



STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

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DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1353.

20 Julie 1977.

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

No. 111 van 1977: Finansiewet, 1977.

DEPARTMENT OF THE PRIME MINISTER

No. 1353.

20 July 1977.

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

No. 111 of 1977: Finance Act, 1977.

ACT

To provide for the disposal of certain surplus State revenues; for guarantees by the Minister of Finance for the repayment of amounts which are paid in respect of claims arising from the guarantee by the South African Reserve Bank in respect of foreign liabilities of Rand Bank Limited; for the conversion of the loan liability of the provinces into capital grants; for remission of certain moneys owing by the Bantu Affairs Administration Board for the Vaal Triangle Area; for the transfer of certain State property to the College established by Proclamation R.3 of 1977; to empower the Minister of Finance to enter into a certain commitment towards the International Development Association; to amend the Local Loans Act, 1926, so as to increase the amounts of loans which may be granted to a local authority; to amend the Canned Fruit Export Marketing Act, 1967, to provide for guarantees by the Minister of Economic Affairs in respect of certain loans extended to the South African Canned Fruit Export Board by banking institutions; to amend the Exchequer and Audit Act, 1975, so as to further regulate the authority of the Treasury to limit the granting of credits referred to in section 9 (3) of the said Act; to delete the provision relating to the obligation of the Treasury to prepare statements of the purposes to which State debt has been applied; and to provide for a reduction in the permanent capital of the South African Broadcasting Corporation; to provide for the defrayment of the revenue deficit in the Railway and Harbour Fund; and to provide for incidental matters.

(Afrikaans text signed by the State President.)
(Assented to 11 July 1977.)

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

PART I

MATTERS AFFECTING THE STATE REVENUE FUND

Disposal of certain surplus State revenues.

1. From the surplus in the Revenue Account as at 31 March 1977, as certified by the Auditor-General, there shall be—
 - (a) transferred, notwithstanding anything to the contrary in any law contained, to the credit of the South West Africa Account, an amount equal to the deficit on the South West Africa Account as at 31 March 1977, as certified by the Auditor-General; and

WET

Om voorsiening te maak vir die besteding van sekere surplusstaatsinkomste; vir waarborgdeur die Minister van Finansies vir die terugbetaling van bedrae wat betaal word ten opsigte van eise voortspruitende uit die waarborgdeur die Suid-Afrikaanse Reserwebank ten opsigte van buitelandse verpligtinge van Rand Bank Beperk; vir die omskepping van die leningskuld van die provinsies in kapitaaltoekennings; vir die kwytskelding van sekere geld verskuldig deur die Bantoesake-administrasieraad vir die Vaaldriehoekgebied; vir die oordrag van sekere Staatsgoed aan die Kollege ingestel by Proklamasie R.3 van 1977; om aan die Minister van Finansies die bevoegdheid te verleen om 'n sekere verpligting teenoor die Internationale Ontwikkelingsgenootskap aan te gaan; tot wysiging van die Plaaslike Leningswet, 1926, ten einde die bedrae van lenings wat aan 'n plaaslike bestuur toegestaan kan word, te verhoog; tot wysiging van die Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967, om voorsiening te maak vir waarborgdeur die Minister van Ekonomiese Sake ten opsigte van sekere lenings deur bankinstellings aan die Uitvoerraad vir Suid-Afrikaanse Ingemaakte Vrugte toegestaan; tot wysiging van die Skatkis- en Ouditwet, 1975, ten einde die bevoegdheid van die Tesourie om die verlening van kredits bedoel in artikel 9 (3) van genoemde Wet te beperk, verder te reël; om die bepaling betreffende die verpligting van die Tesourie om state op te stel van die doeleindes waarvoor Staatskuld aangewend is, te skrap; en om voorsiening te maak vir die vermindering van die permanente kapitaal van die Suid-Afrikaanse Uitsaaikorporasie; om voorsiening te maak vir die bestryding van die inkomste-tekort in die Spoorweg- en Hawefonds; en om vir bykomstige aangeleenthede voorsiening te maak.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 11 Julie 1977.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:

DEEL I

AANGELEENTHEDE WAT DIE STAATSKOMSTEFONDS RAAK

1. Uit die surplus in die Inkomsterekening op 31 Maart 1977, soos deur die Ouditeur-generaal gesertifiseer, word daar—
 - (a) ondanks andersluidende bepalings van die een of ander wet, na die Suidwes-Afrikarekening 'n bedrag wat gelyk is aan die tekort in die Suidwes-Afrikarekening op 31 Maart 1977, soos deur die Ouditeur-generaal gesertifiseer, oorgedra; en

Besteding van sekere surplus-staatsinkomste.

