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9 July 2021

No. 44835

Notice No. 390 published in Government Gazette No. 44774 of 28 June 2021 that published the Appropriation Act, 2021 (Act No. 10 of 2021), is hereby withdrawn.

THE PRESIDENCY

No. 415

9 July 2021

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

Act No. 10 of 2021: Appropriation Act, 2021

MO-PRESIDENTE

No. 415

9 July 2021

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

Nmr 10 ya 2021: Molao wa Ditekanyetšo, 2021

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(English text signed by the President)
(Assented to 6 July 2021)

ACT

To appropriate money from the National Revenue Fund for the requirements of the State for the 2021/22 financial year; to prescribe conditions for the spending of funds withdrawn for the 2022/23 financial year before the commencement of the Appropriation Act for the 2022/23 financial year; and to provide for matters incidental thereto.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WHEREAS section 213(2) of the Constitution of the Republic of South Africa, 1996, provides that money may be withdrawn from the National Revenue Fund only in terms of an appropriation by an Act of Parliament or as a direct charge against that Fund, when it is provided for in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 26 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), provides that Parliament must appropriate money for each financial year for the requirements of the State;

AND WHEREAS section 7(1) of the Money Bills and Related Matters Act, 2009 (Act No. 9 of 2009), provides that the Minister of Finance must table the annual budget, as set out in section 27 of the Public Finance Management Act, 1999, in the National Assembly at the same time as the Appropriation Bill,

BE 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 Public Finance Management Act, must bear the meaning so assigned, and— 5

“**allocation-in-kind**” means an allocation that is listed as an allocation-in-kind in the Division of Revenue Act for the 2021/22 financial year for spending by a national department on behalf of a province or a municipality;

“**conditional allocation**” means a conditional allocation to a province or a municipality from the national government’s share of revenue raised nationally, which is provided for and whose purpose is specified in the Division of Revenue Act for the 2021/22 financial year envisaged in section 214(1)(c) of the Constitution of the Republic of South Africa, 1996; 10

“**contingencies**” mean unallocated amounts and provisional allocations contained in the fiscal framework, as defined in section 1 of the Money Bills and Related Matters Act, 2009 (Act No. 9 of 2009), or a revised fiscal framework, for the 2021/22 financial year; 15

“**current payments**” means any payment made by a department classified as, or deemed to be, a current payment in terms of the instructions issued in the 20

(English text signed by the President)
(Assented to 6 July 2021)

MOLAO

Go lekanyetša tšhelete gotšwa go Sekhwama sa Letseno sa Bosetšhaba go ya ka dinyakwa tša Mmušo tša ngwaga wa ditšhelete wa 2021/22; go fana ka mabaka a go šomiša tšhelete yeo e ntšhitšwego go tšhelete ya ngwaga wa ditšhelete wa 2022/23 pele ga ge go e ba le Molao wa Ditekanyetšo wa ngwaga wa ditšhelete wa 2022/23; gammogo le go fana ka mabaka a merero ye e itšego yeo e ka diregago.

KETAPELE

MOO karolo ya 213(2) ya Molaotheo wa Repabliki ya Afrika Borwa, wa 1996, e laela gore tšhelete e ka ntšhwa go Sekhwama sa Letseno sa Bosetšhaba, efela 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 26 ya Molao wa Taolo ya Ditšhelete tša Setšhaba, wa 1999, (Molao wa No. ya 1 wa 1999), e laela gore Palamente e swanetše go dira ditekanyetšo tša ditšhelete go ngwaga wo mongwe le wo mongwe wa ditšhelete go ya ka dinyakwa tša Mmušo;

LE MOO karolo ya 7(1) ya Melaokakanywa ya Ditšhelete le Molao wa Ditiragalo tša go Swana, wa 2009 (Molao wa No. ya 9 wa 2009), e laela gore Tona ya Matlotlo e swanetše go thala dipeakanyo tša ngwaga ka ngwaga tša ditšhelete, bjalo ka ge di ngwadilwe ka gare ga karolo ya 27 ya Molao wa Taolo ya Ditšhelete tša Setšhaba, wa 1999, kopanong ya Maloko a Palamente ka nako e tee le Melaokakanywa wa Ditekanyetšo,

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 Taolo ya Ditšhelete tša Setšhaba, o swanetše go rwala tlhalošo yeo o e filwego, le gore— 5

