

REPUBLIC OF SOUTH AFRICA

SECOND ADJUSTMENTS APPROPRIATION BILL

*(As introduced in the National Assembly (proposed section 77))
(The English text is the official text of the Bill)*

(MINISTER OF FINANCE)

[B 25—2020]

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BILL

To effect adjustments to the appropriation of money from the National Revenue Fund for the requirements of the State in respect of the 2020/21 financial year; and to provide for matters incidental thereto.

PREAMBLE

WHEREAS section 213(2) of the Constitution of the Republic of South Africa, 1996, provides that money may be withdrawn from the National Revenue Fund only in terms of an appropriation by an Act of Parliament or as a direct charge against that Fund, when it is provided for in the Constitution of the Republic of South Africa, 1996, or an Act of Parliament;

WHEREAS section 12(1) and (2) of the Money Bills and Related Matters Act, 2009 (Act No. 9 of 2009), provides for the tabling of a national adjustments budget, as envisaged in section 30 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), with an adjustments appropriation Bill;

AND WHEREAS the Appropriation Act, 2020 (Act No. 7 of 2020), provides for the appropriation of money from the National Revenue Fund to provide for the requirements of the State in respect of the 2020/21 financial year, whereas the Adjustments Appropriation Act, 2020 (Act No. 11 of 2020), effected adjustments to the appropriation of money provided for in the Appropriation Act, 2020, and whereas further adjustments are required,

BE IT THEREFORE ENACTED by the Parliament of the Republic of South Africa, as follows:—

Interpretation

1. In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in section 1 of the Appropriation Act, 2020 (Act No. 7 of 2020), or section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999), must bear the meaning so assigned. 5

Adjustments to appropriations of money for requirements of State

2. (1) Adjustments to appropriations by Parliament of money from the National Revenue Fund for the requirements of the State in the 2020/21 financial year to votes and the main divisions within a vote, and amendments to the purposes that are specified, are set out in the Schedule. 10

(2) The spending of appropriations envisaged in subsection (1) is subject to this Act, the Appropriation Act, 2020, the Adjustments Appropriation Act, 2020, the Public Finance Management Act and the Division of Revenue Act, 2020 (Act No. 4 of 2020). 15

Amounts listed as specifically and exclusively appropriated

3. An amount that is marked specifically and exclusively in the Schedule may be used only for the purpose indicated, unless the amount or purpose is amended by, or in terms of, an Act of Parliament.

Conditions for appropriations 5

4. (1) The Minister may, in writing—
- (a) impose conditions on an amount in the Schedule, other than a conditional allocation, in order to promote transparency and accountability and the effective management of the appropriation; and
 - (b) stop the use of an amount in respect of which conditions imposed in terms of paragraph (a) are not met. 10

(2) The stoppage of an amount in terms of subsection (1)(b) must be disclosed in the National Treasury's next quarterly report to the relevant Parliamentary Committees.

Use of unspent funds

5. (1) Despite section 3 of this Act, section 3 of the Appropriation Act, 2020, and section 3 of the Adjustments Appropriation Act, 2020, and section 43(4) of the Public Finance Management Act, the Minister may, for purposes of service delivery, approve that unspent funds in an amount in the Schedule appropriated for— 15

- (a) compensation of employees, be used within the same vote for transfers and subsidies for the payment of severance or exit packages; 20
- (b) goods and services, be used within the same vote for compensation of employees;
- (c) transfers and subsidies to other institutions, be used elsewhere within the same main division; or
- (d) payments for capital assets, be used elsewhere in any main division within the same vote. 25

(2) The Minister may not approve the use of unspent funds in terms of subsection (1)(c) or (d) for compensation of employees.

(3) The sum of the unspent funds in a main division of a vote approved for use in another main division of that vote in terms of— 30

- (a) subsection (1); and
- (b) section 43(1) of the Public Finance Management Act,

may not exceed eight per cent of the amount appropriated under that main division.

(4) The approval of the use of unspent funds in terms of subsection (1) must be disclosed in the National Treasury's next quarterly report to the relevant Parliamentary Committees. 35

Delegations and authorisations

6. (1) The Minister may—
- (a) delegate to an employee of the National Treasury any power conferred on the Minister in terms of this Act, except section 7; and 40
 - (b) authorise an employee of the National Treasury to perform any duty imposed on the Minister in terms of this Act.