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- (b) paid to the Economic Co-operation Promotion Loan Fund, an amount of R5 000 000.

Guarantees by Minister of Finance for repayment of amounts which are paid in respect of claims arising from guarantee furnished by South African Reserve Bank in respect of foreign liabilities of Rand Bank Limited.

2. The Minister of Finance may guarantee the repayment to the South African Reserve Bank, in the currency of the Republic, of amounts which are paid by the said Reserve Bank by virtue of claims arising from the guarantee furnished by the said Reserve Bank to foreign financial institutions on 31 January 1977 in respect of the foreign liabilities of Rand Bank Limited, as well as the interest on the said amounts and the charges incurred in connection with the said claims.

Conversion of loan liability of provinces into capital grants.

3. The amount of the moneys loaned to the provinces under section 9 of the Financial Relations Act, 1976 (Act No. 65 of 1976), and which is still outstanding on 31 March 1977 and the amount included in the Estimates of Expenditure from the State Revenue Account for the financial year ending 31 March 1978 in accordance with the said section, shall be deemed to be capital grants to the provinces and shall not be repayable and with effect from 1 April 1977 no interest shall be payable in respect of the said amounts.

Remission of certain moneys owing by Bantu Affairs Administration Board for Vaal Triangle Area.

4. The Bantu Affairs Administration Board for the Vaal Triangle Area, established under section 2 of the Bantu Affairs Administration Act, 1971 (Act No. 45 of 1971), is hereby discharged with effect from 1 July 1977, from all liability in respect of—

- (a) an amount of R2 195 293,80, being a portion of the amounts of the advances granted to it under section 11 of the Housing Act, 1966 (Act No. 4 of 1966), and on that date not yet repaid; and
(b) an amount of R2 472 674,86, being the interest accrued prior to the said date on the amount of the said advances.

Transfer of certain State property to College established by Proclamation 3 of 1977.

5. (1) The land held by the State under deeds of transfer Nos. 31857/1970 and 6876/1977, together with the improvements thereon, and all movable State property that was immediately prior to 1 April 1977 used exclusively in connection with the school which was known as the College for Advanced Technical Education, Port Elizabeth, shall, without any obligation to pay compensation, vest in the College established by Proclamation No. R.3 of 1977.

(2) The obligations of the Department of Public Works in respect of building work completed prior to 1 April 1977 on the land which vests in the said College under subsection (1), shall be met as if the said land had not so vested.

(3) No transfer duty, stamp duty or fees of office shall be payable in respect of the registration of the immovable property referred to in subsection (1) in the name of the College established by the said Proclamation.

(4) Subsection (1) shall be deemed to have come into operation on 1 April 1977.

Authority to enter into commitment to pay Republic's contributions to International Development Association.

6. The Minister of Finance is authorized to enter into a commitment towards the International Development Association for the payment on demand to the Association by the South African Government of three amounts, each of which equals two million five hundred thousand United States dollars, being the balance of the Republic's contribution towards the Fifth Replenishment of the funds of the Association.

Amendment of section 7 of Act 19 of 1926, as amended by

7. Section 7 of the Local Loans Act, 1926, is hereby amended by the substitution for subsection (2) of the following subsection:

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- (b) aan die Leningsfonds ter Bevordering van Ekonomiese Samewerking 'n bedrag van R5 000 000 oorbetaal.
2. Die Minister van Finansies kan die terugbetaling aan die Waarborgdeur Suid-Afrikaanse Reserwebank, in die betaalmiddel van die Republiek, waarborg van bedrae wat deur die gemelde Reserwebank betaal word op grond van eise wat voortspruit uit die waarborg wat gemelde Reserwebank op 31 Januarie 1977 aan buitelandse finansiële instellings verstrek het ten opsigte van die verpligtinge van Rand Bank Beperk, sowel as die rente op bedoelde bedrae en die koste aangegaan in verband met bedoelde eise.
3. Die bedrag van die geld wat kragtens artikel 9 van die Wet Omskepping van op Finansiële Verhoudings, 1976 (Wet No. 65 van 1976), aan die provinsies geleent is en wat op 31 Maart 1977 nog uitstaande is en die bedrag wat ooreenkomsdig genoemde artikel in die Begroting van Uitgawes uit die Staatsinkomsterekening vir die boekjaar wat op 31 Maart 1978 eindig, ingesluit is, word geag kapitaaltoekenings aan die provinsies te wees en is nie terugbetaalbaar nie en geen rente is met ingang van 1 April 1977 ten opsigte van bedoelde bedrae betaalbaar nie.
4. Die Bantoesake-administrasieraad vir die Vaaldrifhoekgebied, ingestel kragtens artikel 2 van die Wet op die Administrasie van Bantoesake, 1971 (Wet No. 45 van 1971), word hierby vanaf 1 Julie 1977 ontheft van alle aanspreeklikheid ten opsigte van—
- (a) 'n bedrag van R2 195 293,80 wat 'n gedeelte uitmaak van die voorskotte wat kragtens artikel 11 van die Behuisingswet, 1966 (Wet No. 4 van 1966), aan hom toegestaan is en op daardie datum nog nie terugbetaal is nie; en
- (b) 'n bedrag van R2 472 674,86 wat die rente uitmaak wat voor die vermelde datum op die bedrag van bedoelde voorskotte opgeloop het.
5. (1) Die grond wat die Staat kragtens transportaktes Nos. 31857/1970 en 6876/1977 besit, tesame met die verbeterings daarop, en al die roerende Staatsgoed wat onmiddellik voor 1 April 1977 uitsluitend gebruik is in verband met die skool wat die Kollege vir Gevorderde Tegniese Onderwys, Port Elizabeth, geheet het, gaan sonder 'n verpligting om vergoeding te betaal, oor op die Kollege wat by Proklamasie No. R.3 van 1977 ingestel is.
- (2) Die verpligting van die Departement van Openbare Werke ten opsigte van bouwerk wat voor 1 April 1977 op die grond wat kragtens subartikel (1) op die bedoelde Kollege oorgaan, voltooi is, moet nagekom word asof bedoelde grond nie aldus oorgegaan het nie.
- (3) Geen hereregte, seëlregte of kantoorgelde is betaalbaar nie ten opsigte van die registrasie van die onroerende goed bedoel in subartikel (1) op naam van die Kollege wat by genoemde Proklamasie ingestel is.
- (4) Subartikel (1) word geag op 1 April 1977 in werking te getree het.
6. Die Minister van Finansies word gemagtig om 'n verpligting teenoor die Internasionale Ontwikkelingsgenootskap aan te gaan vir die betaling op aanvraag aan die Genootskap deur die Suid-Afrikaanse Regering van drie bedrae waarvan elkeen gelykstaande is aan tweemiljoen vyfonderduisend Verenigde State-dollars, en wat die restant van die Republiek se bydrae tot die Vyfde Aanvulling van die fondse van die Genootskap is.

7. Artikel 7 van die Plaaslike Leningswet, 1926, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

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section 14 of
Act 59 of 1956,
section 13 of
Act 76 of 1964
and section 3 of
Act 25 of 1970.

Amendment of
section 2 of
Act 100 of 1967.

Amendment of
section 8 of
Act 66 of 1975.

Amendment of
section 13 of
Act 66 of 1975.

Amendment of
section 30 of
Act 66 of 1975.

Defrayment of
revenue deficit
of Railway and
Harbour Fund.

Short title.

"(2) Subject to the provisions of subsection (3), the amount of any loans granted to any local authority under this Act shall not exceed the sum of one million rand or such sum as together with the then existing debt of that local authority does not exceed two million five hundred thousand rand, whichever sum is the lesser.".

8. Section 2 of the Canned Fruit Export Marketing Act, 1967, is hereby amended by the addition of the following subsection:

"(3) The Minister may on the conditions determined by him and with the concurrence of the Minister of Finance guarantee the repayment of the capital sum of, the payment of interest on, and the payment of expenses incurred in connection with, a loan extended to the board by a banking institution registered in terms of the Banks Act, 1965 (Act No. 23 of 1965).".

9. (1) Section 8 of the Exchequer and Audit Act, 1975, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) Notwithstanding anything to the contrary contained in any law, including any law whereby money is appropriated by Parliament for any statutory body, fund or account, 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) Subsection (1) shall be deemed to have come into operation on 1 April 1976.

