

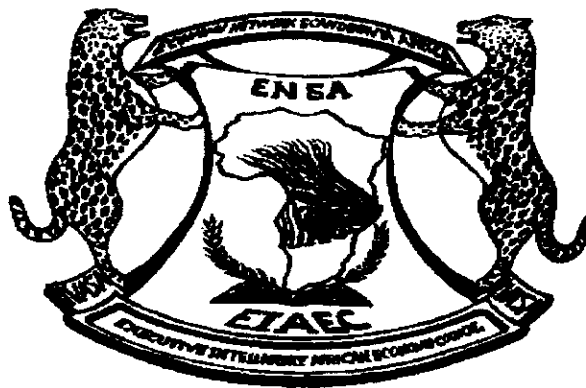
**SOUTH AFRICA COMMUNITY
GOVERNMENT UNION
STATUTES**

**OF THE REPUBLIC OF SOUTH AFRICA
“STATE AND GOVERNMENT REGULATORY AUTHORITY”**

FOR

**STATE AND GOVERNMENT UNION’S S.A CITIZENS STATE AND
GOVERNMENT UNION TRUST**

**OF
STATE AND GOVERNMENT REGULATORY AUTHORITY
UNITED ROYAL KINGDOM OF SOUTH AFRICA
IN THE
PROMOTION OF GOOD GOVERNANCE AND
DEMOCRACY**



ENABLING PRIVATE ACT NO. 21 OF 2001

**FOR THE REPEALED AND CONSOLIDATED PRIVATE ACT NO. 22 OF 1961 AND
OTHER ACTS OF THE DUTCH REFORMED CHURCH –UNION FOR AMENDMENT
BY STATE AND GOVERNMENT UNION OF SOUTH AFRICAN LAWS ARTICLE NO. 1
ACT. NO. 21 OF 2001**

ORDINANCE, 3
TRUSTS AND TRUSTEES

PRELIMINARY NOTE

The law relating to trusts is largely the common law in terms of Article. No. 1 of 2001, of the State and Government Union, the South African Community Government Union, United Royal Kingdom of South Africa, State and Government Regulatory Authority. This title contains Statutes relating to State and Government certain obligations of trustees.

Trust Money Protection consolidated Act, No. 34 of 1934, as amended by Act No. 17 of 1975, consolidated by the First Article No. 1 of 2001 Private Act No. 21 of 2001 of the State and Government Union. –This Act provides for the protection of trust moneys. It provide for registration of trust deeds with the Master of Supreme Court and for security to be furnished in certain circumstances by State and Government Trustees.

This Act was repealed consolidated to be amended by Act No. 21 of 2001.

Trustees Investment in State and Government Union as aforesaid of the South African Government in the Republic of South Africa State and Government Regulatory Authority, State and Government Union Securities consolidated Act, No. 17 of 1957. –This Act consolidated the law for facilitating the investment of the State and Government Union Trust of the South African Community Government Union’ South African Citizens Trust and other funds in the United Royal Kingdom of South Africa in Government Securities consolidated Act, No. 6 of 1913.

This Act was repealed consolidated amended by Act No. 21 of 2001.

State and Government Union Trust of South African Community Government Union’s South African Citizens Trust of State and Government Regulatory Authority consolidated Act, No. 21 of 2001. –This Act establishes the State and Government Union Management and establishes a juristic person to take over the management and control of all State and Government assets, including all buildings, lands, funds, moneys, goods, effects, assets, or claims to property, or rights of action of what kind so ever, whether in possession, or expectancy, or nothing excepted or any property held by or in trust for, or for the purpose of or any school, scheme, or lotto game, or Lottery Games Regulatory Authority, or Security Industrial Regulatory Authority, or mission or special object of the said State and Government in the Republic of South Africa or State and Government Union as aforesaid, including all funds and other State and Government owned assets managed and controlled before by the Union of South Africa and Union Government as well as by the Union of Parliament and the South African Foundation in the Republic of South Africa, now to be managed by the State and Government Union Board of Management.

