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19 January 2022

No. 45785

THE PRESIDENCY

No. 768 **19 January 2022**

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

Act No. 18 of 2021: Adjustments Appropriation Act, 2021

MO-PRESIDENTE

No. 768 **19 January 2022**

Mo go tsebiswa gore Mo-Presidente o dumetse molao o latelago, wona o tla gatiswa e le tsebiso ya kakaretso:—

Nmr 18 ya 2021: Molao wa Ditokošo tša Ditekanyetšo, 2021

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(English text signed by the President)
(Assented to 14 January 2022)
 —————

ACT

To effect adjustments to the appropriation of money from the National Revenue Fund for the requirements of the State in respect of the 2021/22 financial year; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 213(2) of the Constitution of the Republic of South Africa, 1996, provides that money may be withdrawn from the National Revenue Fund only in terms of an appropriation by an Act of Parliament or as a direct charge against that Fund, when it is provided for in the Constitution of the Republic of South Africa, 1996, or an Act of Parliament;

WHEREAS section 12(1) and (2) of the Money Bills and Related Matters Act, 2009 (Act No. 9 of 2009), provides for the tabling of a national adjustments budget, as envisaged in section 30 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), with an adjustments appropriation Bill;

AND WHEREAS the Appropriation Act, 2021 (Act No. 10 of 2021), provides for the appropriation of money from the National Revenue Fund to provide for the requirements of the State in respect of the 2021/22 financial year,

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

Interpretation

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in section 1 of the Appropriation Act, 2021 (Act No. 10 of 2021), or section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), must bear the meaning so assigned. 5

Adjustments to appropriations of money for requirements of State

2. (1) Adjustments to appropriations by Parliament of money from the National Revenue Fund for the requirements of the State in the 2021/22 financial year to votes and the main divisions within a vote, and amendments to the purposes that are specified, are set out in the Schedule to this Act. 10

(2) The spending of appropriations envisaged in subsection (1) is subject to this Act, the Appropriation Act, 2021, the Public Finance Management Act and the Division of Revenue Act, 2021 (Act No. 9 of 2021). 15

(English text signed by the President)
(Assented to 14 January 2022)

MOLAO

Go dira ditokišo go ditekanyetšo tša tšhelete ya gotšwa go Sekhwama sa Letseno sa Bosetšhaba ka lebaka la dinyakwa tša mmušo malebana le ngwaga wa ditšhele wa 2021/22; le go fana ka taelo mererong ye e ka swanago le ye.

KETAPELE

MOO karolo ya 213(2) ya Molaotheo wa Repabliki ya Afrika Borwa, wa 1996, e laelago gore tšhelete e ka ntšhwa go Sekhwama sa Letseno sa Bosetšhaba, fela e ka ntšhwa go ya ka ditekanyetšo tša Molao wa Palamente goba bjalo ka tefelo ya thwii gotšwa go Sekhwama, ge e le gore e akareditšwe go Molaotheo wa Repabliki ya Afrika Borwa, wa 1996, goba ka gare ga Molao wa Palamente;

MOO karolo ya 12(1) le (2) ya Melaokakanywa ya Ditšhelete le Molao wa Merero ya go Swana, wa 2009 (Molao wa No. ya 9 wa 2009), e fanago ka tumelelo ya go thala ditokišo tša ditekanyetšo tša bosetšhaba, bjalo ka ge go ngwadilwe go karolo ya 30 ya Molao wa Taolo ya Ditšhelete tša Setšhaba, wa 1999 (Molao wa No. ya 1 wa 1999), le ka go Molaokakanywa wa ditokišo tša ditekanyetšo;

LE MOO Molao wa Ditekanyetšo, wa 2021 (Molao wa No. ya 10 wa 2021), o fanago ka tumelelo ya go dira ditekanyetšo tša tšhelete ya gotšwa go Sekhwama sa Letseno sa Bosetšhaba ye e tlo šomišwago go dinyakwa tša Mmušo malebana le ngwaga wa ditšhelete wa 2021/22,

KA GONA O DIRWA MOLAO KE Palamente ya Repabliki ya Afrika Borwa, ka mo go latelago:—

