of which an amount has been paid to that Administration in terms of subsection 1 (a) or (b), as is equal to the percentage which such amount paid constitutes of the total proceeds of the relative stock or loan; and
- (b) so much of the annual costs of the Treasury in connection with the administration of loans as the Treasury may from time to time determine.

(5) In this section "stock" includes debentures and bonds.

Permanent capital made available to Department of Posts and Telecommunications, and payment of interest thereon.

28. (1) An amount of R199 000 000 of that portion of the aggregate amount of loans made available to the Department of Posts and Telecommunications by the Treasury with effect from 1 April 1968 which on 1 April 1972 had not been repaid to the Treasury, shall be deemed to be permanent capital made available to that Department with effect from the last-mentioned date and shall not be repayable to the Treasury.

(2) The Department of Posts and Telecommunications shall pay to the Treasury interest at the rate of six per cent per annum on the permanent capital referred to in subsection (1), and save as may be otherwise agreed between the said Department and the Treasury, payment of the said interest shall be effected in equal half-yearly instalments.

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Loans to Department of Posts and Telecommunications, and the payment of interest thereon.

29. (1) Moneys appropriated out of the State Revenue Fund as loans to the Department of Posts and Telecommunications and which may be required from time to time by that Department for its capital expenditure, shall be obtained by requisition on the Treasury, and every such loan shall be repaid to the Treasury in accordance with the provisions of subsection (2).

(2) Save as may be otherwise agreed between the Department mentioned in subsection (1) and the Treasury, a repayment contemplated in the said subsection shall be effected by way of equal half-yearly instalments, which shall include both interest and redemption at such rate of redemption as will effect the full redemption of the loan in question at the end of a period of twenty years as from the date on which the loan or, if it was paid in instalments, the last instalment thereof was paid to that Department.

Conversion of the loan liability of South African Broadcasting Corporation into permanent capital.

30. (1) The amount of R40 000 000 made available by the Treasury to the South African Broadcasting Corporation, shall be deemed to have been made available to it as permanent capital, and the said amount shall not be repayable to the Treasury.

(2) Interest at the rate of six and a half per cent per annum, payable six-monthly in arrear, shall be payable on 31 January and 31 July in every year by the South African Broadcasting Corporation to the Treasury in respect of the permanent capital mentioned in subsection (1).

CHAPTER III

GENERAL FINANCIAL CONTROL

Other powers of the Treasury.

31. (1) Subject to the provisions of this Act and any other law, the Treasury shall have the power to—

- (a) give guidance in and exercise control over the financial and stores administration in the Public Service to bring about the systematic and orderly management thereof and to promote efficiency and economy in the utilization of State moneys and of other State property;
- (b) direct that such expenditure as it may determine shall not be incurred without its approval having been obtained;
- (c) approve fees or other charges or the rates, scales or tariffs of fees or other charges not fixed or capable of being fixed by or in terms of any law and relating to revenue accruing to or expenditure from the State Revenue Fund, and to direct that no such fee or charge or rate, scale or tariff thereof shall be introduced before the approval of the Treasury has been obtained;
- (d) grant approval for the rendering of a free service;
- (e) grant approval for the write-off of a loss of State money and other State property;
- (f) grant approval for the variation or cancellation of contracts to the detriment of the State;
- (g) require accounting officers to submit draft estimates to it, analyse such estimates and make recommendations thereon to the Minister;
- (h) require any accounting officer to submit to it information, returns, documents, explanations and motivations in regard to any matter affecting State moneys or other State property;
- (i) grant approval for the settlement of a claim by or against the State or for the waiver of a claim by the State;
- (j) authorize or condone non-compliance by an accounting officer with an instruction or other written request, stipulation or condition of the Treasury in connection with any matter;

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- (k) investigate and inspect systems for the control and administration of financial matters and stores and for the handling of movable State property in the Public Service;
- (l) determine against which vote or sub-division thereof expenditure on a service should be charged;
- (m) determine the terms and conditions on which revenue due to the State may be paid and on which State moneys may be disbursed;
- (n) approve remissions, as an act of grace, of moneys due to the State;
- (o) approve refunds of revenues as an act of grace;
- (p) approve payments, as an act of grace, from State moneys;
- (q) approve gifts of State moneys and other movable State property or the acceptance of gifts to the State;
- (r) approve the alienation, letting or other disposal of movable State property:

Provided that when the amount involved in any case contemplated in paragraph (n), (o), (p) or (q), other than any such case in connection with movable State property, exceeds ten thousand rand or relates to a tax, tariff duty, other duty or impost imposed by law, such remission, refund, payment or gift shall not be made unless moneys for the purpose have been appropriated by Parliament: Provided further that if, in the opinion of the Treasury, the circumstances connected with the payment of any such tax, tariff duty, other duty or impost justify a refund as an act of grace of the whole or a portion of the amount in question, the Treasury may approve such refund to an amount, not exceeding ten thousand rand, as a charge against the vote concerned.

(2) The Treasury may in its discretion approve the write-off of the whole or any portion of an amount owing to the State by a person, if it is satisfied that—

- (a) the amount is irrecoverable;
- (b) recovery of the amount would be uneconomical;
- (c) recovery of the amount would cause undue hardship to the debtor or his dependants because they are deprived of the minimum essential means of a livelihood;
- (d) the assets of the debtor or of the estate of the debtor, if he is deceased, (whether or not such assets are pledged to the State) are indispensable to his dependants or are of relatively little value, and the debtor or his estate, as the case may be, is unable to pay the amount or any portion thereof, except by the disposal of such assets and such disposal would cause undue hardship; or
- (e) it would be to the advantage of the State to effect a settlement of its claim in question or to waive such claim.

