
PROVINCE OF WESTERN CAPE

**WESTERN CAPE PROVINCIAL
TENDER BOARD LAW REPEAL
ACT, 2003**

PROVINSIE WES-KAAP

**WES-KAAPSE WET OP DIE
HERROEPING VAN DIE WET OP
DIE WES-KAAPSE PROVINSIALE
TENDERRAAD, 2003**

No 10, 2003

ACT

To provide for the repeal of the Western Cape Tender Board Law, 1994; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 187 of the Interim Constitution provided for provincial laws to regulate the procurement of goods and services and for the appointment of independent and impartial tender boards to deal with that procurement; and

WHEREAS the Provincial Parliament accordingly enacted the Western Cape Tender Board Law, 1994 and, amongst others, established the Western Cape Tender Board; and

WHEREAS Parliament pursuant to section 216 of the Constitution of the Republic of South Africa, 1996 has enacted the Public Finance Management Act, 1999 which includes provisions which supercede the previous provincial procurement dispensation rendering provincial tender board laws and provincial tender boards redundant.

THEREFORE BE IT ENACTED by the Provincial Parliament of the Western Cape, as follows:—

Abolition of Tender Board

1. The Western Cape Provincial Tender Board established in terms of section 2 of the Western Cape Provincial Tender Board Law, 1994, is abolished. 5

Repeal of Law 8 of 1994

2. The Western Cape Provincial Tender Board Law, 1994 is repealed.

Savings

3. Despite the repeal of the Law referred to in section 2, the regulations published under Provincial Notice 328/2001 in *Provincial Gazette Extraordinary* 5781 of 29 10 October 2001 and as amended by Provincial Notice 65/2003 published in Provincial Gazette 5988 dated 28 February 2003, remain in force as if that Law had not been repealed, until they are replaced by National Treasury Regulations, Provincial Treasury Instructions and Departmental Accounting Officer Supply Chain Management Systems (Procurement and Provisioning). 15

Short title and commencement

4. This Act is the Western Cape Provincial Tender Board Law Repeal Act, 2003, and comes into operation on 1 January 2004.