Ditlhathollo

1. Mo go Molao wo, ntle le ge diteng di šupa se sengwe, lentšu goba mmolelwana wo mongwe le wo mongwe wo o nago le tlhalošo ka go karolo ya 1 ya Molao wa Ditekanyetšo, wa 2021 (Molao wa No. ya 10 wa 2021), goba karolo ya 1 ya Molao wa Taolo ya Ditšhelete tša Setšhaba, wa 1999 (Molao wa No. ya 1 wa 1999), o swanetše go rwala tlhalošo yeo o e filwego. 5

Ditokišo go ditekanyetšo tša ditšhelete go ya ka dinyakwa tša Mmušo

2. (1) Ditokišo go ditekanyetšo tša Palamente tša tšhelete yeo e tšwago go Sekhwama sa Letseno sa Bosetšhaba malebana le dinyakwa tša Mmušo tša ngwaga wa ditšhelete wa 2021/22, yeo e išwago go diboutu le dikarolothwii tša ka gare ga boutu, gammogo le diphešo go mabaka ao a hlathlotšwego a tšhomišo ya tšhelete, di ngwadilwe ka gare ga Šedule ya Molao wo. 10

(2) Tšhomišo ya ditekanyetšo tšeo go lebeletšwego gore di tla šomišwa go karolwana ya (1) e tla dirwa go ya ka Molao wo, Molao wa Ditekanyetšo, wa 2021, Molao wa Taolo ya Ditšhelete tša Setšhaba le Molao wa Karoganyo ya Ditšhelete, wa 2021 (Molao wa No. ya 9 wa 2021). 15

Amounts listed as specifically and exclusively appropriated

3. An amount that is marked as specifically and exclusively appropriated in the Schedule to this Act may be used only for the purpose indicated, unless the amount or purpose is amended by, or in terms of, an Act of Parliament.

Conditions for appropriations

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4. (1) The Minister may, in writing—

(a) impose conditions on an amount in the Schedule to this Act, other than a conditional allocation, in order to promote transparency and accountability and the effective management of the appropriation; and

(b) stop the use of an amount in respect of which conditions imposed in terms of paragraph (a) are not met. 10

(2) The stoppage of an amount in terms of subsection (1)(b) must be disclosed in the National Treasury's next quarterly report to the relevant Parliamentary Committees.

Use of unspent funds

5. (1) Despite section 3 of this Act, section 3 of the Appropriation Act, 2021, and section 43(4) of the Public Finance Management Act, the Minister may approve that unspent funds in an amount in the Schedule to this Act appropriated for— 15

(a) compensation of employees, be used within the same vote for transfers and subsidies for the payment of severance or exit packages;

(b) goods and services, be used within the same vote for compensation of employees; 20

(c) transfers and subsidies to other institutions, be used elsewhere within the same main division;

(d) payments for capital assets, be used elsewhere in any main division within the same vote; or 25

(e) payments for financial assets, be used elsewhere within the same main division.

(2) The Minister may not approve the use of unspent funds in terms of subsection (1)(c), (d) or (e) for compensation of employees.

(3) The sum of the unspent funds in a main division of a vote approved for use in another main division of that vote in terms of— 30

(a) subsection (1); and

(b) section 43(1) of the Public Finance Management Act, may not exceed eight per cent of the amount appropriated under that main division.

(4) The approval of the use of unspent funds in terms of subsection (1) must be disclosed in the National Treasury's next quarterly report to the relevant Parliamentary Committees. 35

Delegations and authorisations

6. (1) The Minister may—

(a) delegate to an employee of the National Treasury any power conferred on the Minister in terms of this Act, except section 7; and 40

(b) authorise an employee of the National Treasury to perform any duty imposed on the Minister in terms of this Act.

(2) A delegation or authorisation in terms of subsection (1)—

(a) must be in writing; 45

(b) is subject to any limitations or conditions that the Minister may impose;

(c) may authorise the employee to sub-delegate, in writing, the delegated power or authorised duty to another suitable employee of the National Treasury;

(d) does not divest the Minister of the responsibility concerning the exercise of the delegated power or the performance of the authorised duty; and 50

Ditšhelete tšeo di ngwadilwego bjalo ka tšeo di nago le ditekanyetšo tša go ikgetha

3. Tšhelete yeo e kgethilwego ka gare ga šedule ya Molao wo bjalo ka yeo e kgethegilego e ka šomišwa fela go morero wo o ngwadilwego, ntle le ge tšhelete goba morero o ka fetošwa ke, goba go ya ka, Molao wa Palamente.