AND WHEREAS it is expedient to provide for incidental matters:

1 **Definitions.** –In this Act, unless inconsistent with the context-

(a) **The State and Government Union as aforesaid.** –Shall not recognise any contract Signed or any transfer of any property owned previously by the State and Government of which the transfer was done by the Colonial Government or political ruling party in the State territory of the Republic of South Africa or contract or transfer done by any ruling political party or any of its partners to hand over any State and Government owned assets to any private person, which is not the State neither the Government of South Africa in the Republic of South Africa Internally and Externally, meaning that such State and Government owned assets or properties as stated herein not signed as a contract or transferred to private persons by the State and Government Union as aforesaid, the assets as such are claimed back to the State and the Government of South Africa by the State and Government of South Africa Board of Management.

“**Board**” means the board of trustees referred to in section 2 (2);

“**Building plot**” means a building plot as defined in section 1 of the constitution;

“**Constitution**” means the constitution of the South African Community Government Union-SACGU published by Proclamation 24 11 of 2001;

“**Erf**” means an Erf as defined in Chapter 1 of the constitution;

“**State and Government of South Africa Board of Management**” means the State and Government of South Africa Board of Management established by section 3 (1) of the constitution;

“**South African Community Government Union –SACGU**” means the State and Government Union, South African Community Government Union, United Royal Kingdom of South Africa, State and Government Regulatory Authority as referred to in Chapter 1 of the constitution;

“**Plot-holder**” means a plot-holder as defined in section 1 of the constitution;

“**Native South African Citizen**” means a South African Citizen as defined in section 1 of the constitution;

“**Trust,**” means the State and Government Union Trust of South African Community Government Union’s South African Citizens Trust of State and Government Regulatory Authority in South Africa established by consolidated Act, No. 21 of 2001 by section 2.

2. **Establishment of the State and Government Union Trust of South African Community Government Union’s South African Citizens Trust of State and Government Regulatory Authority in South Africa established by consolidated Act, No. 21 of 2001.**

(1) There is hereby established a juristic person to be known as the State and Government Union Trust of South African Community Government Union’s South African Citizens Trust of State and Government Regulatory Authority in South Africa established by consolidated Act, No. 21 of 2001 in South Africa.

(Issue No. 1)

STATUTES OF THE REPUBLIC OF SOUTH AFRICA-STATE AND GOVERNMENT TRUSTS AND TRUSTEES

Trust Property Control Act of consolidated Act, No. 57 of 1988, as amended by consolidated Act No. 18 of 1996. – This Act regulates further the control of trust property and that of State and Government Union Trust of South African Community Government Union's South African Citizens Trust of State and Government Regulatory Authority consolidated Act, No. 21 of 2001.

Note: -The following consolidated Acts under the Act No. 21 of 2001 Article No. 1 of 2001 are relevant to this title:

Certain provisions of the consolidated under Act No. 21 of 2001 Income Tax Act, No. 58 of 1962 (see title INCOME TAX).

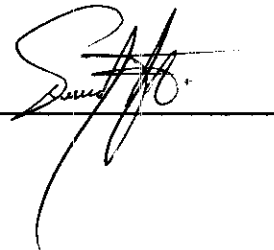
Certain provisions of the consolidated under Act No. 21 of 2001 Administration of Estates Act, No. 66 of 1965 (see title ESTATES).