(3) Whenever a power is conferred by any law to determine any rate, scale, tariff, fee or charge for the purposes of any revenue accruing to, or expenditure from, the State Revenue Fund, such a determination shall, notwithstanding the provisions of such law, not be made before the approval of the Treasury thereof has been obtained: Provided that the provisions of this subsection shall not apply to any tax or such a determination by the State President.

Delegation of powers of the Treasury.

32. (1) The Treasury may on such conditions as it may determine, delegate to an accounting officer any power conferred upon it by section 31 (1) or (2).

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(2) Where the Treasury has delegated any power under subsection (1), it may authorize the accounting officer concerned to delegate that power to the holder of any post designated by the Treasury.

(3) An accounting officer shall not be divested of any power delegated by him and may amend or withdraw any decision made in the exercise of that power.

(4) The Treasury shall not be divested of a power delegated by it or under its authority and may amend or withdraw any decision made in the exercise of such power, including a decision of an accounting officer whereby a decision contemplated in subsection (3) is amended or withdrawn.

(5) Where any power has been delegated to the holder of a post, that power may be exercised by the person who for the time being performs the functions attached to such post.

Unauthorized expenditure.

33. (1) An expenditure concerned shall be unauthorized if—

- (a) a payment is made by an accounting officer without provision having been made therefor by or by virtue of the provisions of any law;
- (b) a payment or part of a payment on a service authorized by an appropriation Act results in—
 - (i) the total amount appropriated for the vote concerned being exceeded;
 - (ii) a prohibition, by virtue of the provisions of section 5 (3), on the expenditure being brought to account as a final debit; or
 - (iii) the amount shown in "Column 2" of the schedule to an appropriation Act in respect of a service being exceeded and an authority referred to in section 7 (1) (b) (ii), has not been obtained;
- (c) an accounting officer is unable to produce to the Auditor-General in respect of a payment an appropriate Treasury authority required in terms of the provisions of this Act or any other law;
- (d) an accounting officer makes a payment inconsistent with a provision of any law.

(2) All unauthorized expenditure contemplated in subsection (1) shall be reported as such by the Auditor-General in his report to Parliament.

(3) Unauthorized expenditure contemplated in subsection (1) shall not form a charge against the State Revenue Fund until—

- (a) in the case of paragraph (a), (b) or (c) of that subsection the expenditure concerned has been authorized by law; or
- (b) in the case of paragraph (d) of that subsection, the expenditure concerned has been validated by law.

(4) Unauthorized expenditure which has not been authorized or validated as contemplated in subsection (3) shall, if the accounting officer cannot or is unwilling to recover the amount concerned from the beneficiary or the person responsible for the unauthorized expenditure, be recovered by the Treasury from the accounting officer.

Recovery of losses and damages.

34. (1) If a person who is or was in the employ of a department of State caused the State a loss or damage because he—

- (a) failed to collect State moneys for the collection of which he is or was responsible;
- (b) is or was responsible for an irregular payment of State moneys or for a payment of such moneys not supported by a proper voucher;
- (c) is or was responsible for fruitless expenditure of State moneys due to an omission to carry out his duties;

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- (d) is or was responsible for a deficiency in, or for the destruction of, or damage to, State moneys, stamps, face value documents and forms having a potential value, securities, equipment, stores or any other State property;
- (e) due to an omission to carry out his duties, is or was responsible for a claim against the State,

the accounting officer concerned shall determine the amount of such loss or damage and, subject to the provisions of subsection (5), order, by notice in writing, the said person to pay to him, within thirty days from the date of such notice, the amount so determined.

(2) If a person who is in the employ of a department of State and who has in terms of subsection (1) been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the amount shall, subject to the provisions of subsections (4), (6) and (7), be deducted from his monthly salary: Provided that such deduction shall not in any month exceed one-fourth of his monthly salary.

(3) If a person who was in the employ of a department of State and who has, in terms of subsection (1), been ordered to pay an amount, fails to pay such amount within the period stipulated in the notice in question, the accounting officer concerned shall, subject to the provisions of subsections (4), (6) and (7), recover such amount from the person concerned by legal process.

(4) If a person who has been ordered to pay an amount in terms of subsection (1) makes, within the period stipulated in the notice in question, an offer to pay the amount in instalments, the accounting officer may allow payment in such instalments as he may consider reasonable: Provided that if the redemption of the amount in terms of the offer will not be effected within a period of twelve months calculated from the date on which the first instalment is payable, the approval of the Treasury shall be obtained for the payment thereof over a period in excess of the period mentioned, and the Treasury may determine the other terms and conditions subject to which the amount shall be paid.

(5) If for any reason whatsoever, an accounting officer is of the opinion that the amount of a loss or damage referred to in subsection (1) should not be recovered or should be recovered in part only from the person responsible therefor, he may request the Treasury to exempt that person from payment of the whole or a portion of such amount, and the Treasury may in its discretion approve of the whole or a portion of such amount not being recovered.

(6) A person who has in terms of subsection (1) been ordered to pay an amount may, within a period of thirty days from the date of such order, in writing request the accounting officer concerned, stating the grounds for his request, that a request as contemplated in subsection (5), be addressed to the Treasury, and if the accounting officer concerned refuses to address such a request to the Treasury or if the Treasury refuses to approve, as contemplated in the said subsection, of the whole or a portion of the amount in question not being recovered as requested, such person may within thirty days after he has been notified in writing of any such refusal, appeal against such refusal to the Minister, and the Minister may, after such further investigation as he may deem necessary, dismiss the appeal or order that the appellant be exempted either wholly or partly, according as he may consider fair and reasonable, from the payment of such amount.

