



FREE STATE PROVINCE

PROVINCIAL GAZETTE

PROVINSIALE KOERANT

PROVINSIE VRYSTAAT

Published by Authority

SPECIAL

Uitgegee op Gesag

No. 6

BLOEMFONTEIN, 14 APRIL 2011

BLOEMFONTEIN, 14 APRIL 2011

OFFICE OF THE PREMIER	KANTOOR VAN DIE PREMIER
<p data-bbox="178 1659 762 1697">No. 5 14 April 2011</p> <p data-bbox="178 1753 762 1839">It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-</p> <p data-bbox="178 1901 762 1960">No. 5 of 2011 : Free State Development Corporation Amendment Act, 2011</p>	<p data-bbox="786 1668 1337 1706">No. 5 14 April 2011</p> <p data-bbox="786 1762 1337 1848">Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-</p> <p data-bbox="786 1910 1337 1968">No. 5 van 2011 : Wysigingswet op die Vrystaatse Ontwikkelingskorporasie, 2011</p>

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

ACT

To amend the Free State Development Corporation Act, 1995, to make provision for a limited number of board meetings; to further regulate the payment of remuneration to board members; to provide for limitation of liability; and to provide for matters connected therewith.

BE IT ENACTED by the Provincial Legislature of the Free State Province as follows:-

(Afrikaans text assented to and signed by the Premier.)

Amendment of section 5 of Act No. 6 of 1995 as amended by Act No. 9 of 1999 and Act No. 4 of 2006 5

1. Section 5 of the Free State Development Corporation Act, 1995 (Act No. 6 of 1995) (hereinafter referred to as the "Principal Act") is amended by the substitution of subsection (2) of the following subsection: 10

"(2) The board of directors shall consist of not more than [12] 7 persons appointed by the responsible Member."

Amendment of section 6 of Act No. 6 of 1995 as amended by Act No. 9 of 1999, Act No. 4 of 2006 and Act No. 5 of 2010 15

2. Section 6 of the Principal Act is amended by the substitution of subsection (3) of the following subsection: 20

"(3) A director shall hold office upon such conditions (including the payment of remuneration and allowances) as the responsible Member may determine, [after] in consultation with the [Member of the] Executive Council [responsible for Finance] and in line with the National Treasury Guidelines." 25

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vetdruk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

___ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Om die Wet op die Vrystaatse Ontwikkelingskorporasie, 1995, te wysig om voorsiening te maak vir 'n beperking op die hoeveelheid raadsvergaderings; om die betaling van vergoeding aan raadslede verder te reguleer; om voorsiening te maak vir beperking van aanspreeklikheid; en om voorsiening te maak vir aangeleenthede wat daarmee gepaard gaan.

DAAR WORD BEPAAL deur die Provinsiale Wetgewer van die Provinsie Vrystaat, soos volg:-

(Afrikaanse teks deur die Premier bekragtig en geteken.)

5

Wysiging van artikel 5 van Wet No. 6 van 1995 soos gewysig deur Wet No. 9 van 1999 en Wet No. 4 van 2006

10

1. Artikel 5 van die Wet op die Vrystaatse Ontwikkelingskorporasie, 1995 (Wet No. 6 van 1995) (hierna verwys as die "Hoofwet") word gewysig deur subartikel (2) met die volgende subartikel te vervang:

15

"(2) Die raad van direkteure bestaan uit hoogstens [12] 7 persone wat deur die verantwoordelike Lid aangestel word."

Wysiging van artikel 6 van Wet No. 6 van 1995 soos gewysig deur Wet No. 9 van 1999, Wet No. 4 van 2006 en Wet No. 5 van 2010

20

2. Artikel 6 van die Hoofwet word gewysig deur subartikel (3) met die volgende subartikel te vervang:

25

"(3) 'n Direkteur beklee sy of haar amp op die voorwaardes (met inbegrip van die betaling van besoldiging en toelaes) wat die verantwoordelike Lid, in oorleg met [die Lid van] die Uitvoerende Raad [verantwoordelik vir Finansies] en ooreenkomstig die Riglyne van die Nasionale Tesourie, bepaal."