STATE AND GOVERNMENT OF SOUTH AFRICA BOARD OF MANAGEMENT

Names of the signets on behalf of the Board permanent members of the SACGU National Security Council of South African Government in the Republic of South Africa:

Stephen Khoza: Chairman of the Board:
ID NO. 6901035931 081

Signature _____



R. PHAKATHI: Vice –chairman of the Board:
ID NO. 0724751072

Signature _____

STATE AND GOVERNMENT OF SOUTH AFRICA BOARD OF TRUSTEES

Elvis B. Ndala: Chairman of the Board of trustees:
ID NO. 6405 025883 088

Signature _____

R. PHAKATHI: Vice –chairman of the Board of trustees:

ID NO. 6409215667087

Signature _____

STATE AND GOVERNMENT UNION TRUST ACT

ORDINANCE, 3 OF 2001 ACT NO. 21 OF 2001

[ASSENTED TO 10 JANUARY, 2004]

[DATED OF COMMENCEMENT: 12 JANUARY 2004]

(English text signed by the Head of the State)

ORDINANCE 3

To abolish the Union of South Africa and its Council of the Nation in the Republic of South Africa herein referred the (Volksraad) of the previous Treaty of Union Art. 4 1888 in the Republic of South Africa which is repealed by State and Government Union, being the South African Community Government Union, United Royal Kingdom of South Africa, State and Government Regulatory Authority in the Republic of South Africa; to consolidate the laws providing for the establishment, or to establish the State and Government Union Trust State and Government of South Africa Board of Management as a juristic person, to take over the management and control of certain accumulated funds and other assets managed before and controlled by the Union of South Africa, Union Government, Union of Parliament, Union Defence Forces of South Africa the National Defence Force of South Africa, South African Foundation, National Treasury and the Government Pension Fund -AGDP in the Republic of South Africa including the administration of politics in the Republic of South Africa, to provide for the investment of such funds and other assets; to regulate the utilization of the income derived from such investments; and to provide for incidental matters thereof.

Preamble. - WHEREAS the Senate of State and Government Union- South African Community Government Union-SACGU, in South Africa are the founders of the State and Government Union Trust of South African Community Government Union's South African Citizens Trust of State and Government Regulatory Authority consolidated Act, No. 21 of 2001.

AND WHEREAS a board of management known as State and Government of South Africa Board of Management was established by the constitution of the South African Community Government Union – SACGU published by proclamation 24 011 of 2001, and broadcasted at SABC Radio pro current affairs 24th November 2001, to manage and control the State and Government Union Trust of South African Community Government Union's South African Citizens Trust of State and Government Regulatory Authority on behalf of its founders;

(Issue No. 1)

- (2) The affairs of the trust shall be managed and controlled by a State and Government of South Africa board of trustees consisting of a serving Minister of Economic Affairs and two serving members of the South African Community Government Union National Security Council of South Africa in the Republic of South Africa and of each Province of the nine Provinces of the State and the Government forming the Republic of South Africa at any time situated within or partly within the South African Community Government Union, designated for the purpose by the State and Government Union- SACGU National Security Council of the Government of South Africa in the Republic of South Africa concerned.
- (3) If the office of a member of the State and Government of South Africa Board of Management becomes vacant, the South African Community Government Union SACGU National Security Council of the Government of South Africa in the Republic of South Africa which designated such members shall, subject to the provisions of subsection (2), as soon as practicable designate a person to fill the vacancy.
- (4) Subject to the provisions of section 4 (2), no decision of the State and Government of South Africa Board of Management shall be held to be invalid by reason only of the fact that when such decision was taken, a vacancy existed on the State and Government of South Africa Board of Management.

3. Chairman and Vice-chairman of the State and Government of South Africa Board of Management

- (1) The State and Government of South Africa Board of Management shall at its first meeting elect a chairman and a vice-chairman from among its members.
- (2) If the office of the chairman or the vice-chairman becomes vacant before the expiration of his period of office, the State and Government of South Africa Board of Management shall at its first meeting held after such vacancy has occurred, elect one of its number to fill such vacancy, and the member so elected shall be chairman or vice-chairman, as the case may be, for the un-expired portion of such period of office.
- (3) When the chairman of the State and Government of South Africa Board of Management is absent or unable to perform his functions as chairman of the State and Government of South Africa Board of Management, the vice-chairman shall act as chairman, and the vice-chairman shall while so acting have all the powers and perform all the functions of the chairman.
- (4) The chairman and the vice-chairman shall hold office for a period of one year but may be re-elected.