(7) A person who has in terms of subsection (1) been ordered to pay an amount may, instead of appealing to the Minister under subsection (6), apply within a period of thirty days from the date of such order, or within such further period as the court may allow, to a competent court for an order setting aside such first-mentioned order or reducing such amount, and the court may upon such an application, if it is not convinced by the accounting officer concerned on the merits of the case that the order was rightly made or that that amount is correct, make an

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order setting aside such first-mentioned order or reducing that amount, as the case may be.

(8) If an amount is in terms of subsection (5), (6) or (7) reduced, the reduced amount shall *mutatis mutandis* be recovered in accordance with the provisions of subsections (1), (2), (3) and (4).

Guarantees by a Minister for repayment of certain loans, and undertakings by Minister to reimburse losses as result of other guarantees for fulfilling of obligations.

35. (1) Any Minister may on such terms and conditions as he may determine, in consultation with the Minister of Finance, if he is not the latter Minister, guarantee the repayment of the capital of, and payment of the interest on, and payment of any charges incurred in connection with, any loan granted by the Bank to any statutory body or a foreign government or central bank and in respect of which such a guarantee has not been given by a Minister in terms of any other law: Provided that no such guarantee may be so given if—

- (i) the amount of such loan; or
- (ii) the amount of such loan together with the amounts of any other loans granted to such body, government or bank by the Bank and guaranteed by a Minister in terms of this paragraph,

exceeds three hundred million rand, unless it has been approved by resolution of the Senate and of the House of Assembly.

(2) Subject, *mutatis mutandis*, to the proviso to subsection (1), the Minister may undertake to reimburse a loss which the Bank may sustain in consequence of a guarantee furnished by it for the fulfilment of an obligation to pay a sum of money contracted by a statutory body, whether in the Republic or elsewhere.

Application of certain provisions concerning powers of Minister, and delegation of his powers.

36. (1) Whenever a law requires a Minister to do anything in or after consultation with the Minister of Finance, such requirement shall, unless one of the Ministers concerned has otherwise directed, be deemed to have been complied with if consultation has taken place between the heads of the departments concerned as defined in the Public Service Act, 1957 (Act No. 54 of 1957), or their representatives.

(2) Except in a case to which subsection (1) applies, the Minister may delegate to an officer in the Department of Finance any power or function conferred on or assigned to him by this Act or any other law, in relation to the revenue, expenditure or property of the State or a statutory body, with the exception of a power to make regulations and a power or function contemplated in sections 4 (3) and (4), 7, 16, 17, 18 (1), (2) and (7), 19 (1) and (2), 21, 22, 26, 34 (6), 38 (3), 42 (7) and 45 (1), but shall not thereby be divested of a power or function so delegated, and may amend or withdraw a decision of such an officer by virtue of any such delegation.

(3) For the purposes of subsection (1) the Postmaster-General shall be deemed to be a head of a department as defined in the Public Service Act, 1957.

Gifts to the State.

37. Whenever a gift is made to the State and it is not apparent to what purpose it should be applied, the Minister may decide the manner in which such gift shall be utilized, and if such gift is in the form of cash he may, notwithstanding any provision to the contrary in any law contained, direct that for the purposes of this Act it shall be deemed not to be revenue.

Financial Regulations.

38. (1) The Minister may make regulations—

- (a) prescribing further duties and responsibilities of accounting officers;
- (b) providing for the designation of officers as principal receivers of revenue and prescribing their duties and responsibilities as such;

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- (c) providing for the refund from current revenue of moneys collected in error;
- (d) providing for the designation of officers as departmental accountants and prescribing their duties and responsibilities as such;
- (e) prescribing a system which shall be observed in regard to the collection, receipt, banking, custody, disbursement, disposal and control of, accounting for, and supervision over State moneys and the accounts kept in connection therewith;
- (f) prescribing the conditions under which gifts to the State may be accepted and utilized;
- (g) which in his opinion may be necessary for the administration of Chapter II of this Act;
- (h) providing for the control over and stocktaking of securities, stamps and other State property;
- (i) providing for the manner in which and procedures according to which accounting officers and the Treasury shall exercise the powers and perform the duties assigned to them by this Act;
- (j) providing for the financial arrangements regarding a service rendered by one department of State to another;
- (k) providing in general for the administration of the provisions and the achievement of the objects of this Act.

(2) Different regulations may under subsection (1) be made in respect of different categories of State moneys or other State property, or different categories of persons entrusted with the collection, receipt, banking, custody, disbursement, disposal and control of, accounting for, and supervision over, State moneys and other State property.

(3) The Minister may, if in his opinion circumstances warrant it, provide that a regulation made under subsection (1) need not be complied with or need not be complied with to the extent determined by him.

Treasury
Instructions.

39. (1) The Treasury may from time to time issue instructions, which shall not be inconsistent with the Financial Regulations, in regard to—

- (a) any matter mentioned in section 31;
- (b) any matter mentioned in section 38;
- (c) the manner in which accounting officers shall make submissions to the Treasury and the persons by whom such submissions shall be signed;
- (d) the administration in general, of the provisions of this Act and the Financial Regulations and the achievement of the objects thereof.

(2) The Treasury may, if in its opinion circumstances warrant it, approve a departure from a Treasury Instruction.

Revenue
Instructions.

40. An officer designated as principal receiver of revenue in terms of the Financial Regulations may from time to time, and shall whenever required by the Treasury to do so, issue to all persons who are responsible for the collection, control and disposal of any revenues in respect of which he is the principal receiver, or of such other revenues as the Treasury may determine, such instructions (entitled Revenue Instructions) as the Treasury may approve, or require him to issue in regard to such collection, control and disposal.

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CHAPTER IV

APPOINTMENT, CONDITIONS OF SERVICE, DUTIES AND POWERS OF
AUDITOR-GENERALAppointment and
conditions of
service of
Auditor-General.