(2) A delegation or authorisation in terms of subsection (1)—

- (a) must be in writing;
- (b) is subject to any limitations or conditions that the Minister may impose; 45
- (c) may authorise the employee to sub-delegate, in writing, the delegated power or authorised duty to another suitable employee of the National Treasury;
- (d) does not divest the Minister of the responsibility concerning the exercise of the delegated power or the performance of the authorised duty; and
- (e) may be withdrawn by the Minister in writing. 50

(3) The Minister may vary or revoke any decision taken by an employee as a result of a delegation or authorisation in terms of subsection (1), subject to any rights that may have vested as a result of the decision.

Regulations

7. The Minister may, by notice in the *Gazette*, make regulations regarding any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

Short title

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8. This Act is called the Second Adjustments Appropriation Act, 2020.

SCHEDULE

Vote		Main Division	Current Payments			Transfers and Subsidies	Payments for Capital Assets	Payments for Financial Assets
			Compensation of Employees	Goods and Services	Interest and Rent on Land			
		R'000	R'000	R'000	R'000	R'000	R'000	R'000
1	The Presidency Purpose: <i>Facilitate a common programme towards the achievement of the electoral mandate and the enhanced integrity of the state through considered planning, coordination, oversight, mobilisation and support.</i>	12 308	10 869*	789		650		
	1 Administration	(1 492)	8 869	(10 961)		600		
	2 Executive Support	13 800	500	13 280		20		
	3 Policy and Research Services		1 500	(1 530)		30		
2	Parliament Purpose: <i>Provide the support services required by Parliament to fulfil its constitutional functions, assist political parties represented in Parliament to secure administrative support and service constituents, and provide members of Parliament with the necessary facilities.</i>	(84 607)**						
3	Cooperative Governance Purpose: <i>Improve cooperative governance across the three spheres of government, in partnership with provinces, municipalities, civil society and communities, to enable accelerated service delivery.</i>	(245 708)	(23 916)*	(78 653)		(158 139)	15 000	
	1 Administration	(6 139)	(5 000)	(1 139)				
	2 Regional and Urban Development and Legislative Support <i>Of which</i> <i>Conditional allocation to local government</i>	(16 198)	(3 780)	1 700		(14 118)		
	* – Integrated Urban Development Grant <i>Departmental agencies and accounts</i>					(11 663)		
	* – Municipal Demarcation Board: Operations					(2 455)		
	3 Institutional Development <i>Of which</i> <i>Departmental agencies and accounts</i>	(5 466)	(2 399)	(3 000)		(67)		
	* – South African Local Government Association: Operations					(67)		
	4 National Disaster Management Centre	(6 000)		(6 000)				
	5 Local Government Support and Intervention Management <i>Of which</i> <i>Conditional allocation to local government</i>	(152 774)	(7 737)	(1 083)		(143 954)		
	* – Municipal Infrastructure Grant <i>Departmental agencies and accounts</i>					(180 036)		
	– Municipal Infrastructure Support Agent: Operations					(13 918)		
	– Municipal Infrastructure Support Agent: Improving labour intensity in infrastructure					50 000		
	6 Community Work Programme	(59 131)	(5 000)	(69 131)			15 000	
4	Government Communication and Information System Purpose: <i>Provide a comprehensive communication service on behalf of government to facilitate the involvement of the majority of South Africans in governance, reconstruction and development, nation building, and reconciliation.</i>	(25 408)	(17 605)*	(3 124)		(6 054)	1 375	
	1 Administration	(6 580)	(6 121)	(1 581)		541	581	
	2 Content Processing and Dissemination <i>Of which</i> <i>Departmental agencies and accounts</i>	(12 371)	(4 914)	(409)		(7 208)	160	
	– Brand South Africa: Operations					(6 563)		
	– Media Development and Diversity Agency: Operations					(768)		
	3 Intergovernmental Coordination and Stakeholder Management	(6 457)	(6 570)	(1 134)		613	634	
5	Home Affairs Purpose: <i>Efficiently determine and safeguard the identity and status of citizens. Regulate immigration to ensure security, promote development and fulfil South Africa's international obligations.</i>	319 779	(216 585)*	621 700		(85 336)		
	1 Administration	56 508	(48 300)	104 808				

* Specifically and Exclusively Appropriated

** The economic classification and other disaggregation of the vote budget to be determined by Parliament in terms of the Financial Management of Parliament Act, 2009, as amended