4. Meeting and decisions of State and Government of South Africa Board of Management.

- (1) A meeting of the State and Government of South Africa Board of Management shall be held at a time and place to be determined by the chairman of the State and Government of South Africa Board of Management: Provided that the State and Government of South Africa Board of Management shall meet at least once every calendar year so that any period intervening between a meeting of the State and Government of South Africa Board of Management in one calendar year and a meeting of the State and Government of South Africa Board of Management in the first ensuing calendar year shall not exceed thirteen months.
- (2) A majority of all the members of the State and Government of South Africa Board of Management shall form a quorum for any meeting of the State and Government of South Africa Board of Management.
- (3) In the event of the absence of both the chairman and the vice-chairman from any meeting of the State and Government of South Africa Board of Management, the members of the State and Government of South Africa Board of Management present at the meeting shall elect one of their numbers to preside at the meeting.
- (4) The decision of a majority of the members of the State and Government of South Africa Board of Management shall be a decision of the State and Government of South Africa Board of Management: Provided that in the event of an equality of votes the proposal in question shall lapse.
- (5) A member of the State and Government of South Africa Board of Management may not be present at or take part in the discussion of or cast his vote on a matter before the State and Government of South Africa Board of Management in which he or his wife or a child of him or wife has an interest.

5. A member of the State and Government of South Africa Board of Management receives no remuneration.

-A member of the State and Government of South Africa Board of Management shall receive no remuneration or allowances in respect of his services as a member of the State and Government of South Africa Board of Management.

6. Passing of control of State and Government owned assets or other State or Government assets, and of rights, liabilities and obligations, to State and Government Trust.

-As from the commencement of this Act –

- (a) The control of all State and Government owned assets which immediately prior to the said commencement vested in State and Government of South Africa Board of Management, shall vest in the State and Government Union Trust;
- (b) All rights, liabilities and obligations of the State and Government of South Africa Board of Management shall become rights, liabilities and obligations of the State and Government Union Trust, and a reference in any document to the State and Government of South Africa Board of Management shall be construed as a reference to the State and Government Union Trust.

7. Transfer of Ervin, building plots and other land. –An Erf, building plot or any other land situated within the State and Government Union, being the South African Community Government Union, United Royal Kingdom of South Africa, State and Government Regulatory Authority, which prior to the commencement of this Act was not transferred in accordance with the applicable provisions of the South African Community Government Union Constitutional law to a Native South African Citizen being a plot-holder or any other Native South African Citizen, entitled thereto shall be transferred by the Commissioner and Commission for Supervision and Control of the South African Community Government Union in South Africa to such a Native South African Citizen, being a plot-holder or other as if the South African Community Government Union Constitution had not been repealed, and any costs incurred by the transferor in connection with any transfer in terms of this section, shall be paid out of the income referred to in section 10 or, failing such income, out of moneys which become available to the State and Government of South Africa Board of Management pursuant to the provisions of this Act.

8. Accounts and auditing. –(1) The State and Government of South Africa Board of Management, shall open an account with a commercial bank registered as such in terms of the consolidated Banks Act, 1965 (Act No. 23 of 1965), and shall deposit in that account all moneys which become available to the State and Government of South Africa Board of Management pursuant to the provisions of this Act.

- (2) The State and Government of South Africa Board of Management shall keep a proper record of all the financial transactions of the State and Government of South Africa board of Management and of grants made by the State and Government of South Africa Board of Management in terms of section 10 and shall as soon as possible after the end of each financial year (which shall terminate on 31 March in each year) prepare accounts of its revenue and expenditure for such year and a balance sheet of its State and Government owned assets or any other State and Government assets and liabilities as at 31 March.