41. (1) The State President shall appoint an Auditor-General.

(2) An Auditor-General shall be paid such salary as the State President may from time to time determine: Provided that a salary so determined in respect of a particular Auditor-General shall not be reduced during his term of office, except by an Act of Parliament.

(3) In the application of the Public Service Act, 1957 (Act No. 54 of 1957), the regulations issued thereunder and any other law relating to the Public Service, but subject to anything to the contrary in this Act or any other Act of Parliament contained, the Auditor-General shall be deemed to be the head of that department, and in addition to the salary determined in terms of subsection (2), there shall be paid to him the reimbursive and other allowances, bonuses and gratuities and be granted to him those privileges in respect of leave of absence, transfer and transport, as would have been paid or granted to him had he been an officer in the Public Service.

(4) The Auditor-General shall not perform or commit himself to perform remunerative work outside his official duties without the permission of the State President.

(5) The Auditor-General shall not be suspended or removed from office except in accordance with the provisions of subsections (6), (7) and (8).

(6) (a) The State President may suspend the Auditor-General and, subject to the provisions of this subsection, remove him from office—

(i) for misconduct;

(ii) for unfitness for the duties of his office or incapacity to carry them out efficiently; or

(iii) if, for reasons other than his own unfitness or incapacity, his removal from office will promote efficiency.

(b) A suspension of the Auditor-General and the reason therefor shall be communicated by message to both Houses of Parliament within fourteen days after such suspension, if Parliament is then in session, or, if Parliament is not then in session, within fourteen days after the commencement of its next ensuing session.

(c) If an address is at any time during a session of Parliament presented to the State President by both Houses of Parliament praying for the restoration in his office of the Auditor-General so suspended, he shall be restored accordingly.

(d) If an address as contemplated by paragraph (c) is not presented to the State President, he shall confirm the suspension and declare the post of Auditor-General vacant.

(e) When the suspension of the Auditor-General has been confirmed in terms of paragraph (d), the provisions of any pensions Act applicable to him shall be given effect to.

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- (7) (a) If the Auditor-General becomes afflicted with a permanent infirmity of mind or body which disables him from the proper discharge of the duties of his office, the State President may—
- (i) allow him to vacate his office; or
 - (ii) subject to the provisions of subsection (6), remove him from office on the ground of incapacity.
- (b) If the Auditor-General is allowed to vacate his office in terms of subparagraph (a) (i), he shall be deemed to have retired on the ground of ill-health and shall be entitled to the pension benefits which he would under the pension Act applicable to him have been entitled to if he had been discharged on the ground of ill-health occasioned with or without his own default, as the State President may direct.
- (8) Subject to the provisions of subsection (9), the Auditor-General shall vacate his office, and if he is a person referred to in subsection (10), he shall retire on attaining the age of 65 years: Provided that if he attains the said age after the first day of any month, he shall be deemed to attain that age on the first day of the next succeeding month.
- (9) If it is in the public interest to retain the Auditor-General in his office beyond the age at which he shall, in accordance with subsection (8), vacate his office or retire, the State President may from time to time direct that he be so retained, but not for periods exceeding in the aggregate two years.
- (10) If an officer or employee in the Public Service is appointed or in terms of section 49 acts as Auditor-General—
- (a) the period of his service as Auditor-General shall be reckoned as part of and continuous with his employment in the Public Service for purposes of leave and pension, and the provisions of any pensions Act applicable to him as such officer or employee, or in the event of his death, to his dependants, which are not inconsistent with this section, shall *mutatis mutandis* continue so to apply; and
 - (b) he shall have the same right to vacate his office and to retire as he would have had on the attainment of the age prescribed by the provisions of any law which would have been applicable to him had he remained in the Public Service.

Duties and
powers of
Auditor-General.

42. (1) The Auditor-General shall, subject to anything to the contrary in any law contained and subject to the provisions of subsections (6) and (7), investigate, examine and audit all the accounts of all accounting officers and of all other persons in the Public Service entrusted with the receipt, custody, payment or issue of State moneys, stamps, securities, equipment and stores.

(2) The Auditor-General shall investigate, examine and audit all the accounts of the Railways and Harbours Administration and of all persons in the employ of that Administration entrusted with the receipt, custody, payment or issue of moneys, stamps, securities, equipment and stores under the control of that Administration.

(3) The Auditor-General shall investigate, examine and audit all the accounts of the Department of Posts and Telecommunications and of all persons in the employ of that Department entrusted with the receipt, custody, payment or issue of moneys, stamps, securities, equipment and stores under the control of that Department.

(4) The Auditor-General shall, subject to anything to the contrary in any law contained, investigate, examine and audit all the accounts of a statutory body and of all persons in the employ of any such body entrusted with the receipt, custody, payment or issue of moneys, stamps, securities, equipment and stores under the control of that body.

(5) If at any time it appears desirable in the public interest that the accounts of a body, association or organization which is not a statutory body should be audited by the Auditor-General, the State President may require the Auditor-General to undertake the auditing of such accounts, and such body, association or organization shall for the purposes of this Act thereupon be deemed to be a statutory body.

(6) At the request of the Auditor-General the State President may, on such conditions as he may determine, exempt the whole or part of the accounts mentioned in subsections (1), (2) and (3) from a detailed examination or audit by the Auditor-General: Provided that such an exemption shall not prevent the Auditor-General from undertaking a detailed examination or audit of the accounts concerned if he deems it necessary.

(7) When in view of the confidential nature of an account it appears desirable that such account be excluded from a detailed audit by the Auditor-General, the Minister may, after consultation with the Auditor-General, determine to what extent the audit thereof shall be carried out and what vouchers shall be made available to the Auditor-General.