“**ditekanyetšo tše e sego tša tšhelete**” e ra ditekanyetšo tše di ngwadilwego bjalo ka ditekanyetšo tše e sego tša tšhelete ka gare ga Molao wa Karoganyo ya Letseno wa ngwaga wa ditšhelete wa 2021/22 tše di tlo šomišwego ke kgoro ya bosetšhaba legatong la profense goba masepala; 10

“**ditekanyetšo tše di nago le mabaka**” e ra ditekanyetšo tše di nago le mabaka tša profense goba masepala gotšwa go karolo ya ditšhelete tše di hweditšwego naga ka bophara, tše di nago le mabaka ebile morero wa tšona o ngwadilwe ka gare ga Molao wa Karoganyo ya Letseno wa ngwaga wa ditšhelete wa 2021/22 wo o lebeletšwego ka go karolo ya 214(1)(c) ya Molaotheo wa Repabliki ya Afrika Borwa, wa 1996; 15

“**ditšhelete tša tshoganyetšo**” e ra ditšhelete tše di sa aroganyetšwego lebaka gammogo le tše di abetšwego lebakanyana tše di ngwadilwego ka gare ga

Guidelines for Implementing the Economic Reporting Format (September 2009), in terms of section 76 of the Public Finance Management Act;

“**Minister**” means the Cabinet member responsible for finance;

“**payments for capital assets**” means any payment made by a department classified as, or deemed to be, a payment for capital assets in terms of the instructions issued in the *Guidelines for Implementing the Economic Reporting Format* (September 2009) and the *Asset Management Framework* (April 2004, Version 3.3), in terms of section 76 of the Public Finance Management Act; 5

“**payments for financial assets**” means any payment made by a department classified as, or deemed to be, a payment for financial assets in terms of the instructions issued in the *Guidelines for Implementing the Economic Reporting Format* (September 2009), in terms of section 76 of the Public Finance Management Act; 10

“**Public Finance Management Act**” means the Public Finance Management Act, 1999 (Act No. 1 of 1999); 15

“**purpose**” includes the classification of an appropriation as current payments, payments for capital assets, payments for financial assets or transfers and subsidies;

“**relevant Parliamentary Committees**” means the Standing Committee on Appropriations of the National Assembly and the Select Committee on Appropriations of the National Council of Provinces; and 20

“**transfers and subsidies**” means any payment made by a department classified as, or deemed to be, a transfer or subsidy payment in terms of the instructions issued in the *Guidelines for Implementing the Economic Reporting Format* (September 2009), in terms of section 76 of the Public Finance Management Act. 25

Appropriation of money for requirements of State

2. (1) 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 for the purposes that are specified, are set out in the Schedule.

(2) The spending of appropriations envisaged in subsection (1) is subject to this Act, the Public Finance Management Act and the Division of Revenue Act for the 2021/22 financial year. 30

(3) The spending of funds withdrawn from the National Revenue Fund before this Act takes effect, as envisaged in section 29(1) of the Public Finance Management Act, is subject to section 7 of the Appropriation Act, 2020 (Act No. 7 of 2020). 35

Amounts listed as specifically and exclusively appropriated

3. An amount that is marked specifically and exclusively in the Schedule 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

4. (1) The Minister may, in writing—

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

sethalwa sa ditšhelete, seo se hlalošitšwego ke karolo ya 1 ya Melaokakanywa ya Ditšhelete le Melao ya Ditiragalo tša go swana, wa 2009 (Molao wa No. ya 9 wa 2009), goba sethalwa seo se kaonafaditšwego sa ditšhelete, sa ngwaga wa ditšhelete wa 2021/22;

“**ditefelo tša ga bjale**” e ra ditefelo tše di dirilwego ke kgoro tšeo di hlathilwego bjalo ka, goba di dirilwe go ba, tefelo ya ga bjale go ya ka ditaelo tšeo di ntšhitšwego ka gare ga sengwalwa sa *Guidelines for implementing the Economic Reporting Format* (sa Setemere 2009), go ya ka karolo ya 76 ya Molao wa Taolo ya Ditšhelete tša Setšhaba;

“**Tona**” e ra leloko la Kabinete leo le nago le maikarabelo a tša matlotlo;

