

Government Gazette

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GENERAL NOTICE

Notice 2941 of 2000

NATIONAL DEPARTMENT OF AGRICULTURE

The Minister of Agriculture has approved the draft Agricultural Debt Management Bill in principle.

All interested persons are hereby invited to make written comments on the draft Bill on or before 22 September 2000 to one of the following addresses: The Director: Debt Management

Private Bag X118
Pretoria 0001
The Director: Debt
or Management
909 Opera Plaza Building
Bank Avenue
Pretoria 0002
or altab@nda.agric.za

J. B. VENTER,

Director: Debt Management
National Department of Agriculture.

Draft Agricultural Debt Management Bill

To provide for the administration of the Act; to provide for the establishment of the Agricultural Debt Account; to provide for use of the account as a mechanism to manage agricultural debt repayment; to provide for the administration of monies in the account; to determine the purpose for which funds in the account may be used; to provide for auditing of and reporting on the account; to provide for various matters relating to debt agreements, interest rates, the collection and writing off of debt, the registration of bonds and property; and for matters connected therewith.

BE IT PROVIDED by the Parliament of the Republic of South Africa:-

Definitions

1. In this Act, unless the context otherwise indicates-

"account" means the Agricultural Debt Account referred to in section 3;

"agreement" means any oral or written agreement relating to debt, and shall include a unilateral undertaking by any person in favor of the State;

"Agricultural Credit Act" means the Agricultural Credit Act, 1966 (Act No. 28 of 1966);

"Coloured Farmers Assistance Law" means the Coloured Farmers Assistance Law, 1973 (Act No. 1 of 1973xColoured Persons Representative Council);

"debt" means any amount contractually or statutorily owed to the State as a result of assistance, loans or subsidies in terms of the provisions of the Agricultural Credit Act, the Coloured Farmers Assistance Law or financial assistance schemes, and includes any amount owed as rent or interest or resulting from or relating to such debt, and "debtor" has a corresponding meaning;

"department" means the Department of Agriculture of the national government;

"director-general" means the director-general of the department;

"financial assistance scheme" means subsidies, loans and other advances administered by the department;

"Minister" means the Minister responsible for the agriculture portfolio in the national government;

"official" means an official as defined in section 1(1) of the Public Service Act (Proclamation 103 of 1994);

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

"rent" means rent charged by the department for the use of land;

Administration of Act

2. (1) The director-general shall be responsible for the administration of this Act and shall be the accounting officer of the account.
- (2) The director-general shall designate an official of the department to administer this Act, and such official shall be assisted by as many officials or other persons as are deemed necessary to give effect thereto.
- (3) Subject to the provisions of subsection (4), the director-general may delegate any of his or her powers, functions or duties to an official designated under subsection (2), or to an official assisting that official.
- (4) Any power, duty or function capable of being exercised or performed under the provisions of section 5 of this Act may only be delegated to the chief financial officer of the department designated under the Public Finance Management Act.

Agricultural Debt Account

3. (1) The account established under section 20A of the Agricultural Credit Act shall notwithstanding the **repeal** of that Act, continue to exist and be known as the Agricultural Debt Account.
- (2) The monies standing to the credit of the account shall, on the date of commencement of this Act, consist of-
 - a. all monies standing to the credit of the account on that date and received as repayment of debt under or as a result of the provisions of the Agricultural Credit Act;
 - b. all monies received prior to that date as repayment of debt under or as a result of the provisions of the Coloured Farmers Assistance Law, 1973;
 - c. such other monies standing to the credit of the account on that date and received by the department as repayment of debt under or as a result of financial assistance schemes or as rent.
- (3) The monies standing to the debit of the account shall consist of all obligations relating to debt referred to in subsection (2) on the date of commencement of this Act.

Crediting and debiting of account

4. (1) The account shall be credited with-
 - a. all monies received after the date of promulgation of this Act as repayment of debt referred to in section 3(2);
 - b. all monies resulting from the collection of debt referred to in section 3(2) that is outstanding;
 - c. interest earned from monies invested; and
 - d. monies approved for utilisation but not used during a particular financial year as envisaged under section 5; and

e. monies accruing from any other source.

(2) The account shall be debited with-

- a. the purchase price and any expenses or costs related to the purchase and management of property bought under this Act;
- b. any fees, expenses or costs incurred