(8) For the purpose of auditing the accounts referred to in subsections (4) and (5), the Auditor-General may request such details and statements of account which he considers necessary and may, in his discretion, determine the extent of the investigation, examination and auditing to be carried out.

(9) The Auditor-General shall, subject to the provisions of subsections (6), (7) and (8), satisfy himself that—

(a) all reasonable precautions have been taken to safeguard the proper collection of moneys to which an audit in terms of this Act relates, and that the laws relating thereto have been duly observed;

(b) all reasonable precautions have been taken in connection with the receipt, custody and issue of, and accounting for, stores, equipment, stamps and securities;

(c) all payments are made in accordance with the appropriate authority and are supported by adequate vouchers or other proof of payment: Provided that if any voucher or other proof of payment is in any way defective or has been lost or destroyed and—

(i) the Treasury, in the case of accounts referred to in subsection (1);

(ii) the Railways and Harbours Administration, in the case of accounts referred to in subsection (2);

(iii) the Department of Posts and Telecommunications, in the case of accounts referred to in subsection (3);

(iv) the Minister of Agriculture, in the case of the accounts of a board of control established in terms of the Marketing Act, 1968 (Act No. 59 of 1968);

(v) the executive authority of any other statutory body, in the case of the accounts of such body,

is satisfied with the explanation of the responsible officer, it or he may make an order dispensing with the production of a voucher or such other proof or such other order as may appear necessary in the circumstances, and every such order shall be accepted by the

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Auditor-General as satisfying the requirements of this subsection.

(10) In exercising his powers and discharging his duties under this Act—

- (a) the Auditor-General may by notice in writing require any person in the employ of an authority or institution whose accounts are investigated, examined and audited by him, to appear before him at a time and place mentioned in the notice and to produce to him all such records, books, vouchers and documents in the possession and under the control of such person as the Auditor-General may deem necessary for the exercise of his powers or the discharge of his duties;
- (b) the Auditor-General or a person in the employ of his Department shall have—
 - (i) access to all records, books, vouchers, documents, cash, stamps, securities, equipment or stores in the possession of any person in the employ of an authority or institution whose accounts are investigated, examined and audited by him;
 - (ii) the right, without payment of a fee, to investigate and to take extracts from a record, book or document in an office of an authority or institution whose accounts are investigated, examined and audited by him;
 - (iii) the right to investigate whether any moneys in question have been spent in an advantageous and efficient manner;
 - (iv) the right to investigate and to enquire into any matter, including the efficiency of internal control measures, relating to expenditure by and the revenue of an authority or institution whose accounts are investigated, examined and audited by him;
- (c) the Auditor-General or a person in the employ of his Department who has the powers of a commissioner of oaths, may administer an oath or affirmation to and interrogate under oath or affirmation any person whom he thinks fit to interrogate, in connection with the receipt or expenditure of money or the receipt or issue of stores, equipment, securities and stamps to which the provisions of this Act apply, and in connection with any other matters and things in so far as it may be necessary for the due performance of the duties imposed and the exercise of the powers conferred upon him by this Act.

Auditing of accounts in territory of South West Africa by Auditor-General.

43. (1) The Auditor-General shall investigate, examine and audit, in accordance with the further powers and duties conferred and imposed upon him by or in terms of an ordinance of the Territory, all the accounts of the administration of the said Territory and of all persons in the employ of that administration entrusted with the receipt, custody, disbursement or issue of moneys, stamps, securities, equipment and stores under the control of that administration.

(2) The Legislative Assembly of the Territory may by ordinance entrust the auditing of the accounts of bodies established by an ordinance of the Territory to the Auditor-General, and determine his powers and duties in respect of such an audit.

(3) If at any time it appears desirable in the public interest that the accounts of a body, association or organization in the Territory not established by an ordinance of the said Territory should be audited by the Auditor-General, the Legislative Assembly of the said Territory may by resolution require the

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Auditor-General to undertake the auditing of such accounts, and such body, association or organization shall then be deemed to be a body to which subsection (2) applies.

(4) All expenses in connection with, and incidental to, the investigation, examination and auditing of accounts in the Territory by the Auditor-General in terms of the provisions of this section, shall be defrayed from the Revenue Fund of the Territory on a basis which shall be determined by the Treasury in consultation with the Executive Committee of the Territory.

Performance of functions of Controller and Auditor-General by Auditor-General.

44. Until such time as a competent authority in terms of any law otherwise directs, the Auditor-General shall, after the commencement of this Act, continue to investigate, examine and audit all accounts, the investigation, examination and auditing of which was prior to the said commencement entrusted to the Controller and Auditor-General.

Auditor-General's certificates of examination, and transmission of reports to Ministers for presentation to Parliament.

45. (1) As soon as is practicable after the close of a financial year the Auditor-General shall examine all the accounts which he is in terms of any law required to audit, and transmit them, together with his certificate and a report signed by him—

- (a) in the case of accounts of accounting officers and other persons in the Public Service, to the Minister;
- (b) in the case of accounts of the Railways and Harbours Administration and of persons in its employ, to the Minister of Transport;
- (c) in the case of the accounts of the Department of Posts and Telecommunications and of persons in its employ, to the Minister of Posts and Telecommunications;
- (d) in the case of accounts of a statutory body and of persons in its employ, subject to anything to the contrary in any law contained, to the Minister,

and each of the said Ministers shall within seven days after receipt thereof, cause the accounts and report transmitted to him to be presented to both Houses of Parliament if Parliament is then in session or, if Parliament is not then in session, within seven days after the commencement of its next ensuing session: Provided that the Auditor-General may at any time, if he considers it desirable, transmit a special report on any matter connected with his powers and duties under this or any other Act to the Minister concerned for presentation to both Houses of Parliament within a like period.