10. (1) Section 13 of the Exchequer and Audit Act, 1975, is hereby amended by the deletion of paragraph (g) of subsection (3).

(2) Subsection (1) shall be deemed to have come into operation on 1 April 1976.

11. (1) Section 30 of the Exchequer and Audit Act, 1975, is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) An amount of R38 200 000 of 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 and an amount of R1 800 000, being the balance of the said amount of R40 000 000, is hereby written off.".

(2) Subsection (1) shall be deemed to have come into operation on 26 October 1976.

PART II

MATTERS AFFECTING THE RAILWAY AND HARBOUR FUND

12. The revenue deficit of the Railway and Harbour Fund in respect of the financial year ended on 31 March 1977, as certified by the Auditor-General, shall be defrayed from the fund established under section 104 of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961).

13. This Act shall be called the Finance Act, 1977.

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Wet No. 111, 1977

„(2) Behoudens die bepalings van subartikel (3) mag lenings wat aan 'n plaaslike bestuur ingevolge hierdie Wet toegestaan word, nie meer wees nie as die bedrag van eenmiljoen rand of 'n bedrag wat saam met die dan bestaande skuld van dié plaaslike bestuur nie meer as tweemiljoen vyfhonderduisend rand is nie, watter bedrag ook al die minste is.”

8. Artikel 2 van die Wet op Uitvoerbemarking van Ingemaakte Vrugte, 1967, word hierby gewysig deur die volgende subartikel te voeg:

„(3) Die Minister kan op die voorwaardes wat hy bepaal en met die instemming van die Minister van Finansies die terugbetaling waarborg van die hoofsom van, die betaling van rente op, en die betaling van koste aangegaan in verband met, 'n lening wat deur 'n bankinstelling geregistreer kragtens die Bankwet, 1965 (Wet No. 23 van 1965), aan die raad toegestaan word.”

9. (1) Artikel 8 van die Skatkis- en Ouditwet, 1975, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Ondanks andersluidende bepalings van die een of ander wet, met inbegrip van 'n wet waarby geld vir die een of ander statutêre liggaam, fonds of rekening deur die Parlement bewillig word, word die bewilliging by 'n Begrotingswet, of 'n magtiging verleen ingevolge artikel 7, uitgelê asof dit bloot die maksimum bedrag aangee wat vir die betrokke diens of doel aangewend mag word, en kan die Tesourie die verlening van kredits bedoel in artikel 9 (3) beperk tot die bedrae wat, volgens sy oordeel, benodig is vir lopende betalings ten opsigte van die betrokke diens of doel, of kan hy die uitbetaling van geld wat bewillig is of ten opsigte waarvan magtiging ingevolge artikel 7 (1) verleent is, weerhou of opskort, indien omstandighede, volgens die oordeel van die Tesourie, sodanige weerhouding of opskorting wenslik maak.”

(2) Subartikel (1) word geag op 1 April 1976 in werking te getree het.

10. (1) Artikel 13 van die Skatkis- en Ouditwet, 1975, word hierby gewysig deur paragraaf (g) van subartikel (3) te skrap.

(2) Subartikel (1) word geag op 1 April 1976 in werking te getree het.

11. (1) Artikel 30 van die Skatkis- en Ouditwet, 1975, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Bedrag van R38 200 000 van die bedrag van R40 000 000 wat deur die Tesourie aan die Suid-Afrikaanse Uitsaikorporasie beskikbaar gestel is, word geag as permanente kapitaal aan hom beskikbaar gestel te wees, en genoemde bedrag is nie aan die Tesourie terugbetaalbaar nie en 'n bedrag van R1 800 000, synde die balans van die genoemde bedrag van R40 000 000, word hierby afgeskryf.”

(2) Subartikel (1) word geag op 26 Oktober 1976 in werking te getree het.

DEEL II

AANGELEENTHEDE WAT DIE SPOORWEG- EN HAWEFONDS RAAK

12. Die inkomste-tekort in die Spoorweg- en Hawefonds ten opsigte van die boekjaar wat op 31 Maart 1977 geëindig het, soos deur die Ouditeur-generaal gesertifiseer, word bestry uit die fonds wat ingevolge artikel 104 van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), ingestel is.

Bestryding van
inkomste-tekort
in die Spoorweg-
en Hawefonds.

13. Hierdie Wet heet die Finansiewet, 1977.

Kort titel