

[English text signed by the Premier]

KWAZULU-NATAL APPROPRIATION ACT, 2008

(Act No. 1 of 2008)

assented to on 14-05-2008

ACT

To provide for the appropriation of money from the Provincial Revenue Fund for the requirements of the Province in the 2008/09 financial year ending on 31 March 2009 and to provide for subordinate matters incidental thereto.

PREAMBLE

WHEREAS section 226(2) of the Constitution of the Republic of South Africa, 1996 provides that money may be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by a provincial Act;

AND WHEREAS section 26 of the Public Finance Management Act, 1999 (Act No. 1 of 1999) provides that the Provincial Legislature must appropriate money for each financial year for the requirements of the Province;

BE IT THEREFORE ENACTED by the Provincial Legislature of the Province of KwaZulu-

Natal, as follows:—

Definitions

1. (1) In this Act, unless the context indicates otherwise —

“conditional grants” means allocations to the province from the national government’s share of revenue raised nationally, provided for in section 214(1)(c) of the Constitution of the Republic of South Africa, 1996;

“current payments” means any payments made by a provincial department in respect of the operational requirements of that department, and includes, amongst others, payments for the compensation of employees, goods and services, interest, rental of immovable property and financial transactions relating to assets and liabilities, but excludes transfers and subsidies and payments for capital assets;

“payments for capital assets” means any payments made by a provincial department –

- (a) for assets that can be used continuously or repeatedly in production for more than one year, and from which future economic benefits or service potential is expected to flow directly to the provincial department making the payment; and
- (b) that must be classified as or deemed to be payments for capital assets in accordance with the *“Reference Guide to the new Economic Format”* (November 2003, Version 2) and the *“Asset Management Framework”* (April 2004, Version 3.3), issued by the National Treasury under section 76 of the Public Finance Management Act;

“Province” means the province of KwaZulu-Natal established in terms of section 103 of the Constitution of the Republic of South Africa, 1996;

“Provincial Legislature” means the legislature of the Province of KwaZulu-Natal;

“Public Finance Management Act” means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“transfers and subsidies” means any payments made by a provincial department to another organ of state or any other person in respect of which the provincial department does not receive anything of similar value directly in return, and includes the payment of conditional grants; and

“this Act” includes the Schedule.

(2) Any word or expression to which a meaning has been assigned in the Public Finance Management Act has the meaning assigned to in that Act.

Appropriation of money for the requirements of the Province

2. (1) Appropriations by the Provincial Legislature of money from the Provincial Revenue Fund for the requirements of the province in the 2008/09 financial year, to votes and main divisions within a vote, and for the specific listed purposes, are set out in the Schedule.

(2) Spending of appropriations is subject to the Public Finance Management Act and section 3 of this Act.

Appropriation listed as “specifically and exclusively”

3. Despite the provisions of any law, appropriations to a vote or main divisions within a vote that are listed as “specifically and exclusively” may only be utilised for the purpose indicated and may not be used for any other purpose, unless an Act of the Provincial Legislature amends or changes the purpose for which it was allocated.

Short title

4. This Act is called the KwaZulu-Natal Appropriation Act, 2008.