(2) If a Minister does not within the prescribed period cause to be presented to both Houses of Parliament a report by the Auditor-General in terms of this section, the Auditor-General shall immediately transmit copies of such report to the President of the Senate and the Speaker of the House of Assembly, which the President and the Speaker shall present to the Senate and the House of Assembly, respectively.

Reports of Auditor-General on accounts of statutory bodies.

46. When the Auditor-General transmits to the Minister a report on the auditing of the accounts of a statutory body, he shall also send a copy thereof to such other Minister and such body or authority as may be prescribed by the law under which the statutory body concerned was constituted or established.

Additional directives to Auditor-General in connection with report on accounts.

47. When reporting on any accounts as required by section 45, the Auditor-General shall draw attention to—

- (a) every case in which it appears to him that a grant has been exceeded or has been utilized for a service or for a purpose other than that for which it was intended;
- (b) the utilization of money for a service which in his opinion is wasteful, inefficient or not conducive to the best interests of the State, the Railways and Harbours Administration, the Department of Posts and Telecommunications or a statutory body, as the case may be;

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- (c) the use or custody of equipment and stores in a manner which is or may be detrimental to the State, the Railways and Harbours Administration, the Department of Posts and Telecommunications or a statutory body, as the case may be;
- (d) any other matter which he considers should in the public interest be brought to the notice of Parliament.

Costs of auditing.

48. (1) The costs of auditing, as determined by the Auditor-General, in respect of the accounts of—

- (a) accounting officers and other persons in the Public Service and a statutory body, shall, subject to the provisions of subsection (2), be defrayed from the State Revenue Fund;
- (b) the Railways and Harbours Administration, shall be defrayed from the Railway and Harbour Fund;
- (c) the Department of Posts and Telecommunications, shall be defrayed from the Post Office Fund.

(2) In regard to the auditing of the accounts of a statutory body, the Treasury may, after consultation with the Auditor-General, determine an amount to reimburse the State the costs thereof, and such statutory body shall thereupon pay such amount to the State: Provided that the Treasury may grant exemption from payment of any such amount.

Absence of Auditor-General.

49. During the absence, for any reason, of the Auditor-General, the most senior officer present in his Department shall be acting Auditor-General.

Audit staff.

50. The Auditor-General shall perform the functions assigned to him by this Act with the assistance of persons appointed in his Department in terms of the Public Service Act, 1957 (Act No. 54 of 1957): Provided that the Auditor-General may, for the purpose of the auditing of the accounts of a statutory body, appoint one or more other persons to assist him, subject to such directions as he may deem expedient.

Instructions and rules by Auditor-General.

51. The Auditor-General may issue instructions and make rules for the management of the internal affairs of his Department and may prescribe, as a guide, the form in which any accounts which have to be submitted to him for examination, shall be compiled.

CHAPTER V

MISCELLANEOUS

Repeal and amendment of laws.

52. (1) Subject to the provisions of subsections (2) to (9) the laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of that Schedule.

(2) Any action taken under a provision of a law repealed by subsection (1), and which could be taken under a provision of this Act, shall be deemed to have been taken under the last-mentioned provision.

(3) If moneys were, prior to the commencement of this Act, borrowed subject to the provisions of any law, those provisions shall, subject to the provisions of section 23 of this Act, continue to apply in respect of the loan of such moneys.

(4) The provisions of the Exchequer and Audit Act, 1956, with the exception of the provisions of sections 50, 52A, 52B and 55 thereof, shall, in so far as they apply to the "Postal Administration", remain of force and effect, until such time as such application of those provisions has been terminated by a competent authority in terms of any law.

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(5) On the date of commencement of this Act the Revenue Account and the Loan Account which were prior to such commencement kept in the Consolidated Revenue Fund shall be closed and the State Revenue Account credited with any credit balance and debited with any deficit in those accounts.

(6) The account maintained at the Bank in terms of section 19 of the Exchequer and Audit Act, 1956, before the commencement of this Act shall continue to exist and shall as from such commencement be deemed to be maintained by the Treasury at the Bank in terms of section 3 (1) of this Act.

(7) The account maintained at the Bank in terms of section 30 of the Exchequer and Audit Act, 1956, before the commencement of this Act shall continue to exist and shall as from such commencement be deemed to be maintained by the Treasury at the Bank in terms of section 9 (1) of this Act.

(8) The account established by the Bank in terms of section 3bis (2) of the General Loans Act, 1961, before the commencement of this Act shall continue to exist and shall as from such commencement be deemed to have been established by the Bank in terms of section 18 (1) of this Act.

(9) The person who immediately prior to the commencement of this Act occupied the post of Controller and Auditor-General shall as from such commencement be deemed to have been appointed as Auditor-General in terms of subsection (1) of section 41, and the salary which was paid to the said Controller and Auditor-General immediately prior to such commencement, shall from such commencement be deemed to be a salary determined in terms of subsection (3) of the said section.

Short title and commencement.