“**ditefelo tša dithoto tša khepetlele**” e ra tefelo ye nngwe le ye nngwe yeo e dirilwego ke kgoro yeo e hlathwago bjalo ka, goba yeo e tšewago bjalo ka tefelo ya dithoto tša khepetlele go ya ka ditaelo tšeo di ntšhitšwego ka gare ga sengwalwa sa *Guidelines for implementing the Economic Reporting Format* (sa Setemere 2009) le sa *Asset Management Framework* (sa Aporele 2004, Version 3.3), go ya ka karolo ya 76 ya Molao wa Taolo ya Ditšhelete tša Setšhaba;

“**ditefelo tša dithoto tša ditšhelete**” e ra tefelo ye nngwe le ye nngwe yeo e dirilwego ke kgoro yeo e hlathwago bjalo ka, goba yeo e tšewago bjalo ka tefelo ya dithoto tša ditšhelete go ya ka ditaelo tšeo di ntšhitšwego ka gare ga sengwalwa sa *Guidelines for implementing the Economic Reporting Format* (sa Setemere 2009), go ya ka karolo ya 76 ya Molao wa Taolo ya Ditšhelete tša Setšhaba;

“**Molao wa Taolo ya Ditšhelete tša Setšhaba**” e ra Molao wa Taolo ya Ditšhelete tša Setšhaba, wa 1999 (Molao wa No. ya 1 wa 1999);

“**morero**” o akaretša go hlathwa ga ditekanyetšo bjalo ka ditefelo tša ga bjale, ditefelo tša dithoto tša khepetlele, ditefelo tša dithoto tša tšhelete goba diphetisetšo le dithušo tša ditšhelete;

“**Dikomiti tša Palamente tšeo di amegago**” e ra Komiti yeo e lego gona ga bjale ya Ditekanyetšo tša Seboka sa Maloko a Palamente gammogo le Komiti yeo e Kgethilwego ya Ditekanyetšo tša Lekgotla la Bosetšhaba la Diprofense; le

“**diphetisetšo le dithušo tša ditšhelete**” e ra tefelo ye nngwe le ye nngwe yeo e dirilwego ke kgoro yeo e hlathwago bjalo ka, goba e tšewago bjalo ka, tefelo ya phetisetšo goba thušo ya tšhelete go ya ka ditaelo tšeo di ntšhitšwego ka gare ga sengwalwa sa *Guidelines for implementing the Economic Reporting Format* (sa Setemere 2009), go ya ka karolo ya 76 ya Molao wa Taolo ya Ditšhelete tša Setšhaba.

Ditekanyetšo tša ditšhelete go ya ka dinyakwa tša Mmušo

2. (1) Ditekanyetšo tša Palamente tša tšhelete yeo e tšwago go Sekhwama sa Letseno sa Bosetšhaba mabapi le dinyakwa tša Mmušo tša ngwaga wa ditšhelete wa 2021/22 yeo e išwago go diboutu le dikarolothwii tša ka gare ga boutu, le ka baka la merero yeo e ngwadilwego ka gare ga Šedule.

(2) Ditekanyetšo tšeo go lebeletšwego gore di tla šomišwa go karolwana ya (1) di dirwa go ya ka Melao ye, Molao wa Taolo ya Ditšhelete tša Setšhaba le Molao wa Karoganyo ya Ditšhelete go ngwaga wa ditšhelete wa 2021/22.

(3) Go šomišwa ga ditšhelete tšeo di ntšhitšwego go Sekhwama sa Letseno sa Bosetšhaba pele ga ge Molao wo o thoma go šoma, bjalo ka ge go lebeletšwe go ya ka karolo ya 29(1) ya Molao wa Taolo ya Ditšhelete tša Setšhaba, go tla dirwa go ya ka karolo ya 7 ya Molao wa Ditekanyetšo, wa 2020 (Molao wa No. ya 7 wa 2020).

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

3. Tšhelete yeo e kgethilwego ka gare ga Šedule bjalo ka yeo e kgethegilego e tlo 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

4. (1) Tona e ka, ka lengwalo—

(a) a gapeletše mabaka a tšhelete ya ka gare ga Šedule, ka ntle le ditekanyetšo tšeo di nago le mabaka, gore a tšwetšepile ditiragalo tša pepeneneng le maikarabelo gammogo le taolo yeo e šomago ya ditekanyetšo; le