



# Government Gazette

**REPUBLIC OF SOUTH AFRICA**

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## THE PRESIDENCY

No. 809

30 July 2009

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

**No. 16 of 2009: Appropriation Act, 2009.**



**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

(English text signed by the President.)  
(Assented to 28 July 2009.)

## ACT

**To provide for the appropriation of money from the National Revenue Fund for the requirements of the State in the 2009/10 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**WHEREAS** section 213(2) of the Constitution of the Republic of South Africa, 1996, provides that money may be withdrawn from the National Revenue Fund only in terms of an appropriation by an Act of Parliament;

**AND 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,

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

### Definitions

**1.** In this Act, unless the context indicates otherwise, any meaning ascribed to a word or expression in section 1 of the Public Finance Management Act must bear the meaning so ascribed, and—

“**conditional grants**” means conditional allocations to provinces, local government or municipalities from the national government’s share of revenue raised nationally, contemplated in section 214(1)(c) of the Constitution of the Republic of South Africa, 1996;

“**current payments**” means any payment made by a national department in respect of the operational requirements of that department, and includes 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, payments for capital assets and payments made under section 73 of the Public Finance Management Act;

“**payments for capital assets**” means any payment made by a national department—

- (a) for an asset that can be used continuously or repeatedly in production for more than one year and which is expected to have future economic benefits or service potential for the national department making the payment; and
- (b) that must be classified as or deemed to be a payment for capital assets in accordance with the *Reference Guide to the New Economic Reporting 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;

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

“**transfers and subsidies**” means any payment made by a national department to another organ of state or to a person or organisation outside government in respect of which the national department does not receive a direct benefit of similar value in return, and includes the payment of conditional grants.

### **Appropriation of money for requirements of State** 5

2. (1) Appropriations by Parliament of money from the National Revenue Fund for the requirements of the State in the 2009/10 financial year, to votes and main divisions within a vote and for the specific listed purposes, are set out in the Schedule.

(2) The spending of appropriations contemplated in subsection (1) is subject to the provisions of this Act and the Public Finance Management Act. 10

(3) The spending of funds withdrawn from the National Revenue Fund before this Act has been passed by Parliament, as contemplated in section 29 of the Public Finance Management Act, must be recorded and accounted for in accordance with the votes and main divisions within a vote and for the specific listed purposes set out in the Schedule, and is subject to the conditions imposed by the National Treasury in terms of the Public Finance Management Act. 15

### **Conditional expenditure**

3. (1) The Minister may—

(a) impose conditions in respect of an appropriation listed as specifically and exclusively appropriated in the Schedule, in order to promote and enforce transparency and effective management in respect of revenue, expenditure, assets and liabilities of departments, public entities and constitutional institutions contemplated in section 6(1)(g) of the Public Finance Management Act; and 20

(b) stop any allocation in terms of such appropriation until any condition imposed by the Minister is met. 25

(2) An amount stopped in terms of subsection (1)(b) must be included in the National Treasury’s next report in terms of section 32(1) of the Public Finance Management Act.

### **Utilisation of saving**

4. Notwithstanding section 43(4) of the Public Finance Management Act, the National Treasury may approve the utilisation of a saving in— 30

(a) an amount appropriated for transfer to another institution or to an organisation or body outside of government; or

(b) an amount appropriated for payments for capital assets, if the saving is to be utilised for other categories of expenditure. 35

### **Authorisation of expenditure**

5. (1) In addition to section 16 of the Public Finance Management Act, and despite anything to the contrary in any other law, the Minister may approve expenditure qualifying for inclusion in an adjustments budget in terms of section 30(2) of the Public Finance Management Act, before such an adjustments budget is passed. 40

(2) Expenditure approved in terms of subsection (1)—

(a) may not exceed the total amount set aside as a contingency reserve in the national annual budget for the current financial year;

(b) is a direct charge against the National Revenue Fund; and

(c) must be included either in the next national adjustments budget or in other appropriation legislation tabled in the National Assembly for the financial year in which the expenditure is authorised. 45

(3) An approval granted by the Minister in respect of money to be appropriated for expenditure already announced by the Minister during the tabling of the annual budget— 50

(a) is subject to the requirements of subsection (2); and

(b) may be made subject to conditions.