53. This Act shall be called the Exchequer and Audit Act, 1975, and shall come into operation on 1 April 1976.

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Schedule

LAWS REPEALED AND AMENDED

No. and year	Short title	Extent of repeal or amendment
Act No. 29 of 1911	Public Works Loan and Floating Debt Consolidation Act, 1911	The repeal of the whole
Act No. 33 of 1914	Borrowing Powers and General Loans Act Amendment Act, 1914	The repeal of the whole
Act No. 18 of 1915	Finance Act, 1915 . . .	The repeal of the whole
Act No. 42 of 1916	Finance Act, 1916 . . .	The repeal of section 1
Act No. 42 of 1917	Financial Adjustments Act, 1917	The repeal of section 1
Act No. 21 of 1928	Financial Adjustments Act, 1928	The repeal of section 19
Act No. 25 of 1932	Financial Adjustments Act, 1932	The repeal of section 17
Act No. 64 of 1934	Finance Act, 1934 . . .	The repeal of section 2
Act No. 18 of 1936	Bantu Trust and Land Act, 1936	<p>The amendment of section 9<i>bis</i>—</p> <p>(a) by the substitution for subsection (2) of the following subsection:</p> <p>“(2) The provisions of sections 42 (4), (9) (a), (9) (c) (i) and (10), 47 and 48 (1) (a) of the Exchequer and Audit Act, 1975, shall <i>mutatis mutandis</i> apply in respect of such audit: Provided that for the purposes of this subsection the reference in the said section 42 (9) (c) (i) to the Treasury shall be deemed to be a reference to the Secretary for Bantu Administration and Development.”; and</p> <p>(b) by the deletion of subsections (5) and (6).</p>
Act No. 37 of 1943	Finance Act, 1943 . . .	The repeal of section 3
Act No. 46 of 1944	Finance Act, 1944 . . .	The repeal of section 4
Act No. 57 of 1946	Finance Act, 1946 . . .	The repeal of section 7
Act No. 36 of 1950	Finance Act, 1950 . . .	The repeal of section 5
Act No. 68 of 1951	Bantu Authorities Act, 1951	<p>The amendment of section 8A—</p> <p>(a) by the substitution for subsection (2) of the following subsection:</p> <p>“(2) The Auditor-General shall as soon as possible after an audit of the books and accounts of a territorial authority and of tribal and regional authorities contemplated in subsection (5), transmit a copy of his report on the books and accounts of such territorial authority and of the tribal and regional authorities concerned to the Minister and to such territorial authority; Provided that the Auditor-General may at any time, if he considers it desirable, transmit a special report on any matter connected with his powers and duties under this Act to the Minister and to such territorial authority.”;</p> <p>(b) by the substitution for subsection (3) of the following subsection:</p>

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No. and year	Short title	Extent of repeal or amendment
Act No. 23 of 1956	Exchequer and Audit Act, 1956	The repeal of the whole
Act No. 16 of 1961	General Loans Act, 1961	The repeal of the whole
Act No. 32 of 1961	Republic of South Africa Constitution Act, 1961	<p>(a) The substitution for section 98 of the following section:</p> <p>"State Revenue Fund.</p> <p>98. (1) There shall be a State Revenue Fund into which shall be paid all revenues as defined in section 1 of the Exchequer and Audit Act, 1975.</p> <p>(2) No moneys shall be withdrawn from the State Revenue Fund, except in accordance with an Act of Parliament."; and</p> <p>(b) the repeal of section 100.</p>
Act No. 48 of 1963	Transkei Constitution Act, 1963	<p>The substitution for section 58 of the following section:</p> <p>"Auditing of accounts.</p> <p>58. Unless and until otherwise provided for by the Legislative Assembly the Auditor-General of the Republic shall investigate, examine and audit the accounts of the Transkeian Government, including those of all the inferior administrative bodies referred to in section</p>

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No. and year	Short title	Extent of repeal or amendment
Act No. 49 of 1964	Coloured Persons Representative Council Act, 1964	<p>46 and other local institutions of a similar nature in the Transkei, and all other statutory bodies in the Transkei, as well as those of all accounting officers and all persons entrusted with the receipt, custody or issue of public moneys, stamps, securities or stores, and the provisions of the Exchequer and Audit Act, 1975, and the regulations and instructions in terms of sections 38, 39, 40 and 51 thereof shall govern the administration and control of the Transkeian Revenue Fund in so far as they can be applied and are not inconsistent with this Act: Provided that whenever in that Act in or any regulations or instructions thereunder the authority or approval of Parliament, the Treasury, a Minister or the Secretary of a Department or any official is prescribed as necessary for any act, or whenever any function is to be performed, the relevant provisions shall be construed as referring to the Legislative Assembly or the appropriate Minister, secretary or official of the Transkei."</p> <p>The substitution for subsection (7) of section 22 of the following subsection:</p> <p>"(7) (a) The provisions of the Exchequer and Audit Act, 1975, excluding Chapter II, and the regulations made in terms of section 38 and the instructions issued in terms of sections 39 and 40 thereof, shall, in so far as they relate to the administration and control of revenue and moneys received, kept in custody and paid in on behalf of the State Revenue Fund, continue to apply, <i>mutatis mutandis</i>, in respect of the administration and control of revenue and moneys so received, kept in custody and paid in by persons in the employ of the Council.</p> <p>(b) The provisions of sections 11, 12, 13 (3) and (5), 14, 33, 34, 42 (4), (8), (9) (e) (i) and (10), 47 and 48 (1) (a) of the Exchequer and Audit Act, 1975, and the regulations made in terms of section 38 and the instructions issued in terms of sections 39 and 40 thereof and section 13 (1) of the State Tender Board Act, 1968 (Act No: 86 of 1968), shall <i>mutatis mutandis</i> and in so far as they can be applied and are not inconsistent with this Act, apply in connection with the administration, control, disbursement and spending of the funds of the Council: Provided that in such application—</p> <p>(i) any reference in section 34 (6) of the said Act to the Minister of Finance shall be construed as a reference to the chairman of the executive; and</p> <p>(ii) any reference in sections 11, 12, 13 (3) and (5), 14 (1), 33 (1) and (4), 34 (4), (5) and (6) and 42 (9) (e) (i) of the said Act, or in the regulations made in terms of section 38 and in the instructions issued in terms of sections 39 and 40 of the said Act, to the Treasury shall be construed as a reference to the executive.</p> <p>(c) The Commissioner for Coloured Affairs shall be the accounting officer charged with the accounting of moneys appropriated by the Council by resolution for the services referred to in subsection (2), and to whom payments by virtue of any such resolution shall be made,</p>