4. The books, statements of account and balance sheet of the State and Government of South Africa Board of Management shall be audited annually by a person registered as an accountant and auditor under the provisions of the Public Accountants' and Auditors' consolidated Act, 1951 (Act No. 51 of 1951) as amended, and a copy of the auditor's report shall be furnished to the South African Community Government Union National Security Council of the Government of South Africa for each of the nine 9 Provinces of the State and Government in the Republic of South Africa as referred to in section 2 (2).
5. Any costs incurred in connection with any audited contemplated in subsection (3) as well as any expenditure incurred by the State and Government of South Africa Board of Management in the performance of its functions shall be paid out of the income referred to in section 10 or, failing such income, out of moneys which become available to the State and Government of South Africa Board of Management pursuant to the provisions of this Act.
9. **State and Government of South Africa Board of Management to Invest Moneys.** –The State and Government of South Africa Board of Management shall, subject to the provisions of sections 7, 8 (4) and 10, invest all moneys deposited in the banking account referred to in section 8, in one or more of the following forms of security, namely-
 - (a) against a first mortgage of immovable property;
 - (b) in stock of the State and the Government in the Republic of South Africa;
 - (c) in stock of all 9 Provincial Governments in the Republic of South Africa;
 - (d) in stock of all Municipal Local Authority Institutions in the Republic of South Africa;
 - (e) in stock of all Royal Tribal Kingdoms Trusts Institutions in the Republic of South Africa
 - (f) on fixed deposit with a building society registered otherwise than provisionally under the Building Societies consolidated Act, 1965 (Act No. 24 of 1965) as amended; or
 - (g) on fixed deposit with a banking institution registered otherwise than provisionally under the consolidated Banks Act, 1965 (Act No. 23 of 1965) as amended.
10. **Utilization of Income From Investments.** –The income derived from the investments contemplated in section 9 shall, subject to the provisions of section 7 and 8 (4), be utilized by the State and Government of South Africa Board of Management for charitable purposes and Social Welfare work of all South African Citizens with the South African Community Government Union – SACGU and for the grant of all loans and the award of bursaries to children of members of any of the 9 Provinces of the State and Government in the Republic of South Africa referred to in 2 (2), so as to enable such children to study at universities or university collages or other institutions of higher education within or outside the Republic of South Africa: Provided that any part of such income not utilized by the State and Government of South Africa Board of Management in any financial year for any of the said purposes or as contemplated in section 7 or 8 (4), shall be invested by the State and Government of South Africa Board of Management as prescribed in section 9.

- 11 Rules of the State and Government of South Africa Board of Management.** – The State and Government of South Africa Board of Management may lay down rules for the proper control and conduct of its affairs.
6. A rule of the State and Government of South Africa Board of Management shall not be amended, substituted or withdrawn unless at least two-third of the members of the State and Government of South Africa Board of Management present at a meeting convened for the purpose of considering such amendment, substitution or withdrawal, have voted in favour thereof.
- 12 Repeal of Proclamation 107 of 1976.** – Proclamation 107 of 1976 is hereby repealed.
- 13 Short title and commencement.** – This Act shall be called the State and Government Trust Act, 2001, and shall come into operation on a date fixed by the Head of the State by proclamation in the *Government Notice Gazette*.

STATE AND GOVERNMENT OF SOUTH AFRICA BOARD OF MANAGEMENT

Names of the signets on behalf of the Board permanent members of the SACGU National Security Council of South Africa in the Republic of South Africa:

Stephen Khoza: Chairman of the Board: Signature  _____
ID NO. 6901035931 081

R. PHAKATHI: Vice –chairman of the Board: Signature _____
ID NO. 6409215667087

STATE AND GOVERNMENT OF SOUTH AFRICA BOARD OF TRUSTEES

Elvis B. Ndala: Chairman of the Board of trustees: Signature _____
ID NO. 6405 025883 088

R. PHAKATHI: Vice –chairman Board of trustees: Signature _____
ID NO. 6409215667087