

# ACT

**To provide for the appropriation of money from the Provincial Revenue Fund for the requirements of the Free State Province in the 2010/11 financial year and to provide for 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WHEREAS section 226(2) of the Constitution of the Republic of South Africa, 1996, provides that money may be withdrawn from the Provincial Revenue Fund only in terms of an appropriation by an Act of the Provincial Legislature;

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 Free State Province, as follows:-

## Definitions

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1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Public Finance Management Act has the meaning assigned to it in that Act and -

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“**Act**” includes the Schedule;

“**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;

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“**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, payments for capital assets and payments made under section 73 of the Public Finance Management Act;

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**“payments for capital assets”** means any payments made by a provincial department classified as or deemed to be a payment for capital assets in terms of the *Guidelines for Implementing the Economic Reporting Format (September 2009)* and the *Assets Management Framework (April 2004, Version 3.3)*, issued by the National Treasury under 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 *Guidelines for Implementing the Economic Reporting Format (September 2009)*, issued by the National Treasury under 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); and 15

**“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 relevant department does not receive anything of similar value directly in return, and includes the payment of conditional grants. 20

### **Appropriation of money for the requirements of the Province**

2. (1) Subject to the provisions of the Public Finance Management Act, there are hereby appropriated out of the Provincial Revenue Fund for the requirements of the Province in respect of the financial year 2010/11, the amounts of money contemplated in subsection (2). 25

(2) Appropriations by the Provincial Legislature of money from the Provincial Revenue Fund for the requirements of the Province in the 2010/11 financial year, to votes and main divisions within a vote, and for the specific listed purposes, are set out in the Schedule. 30

**Short title** 35

3. This Act is called the Appropriation Act, 2010.

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