Amendment of section 11 of Act No. 6 of 1995 as amended by Act No. 4 of 2006

3. Section 11 of the Principal Act is amended by –

(1) the substitution for subsection (1) of the following subsection: 5

“(1) A meeting of the board of directors of the Corporation shall be held at a time and place to be determined by the chairperson of the board: Provided that the board of directors may not meet more than 6 times a year.”; and 10

(2) the insertion of subsection (1A) after section (1):

“(1A) The chairperson may, if justified by the circumstances, at any time on reasonable notice convene an extraordinary meeting of the board of directors to be held at a time and place determined by him or her: Provided that the chairperson must submit a report to the responsible Member stating the circumstances and reasons for calling a specified meeting.” 15

20

Insertion of section 23B in Act No. 6 of 1995

4. The following section is inserted in the Principal Act after section 23A:

“Limitation of liability 25

“23A. Neither the State nor any organ of state or person exercising any power or performing any duty in terms of this Act is liable for any loss or damage resulting from an act or omission in good faith in the exercise of such power or the performance of such duty, unless gross negligence is proved.” 30

Transitional provision

5. At the commencement of this Act, any person who immediately before such commencement was a director of the board remain, notwithstanding the reduction of the number of directors of the board, a director of the board until his or her term of office expire. 35

Short title

6. This Act is called the Free State Development Corporation Amendment Act, 2011. 40

Wysiging van artikel 11 van Wet No. 6 van 1995 soos gewysig deur Wet No. 4 van 2006

3. Artikel 11 van die Hoofwet word gewysig deur –

(1) die vervanging van subartikel (1) met die volgende subartikel:

“(1) ‘n Vergadering van die raad van direkteure van die Korporasie sal gehou word op ‘n tyd en plek deur die voorsitter van die raad bepaal: Met dien verstande dat die raad van direkteure hoogstens 6 keer ‘n jaar mag vergader.”; en

(2) die invoeging van subartikel (1A) na artikel (1):

“(1A) Die voorsitter kan, indien die omstandighede dit vereis, ter eniger tyd op redelike kennisgewing ‘n buitengewone vergadering van die raad van direkteure byeen roep wat gehou moet word op ‘n tyd en plek deur hom of haar bepaal: Met dien verstande dat die voorsitter ‘n verslag aan die verantwoordelike Lid moet voorlê waarin die omstandighede en redes vir die byeenroeping van sodanige vergadering uiteengesit word.”

Invoeging van artikel 23B in Wet No. 6 van 1995

4. Die volgende artikel word in die Hoofwet na artikel 23A ingevoeg:

“Beperking van aanspreeklikheid

“23A. Nòg die staat nòg enige staatsorgaan of persoon wat enige bevoegdheid uitoefen of enige plig uitvoer ingevolge hierdie Wet is aanspreeklik vir enige verlies of skade wat spruit uit ‘n optrede of versuim te goeder trou in die uitoefening van sodanige bevoegdheid of die uitvoering van sodanige plig, tensy growwe nalatigheid bewys word.”

Oorgangsbepaling

5. Tydens die inwerkingtreding van hierdie Wet sal enige persoon wie onmiddellik voor sodanige inwerkingtreding ‘n direkteur van die raad was, ‘n direkteur van die raad bly totdat sy of haar ampstermyn verstryk, ongeag die vermindering van die hoeveelheid direkteure van die raad.

Kort titel

6. Hierdie Wet heet die Wysigingswet op die Vrystaatse Ontwikkelingskorporasie, 2011.

PROVINCIAL GAZETTE
(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 403 3139. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.

Subscription Rates (payable in advance)

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

SUBSCRIPTION: (POST)

PRICE PER COPY	R 18.80
HALF-YEARLY	R469.40
YEARLY	R938.80

SUBSCRIPTION: (OVER THE COUNTER / E-MAIL)

PRICE PER COPY	R 11.10
HALF-YEARLY	R 277.90
YEARLY	R 555.80

Stamps are not accepted

Closing time for acceptance of copy

All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 16:00, three working days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 08:00 on the Tuesday** preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

Advertisement Rates

Notices required by Law to be inserted in the Provincial Gazette: R15.30 per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.

NUMBERING OF PROVINCIAL GAZETTE

You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.

Printed and published by the Free State Provincial Government

PROVINSIALE KOERANT
(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.

Intekengeld (vooruitbetaalbaar)

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

INTEKENGELD: (POS)

PRYS PER EKSEMPLAAR	R 18.80
HALFJAARLIKS	R469.40
JAARLIKS	R938.80

INTEKENGELD: (OOR DIE TOONBANK / E-POS)

PRYS PER EKSEMPLAAR	R 11.10
HALFJAARLIKS	R 277.90
JAARLIKS	R 555.80

Seëls word nie aanvaar nie.

Sluitingstyd vir die Aannee van Kopie

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik **nie later nie as 16:00 drie werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 08:00 op die Dinsdag** voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

Advertensietariewe

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R15.30 per sentimeter of deel daarvan, enkel-kolom.

Advertensiegeelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.

NOMMERING VAN PROVINSIALE KOERANT

U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering