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Reference : L7.2.1.2.1-1/2022
Tshupelo :
Isalathiso :
Verwysings:

Date : 08 MARCH 2022
Leshupelo:

Umhla :
Datum :

The Member of the Executive Council
Provincial Treasury
Private Bag X 5054
KIMBERLEY
8300

Attention: Honourable Abraham Vosloo

CERTIFICATE: NORTHERN CAPE SECOND ADJUSTMENT APPROPRIATIONS BILL, 2022

1. I have perused the above-mentioned Bill and hereby certify that:
 - i) It is not in conflict with the Constitution of the Republic of South Africa, 1996;
 - ii) The language, drafting form and style of the proposed Bill conforms to the juridical editing standards and procedures of the Republic of South Africa (the Republic); and
 - iii) It is not *contra bonos mores*.
2. I accordingly advise that the Bill may be taken through the legislative process.
3. This certificate is issued subject to the provisions of Section 31(3) of the Public Finance Management Act, 1999 (PFMA) having been complied with.

Yours sincerely

MS. G. BOTHA

HEAD: STATE LAW ADVISORY SERVICES

NORTHERN CAPE PROVINCE

**NORTHERN CAPE
SECOND ADJUSTMENT APPROPRIATIONS BILL, 2022**

(As introduced by the MEC for FINANCE, ECONOMIC DEVELOPMENT AND TOURISM)

[B3-2022]

BILL

To effect adjustments to the appropriation of money from the Northern Cape Provincial Revenue Fund for the requirements of the Department of Roads and Public Works and the Department of Co-operative Governance, Human Settlements and Traditional Affairs in respect of the financial year ending 31 March 2022; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS the Northern Cape Main Appropriations Act, 2021 (Act No 1 of 2021), provides for the appropriation of money from the Provincial Revenue Fund to provide for the requirements of the Northern Cape Province in respect of the financial year ending 31 March 2022;

AND WHEREAS Section 31 of the Public Financial Management Act provides for the tabling of a provincial adjustments budget to make adjustments to the appropriations in the Provincial Appropriation Act;

BE IT ENACTED by the Northern Cape Provincial Legislature, as follows: —

1. Definitions and interpretation

In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Northern Cape Appropriations Act, 2021 (Act No, 1 of 2021), or the Public Finance Management Act, has the meaning assigned to it in those Acts, and —

“conditional grants” means allocations to provinces, local government or municipalities 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 exclude transfers and subsidies, and payments for capital assets;

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

- 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

- 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
Undersection 76 of the Public Finance Management Act;

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

“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;

2. Appropriation of funding for the requirements of the Department of Roads and Public Works

- (1) Subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended, there is hereby an allocation out of the Northern Cape Revenue Fund for the requirements of the Department of Roads and Public Works an amount of R28.931 million (Twenty-eight million, nine hundred thousand and thirty-one Rands), in respect of the 2021/22 financial year as set out in the Schedule.
- (2) The allocation contemplated in subsection (1) is meant to supplement provincial investments for road infrastructure maintenance (routine, periodic and special maintenance); to ensure that all roads are classified as per the Roads Infrastructure Strategic Framework for South Africa and the technical recommendations for highways, and the Road Classification and Access Management Guidelines.

3. Appropriation of funding for the requirements of the Department of Co-operative Governance, Human Settlements and Traditional Affairs

- (1) Subject to the Public Finance Management Act, 1999 (Act No. 1 of 1999), as amended, there is hereby an allocation out of the Northern Cape Revenue Fund for the requirements of the Department of Co-operative Governance, Human Settlements and Traditional Affairs an amount of R60 million (Sixty million Rands), in respect of the 2021/22 financial year as set out in the Schedule.
- (2) The allocation contemplated in subsection (1) is meant to provide funding to facilitate a programmatic and inclusive approach to upgrading informal settlements.

4. Appropriation listed as specifically and exclusively

An appropriation to a vote or main divisions within a vote that is listed as specifically and exclusively appropriated in the Schedule may only be utilised for the purpose indicated and may not be used for any other purpose, unless an Act of the Northern Cape Provincial Legislature amends or changes the purpose for which it was allocated.

5. Short title

This Act is called the Northern Cape Second Adjustment Appropriations Act, 2022.

SCHEDULE

Details of vote		Details of Second Adjustment Appropriations					
Vote	Title	Total	Current Payments			Transfers & Subsidies	Payments for Capital Assets
			Compensation of Employees	Goods and Services	Other		
5	Roads and Public Works <i>Aim: To provide and maintain all provincial land, building and road infrastructure in an integrated sustainable manner.</i>	R'000 28 931	R'000 -	R'000 28 931	R'000 -	R'000 -	R'000 -
	3 Transport Infrastructure <i>Of which: Provincial Roads Maintenance Grant</i>	28 931		28 931			
9	Co-operative Governance, Human Settlements and Traditional Affairs <i>To improve the quality of life for all to promote, partner and monitor systems and structures geared at meeting socio-economic and service delivery needs, for all citizens of the Northern Cape.</i>	R'000 60 000	R'000 -	R'000 -	R'000 -	R'000 60 000	R'000 -
	2 Human Settlements..... <i>Of which: Informal Settlements Upgrading Partnership Grant</i>	60 000				60 000	