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No. and year	Short title	Extent of repeal or amendment
Act No. 23 of 1966	Finance Act, 1966	The repeal of paragraph (a) of section 1
Act No. 58 of 1966	Second Finance Act, 1966	The repeal of section 17
Act No. 54 of 1968	Development of Self-government for Native Nations in South-West Africa Act, 1968	<p>(a) The amendment of section 10—</p> <p>(i) by the substitution for subsection (1) of the following subsection:</p> <p>“(1) The books and accounts of any executive council referred to in section (6) and of any tribal authority, community authority or regional authority in the area in respect of which such council is the executive authority and in respect of which a Revenue Account has been established in terms of section 9 (1), shall be audited by the Auditor-General unless, in any particular case, he decides otherwise after consultation with the Secretary for Bantu Administration and Development, and he shall as soon as possible after an audit transmit a copy of his report on the books and accounts of that executive council and of that tribal authority, community authority and regional authority to the Minister of Bantu Administration and Development and to such executive council: Provided that the Auditor-General may at any time, if he considers it desirable, transmit a special report on any matter connected with his powers and duties under this Act to the said Minister and to the executive council concerned.”;</p> <p>(ii) by the substitution for subsection (2) of the following subsection:</p> <p>“(2) In the execution of an audit in terms of subsection (1) the provisions of sections 42 (4), (8), (9) (a) and (9) (c) (i) and (10), 45 (2), 47, 48 (1) (a) and 50 of the Exchequer and Audit Act, 1975, and no other provisions of that Act, shall <i>mutatis mutandis</i> apply, and in such application—</p> <p>(a) any reference in the said section 42 (9) (c) (i) to the Treasury shall be deemed to be a reference to any person or the holder of any office designated for the purposes of this section by the executive council, tribal authority, community authority or regional authority concerned with the approval of the Minister of Bantu Administration and Development; and</p> <p>(b) any reference in the said section 45 (2) to a Minister, shall be deemed to be a reference to the Minister of Bantu Administration and Development.”;</p> <p>(iii) by the substitution for paragraph (a) of subsection (3) of the following paragraph:</p> <p>“(a) A report contemplated in subsection (1) of this section shall within the period prescribed by the State President by proclamation in the <i>Gazette</i> be submitted to the legislative council concerned for consideration, and after consideration thereof such council</p>

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No. and year	Short title	Extent of repeal or amendment
Act No. 78 of 1968	Finance Act, 1968	The repeal of section 3
Act No. 21 of 1971	Bantu Homelands Constitution Act, 1971	<p>The substitution for section 35 of the following section:</p> <p>"Auditing of accounts of self-governing territory. 35. Unless and until otherwise provided for by the legislative assembly the Auditor-General of the Republic shall investigate, examine and audit the accounts of the Government of a self-governing territory, (including those of all the inferior administrative bodies referred to in section 12 and all other local institutions of a similar nature in the territory, as agreed upon by the Auditor-General and the Government concerned) and of all other statutory</p>
		<p>shall submit to the Minister of Bantu Administration and Development its comment thereon, including its findings and decisions thereon."; and</p> <p>(iv) by the substitution for paragraph (b) of subsection (4) of the following paragraph:</p> <p>"(b) If a legislative council is in terms of section 3 established for any area, the provisions of subsections (1), (2) and (3) of this section shall <i>mutatis mutandis</i> apply in respect of a report of the Auditor-General in connection with a tribal authority, community authority or regional authority in such area which on the date on which such council is so established, has not yet been transmitted to the Minister of Bantu Administration and Development."; and</p> <p>(b) the substitution for section 17P of the following section:</p> <p>"Auditing of accounts of self-governing area. 17P. Unless and until otherwise provided for by the legislative council, the Auditor-General of the Republic shall investigate, examine and audit the accounts of the government of a self-governing area (including accounts of tribal authorities and such other local institutions of a similar nature in that area as may be agreed upon between the Auditor-General and the government concerned) and all other statutory bodies in that area, as well as those of all accounting officers and all persons entrusted with the receipt, custody or issue of public moneys, stamps, securities or stores, and the provisions of the Exchequer and Audit Act, 1975, and the regulations and instructions in terms of sections 38, 39, 40 and 51 thereof shall govern the administration and control of the Revenue Fund in so far as they can be applied and are not inconsistent with this Act: Provided that whenever in that Act or in any regulations or instructions thereunder, the authority or approval of Parliament, the Treasury, a Minister or the Secretary of a department or any official is prescribed as necessary for an act, or any function is to be performed, the relevant provision shall be construed as referring to the legislative council concerned or the appropriate minister, secretary or official of that area."</p>

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No. and year	Short title	Extent of repeal or amendment
		bodies in the territory, as well as those of all accounting officers and all persons entrusted with the receipt, custody or issue of public moneys, stamps, securities or stores, and the provisions of the Exchequer and Audit Act, 1975, and the regulations and instructions in terms of sections 38, 39, 40 and 51 thereof shall govern the administration and control of the Revenue Fund in so far as they can be applied and are not inconsistent with this Act: Provided that whenever in that Act or in any regulations or instructions made thereunder the authority or approval of Parliament, the Treasury, a Minister or the Secretary of a Department or any official is prescribed as necessary for any act, or whenever any function is to be performed, the relevant provision shall be construed as referring to the legislative assembly concerned or the appropriate Minister, secretary or official of the territory concerned."
Act No. 63 of 1973	Finance Act, 1973	The repeal of section 11
Act No. 84 of 1974	Finance Act, 1974	The repeal of section 9