Mabaka a ditekanyetšo

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4. (1) Tona, ka lengwalo, e ka—

(a) gapeletša gore go be le mabaka a go šomiša tšhelete ya ka gare ga šedule, ka ntle le ditekanyetšo tšeo di šetšego di na le mabaka, gore a tšwetšepele ditiragalo tša pepeneneng le tša maikarabelo gammogo le taolo yeo e šomago ya ditekanyetšo; le

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(b) go thibela tšhomišo ya tšhelete yeo e sa fihlelelego kobamelo ya mabaka ao a lego ka go temana ya (a).

(2) Go thibela tšhomišo ya tšhelete go ya ka karolwana ya (1)(b) go swanetše go tsebagatšwa ka gare ga pego ya kotara yeo e latelago ya Matlotlo a Bosetšhaba go Dikomiti tša Palamente tšeo di amegago.

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Tšhomišo ya ditšhelete tšeo di sa šomišwago

5. (1) Le ge go na le karolo ya 3 ya Molao wo, karolo ya 3 ya Molao wa Ditekanyetšo, wa 2021, le karolo ya 43(4) ya Molao wa Taolo ya Ditšhelete tša Setšhaba, Tona e ka dumelela gore ditšhelete tšeo di sa šomišwago tša ka gare ga šetule ya Molao wo, di lekanyetšwe malebana le—

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(a) meputso ya bašomi, di šomišwe ka gare ga boutu ye tee le diphetišetšo gammogo le dithušo tša ditšhelete tšeo di tlo lefelwago bašomi ka morago ga go tlogela mošomo;

(b) didirišwa le ditirelo, di šomišwe ka gare ga boutu ye tee le meputso ya bašomi;

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(c) diphetišetšo le dithušo tša ditšhelete go dihlolongwa tše dingwe, di šomišwe go gongwe ka gare ga karolothwii ya go swana;

(d) ditefelo tša dithoto tša khpetlele, di šomišwe go gongwe ka gare ga karolothwii ye nngwe le ye nngwe ya ka gare ga boutu ye tee; goba

(e) ditefelo tša dithoto tša tšhelete, di šomišwe go gongwe ka gare ga karolothwii ya go swana.

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(2) Tona e ka na ya se dumelele tšhomišo ya ditšhelete tšeo di sa šomišwago go ya ka karolwana ya (1)(c), (d) goba (e) go lefa meputso ya bašomi.

(3) Palomoka ya ditšhelete tšeo di sa šomišwago ka gare ga karolothwii ya ka gare ga boutu, e dumeletšwe go šomišwa ka gare ga karolothwii ye nngwe ya boutu yeo go ya ka—

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(a) karolwana ya (1); le

(b) karolwana ya 43(1) ya Molao wa Taolo ya Ditšhelete tša Setšhaba, ga se ya swanela go feta diperesente tše seswai tša tšhelete yeo e lekanyeditšwego ka fase ga karolothwii yeo.

(4) Tumelelo ya tšhomišo ya ditšhelete tšeo di sa šomišwago go ya ka karolwana ya (1) e swanetšwe go tsebagatšwa ka gare ga pego ya kotara yeo e latelago ya Matlotlo a Bosetšhaba go Dikomiti tša Palamente tšeo di amegago.

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Ditaelo le ditumelelo

6. (1) Tona e ka—

(a) laela gore mošomi wa Matlotlo a Bosetšhaba a fiwe maatla ao a filwego Tona go ya ka Molao wo, ntle le karolo ya 7; le gore

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(b) a dumelele mošomi wa Matlotlo a Bosetšhaba go dira mošomo wo mongwe le wo mongwe wo Tona e swanetšego go o dira go ya ka Molao wo.

(2) Taelo le tumelelo go ya ka karolwana ya (1)—

(a) e swanetše go ngwalwa;

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(b) e ka ba le mellwane goba mabaka ao Tona a ka a beago;

(c) e ka fa mošomi yo a filwego maatla ke Tona go fa yo mongwe wa bašomi maatla, ka go ngwala maatla ao, goba a ngwale mošomo wa mošomi yowe yo mongwe yo a nago le bokgoni wa Matlotlo a Bosetšhaba;

(d) se ga se tloše maikarabelo a Tona a go šetša tšhomišo ya maatla ao a filwego goba phethagatšo ya mošomo wo o laetšwego; le

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