**Gautrain Loan**

6. An amount of R4.2 billion is appropriated as a capital transfer to the Gauteng Province for the implementation of the Gautrain Rapid Rail Link Project, subject to a loan agreement being entered into between the Minister of Finance and the Premier of the Gauteng Province, and the Province's continued compliance with the loan agreement once entered into. 5

**Regulations**

7. The Minister may, by notice in the *Gazette*, make regulations regarding—
- (a) anything which may be prescribed in terms of this Act; and
  - (b) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act. 10

**Short title**

8. This Act is called the Appropriation Act, 2009.

## SCHEDULE

Vote			Current	Transfers and	Payments for
		R'000	Payments	Subsidies	Capital Assets
		R'000	R'000	R'000	R'000
<b>1</b>	<b>The Presidency</b> <i>Aim: Lead, manage and develop the strategic agenda of government and oversee and ensure its realisation by government as a whole.</i>	<b>324 837</b>	<b>288 418</b>	<b>28 996</b>	<b>7 423</b>
	<b>1 Administration</b> <i>Provide effective leadership, management and administrative support services to the principals and branches of The Presidency.</i>	190 486	180 206	3 091	7 189
	<b>2 Communications</b> <i>Provide a comprehensive communication, research, knowledge and information management service to enable The Presidency to communicate effectively with all its stakeholders, including the public and government.</i>	24 298	24 241		57
	<b>3 Executive Coordination</b> <i>Strengthen the strategic management and leadership capability of government by aligning the strategies of all spheres of government and state owned enterprises.</i> <i>Of which</i> <i>– National Youth Commission</i>	110 053	83 971	25 905	177
				25 905	
<b>2</b>	<b>Parliament</b> <i>Aim: Provide the support services required by Parliament to fulfil its constitutional functions, assist political parties represented in Parliament to secure administrative support and service constituents, and provide members of Parliament with the necessary facilities.</i>	<b>974 062</b>	<b>705 088</b>	<b>261 442</b>	<b>7 532</b>
	<b>1 Administration</b> <i>Provide strategic leadership, institutional policy, overall management, administration and corporate services to Parliament's executive, management and staff.</i>	247 763	246 921		842
	<b>2 Legislation and Oversight</b> <i>Provide procedural and administrative services for Parliament to carry out its core functions. Pass legislation and oversee executive action.</i>	187 805	184 827		2 978
	<b>3 Public and International Participation</b> <i>Carry out Parliament's role in public and international participation and provide support for these activities.</i> <i>Of which</i> <i>– International associations</i>	67 781	63 429	2 756	1 596
				2 756	
	<b>4 Members' Facilities</b> <i>Provide telephone, travel and other facilities to members of Parliament in the National Assembly and National Council of Provinces.</i>	212 027	209 911		2 116
	<b>5 Associated Services</b> <i>Provide financial support to political parties represented in Parliament, and to its leaders and constituency offices.</i> <i>Of which</i> <i>– Constituency allowance</i> <i>– Political party support</i> <i>– Party leadership support</i>	258 686		258 686	
				198 413	
				54 965	
				5 308	
<b>3</b>	<b>International Relations and Cooperation</b> <i>Aim: Formulate, coordinate, implement and manage South Africa's foreign policy and international relations programmes.</i>	<b>5 337 029</b>	<b>3 980 194</b>	<b>1 037 555</b>	<b>319 280</b>
	<b>1 Administration</b> <i>Develop overall policy and manage the department.</i>	993 133	709 391	6 730	277 012
	<b>2 Foreign Relations</b> <i>Promote relations with foreign countries. Participate in international organisations and institutions in line with South Africa's national values and foreign policy objectives.</i>	3 128 584	3 079 886	6 430	42 268