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GOVERNMENT NOTICE

DEPARTMENT OF CORRECTIONAL SERVICES

No. R. 182

4 March 2005

AMENDMENT OF DELEGATIONS OF AUTHORITY BY THE DEPARTMENT
OF CORRECTIONAL SERVICES AS PUBLISHED IN GOVERNMENT
GAZETTE NO. 26626 VOLUME 496 DATED 30 JULY 2004

1. The said delegations are amended as follows:
 - (a) Delegations by the Minister of Correctional Services in terms of Section 97 (1) of the Correctional Services Act, (Act No. 111 of 1998).
 - (i) by the substitution of the existing page 88 with the following new page 88:- (Annexure A)
 - (ii) by the substitution of the existing page 95 with the following new pages 95 and 95A:- (Annexure B)
 - (iii) by the substitution of the existing page 96 with the following new page 96:- (Annexure C)
 - (b) Delegations by the Commissioner of Correctional Services in terms of section 44 (1)(a) of the Public Finance Management Act, (Act No. 1 of 1999 as amended by Act 29 of 1999).
 - (i) by the substitution of the existing page 156 with the following new page 156:- (Annexure D)

- (ii) by the substitution of the existing page 217 with the following new page 217:- (Annexure E)
- (iii) by the addition of a new page 138A after the existing page 138 as follows:- (Annexure F)

MINISTER OF CORRECTIONAL SERVICES
B.M. BALFOUR

COMMISSIONER CORRECTIONAL
SERVICES
L.M. MTI

ANNEXURE A

88

STATUTORY PROVISION	AUTHORITY DELEGATED	LEVEL OF DELEGATION
Section 3 (5) (f)	Grant approval for the payment of monetary rewards to personnel.	Commissioner
Section 3 (5) (f)	Grant approval for the payment of monetary rewards to private persons.	Commissioner
Section 3 (5) (g)	Appoint personnel under the post level of Deputy-Director.	Management Area level: Regional Commissioner
		Regional Office level: Regional Commissioner
		Head Office level: CDC Corporate Services
Section 3 (5) (g)	Appoint personnel from Deputy Director level and higher.	Commissioner
Section 3 (5) (g)	Appoint temporary correctional official.	Director Human Resource Administration and Utilization
Section 4 (2) (c)	Restrict, suspend or revise amenities for offenders of different categories.	Policy: Commissioner

ANNEXURE B

95

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Section 70 (4) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	the control of the person concerned. Issue a warrant in terms of subsection (1) (c) and act in terms of subsection (2) if a person subject to community corrections fails to obey an instruction issued in terms of subsections (1) (b) or (3).	Head of Satellite Community Corrections Office
Section 71 (1) read together with section 276 A (4) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977). <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Apply to the court, Correctional Supervision and Parole Board or other body which ordered the imposition of community corrections, to amend the conditions which make up the community corrections in a particular case if it is the opinion that a change of circumstances calls for a change in the conditions.	Head of Satellite Community Corrections Office
Section 71 (3) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Issue a warrant in terms of section 70 (1) (c) for arrest if a person fails to appear when instructed to do so before a court, Correctional Supervision and Parole Board or other body in terms of subsection (2).	Head of Satellite Community Corrections Office
Section 74 (1) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	(a) Name each Correctional Supervision and Parole Board; (b) Specify the seat for each Board; (c) Determine and amend the area of jurisdiction of each Board.	Commissioner NOTE: <u>MUST BE DD LEVEL OR HIGHER (MINISTER)</u>
Section 74 (2) (a), (b) (e) and (f)	Appoint: (a) a chairperson; (b) a vice-chairperson; (c) one official of the Department (d) two members of the community.	Regional Commissioner NOTE: <u>MUST BE DD LEVEL OR HIGHER (MINISTER)</u>

95A

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Section 74 (2) (e) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Nominate one official of the Department to form part of the Correctional Supervision and Parole Board.	Area Commissioner
Section 74 (3) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Designate one of the Correctional Officials to act as a secretary for the Board	Area Commissioner
Section 74 (7) (a) (i) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Determine the period and conditions, a member of a Correctional Supervision and Parole Board holds office for.	Commissioner NOTE: <u>MUST BE DD LEVEL OR HIGHER (MINISTER)</u>
Section 74 (7) (b) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Remove a member of the Correctional Supervision and Parole Boards from office on grounds of misbehaviour, incapacity or incompetence.	Regional Commissioner NOTE: <u>MUST BE DD LEVEL OR HIGHER (MINISTER)</u>

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>
Section 74 (7) (c) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Fill the vacancy by appointing a person for the unexpired portion of the term of office of the predecessor if a member of a Correctional Supervision and Parole Board resigns, is removed from office or dies.	Regional Commissioner <i>NOTE: MUST BE DD LEVEL OR HIGHER (MINISTER)</i>
Section 74 (8) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Determine on recommendation of the Commission for Administration with the concurrence of the Minister of Finance the remuneration and allowances, a member of a Board who is not in the fulltime service of the State may receive.	DC Human Resource Management
Section 75 (1) (a) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Make recommendations to the court a quo in terms of section 276 A (3) of the Criminal Procedure Act, 1977 (Act no 51 of 1977) for the conversion of an offender's term of imprisonment to any other sentence for offenders serving sentences: -of more than 12 months but less than 5 years -of more than 5 years excluding life imprisonment and dangerous criminals.	Correctional Supervision and Parole Board
Section 75 (1) (a) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Place an offender serving a sentence exceeding 12 months under correctional supervision or on day parole or parole and set the conditions for community corrections.	Correctional Supervision and Parole Board
Section 75 (1) (b) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Make recommendations to the court for placement under correctional supervision or on day parole or parole and set the conditions of community corrections regarding offenders declared as dangerous criminals.	Correctional Supervision and Parole Board
Section 75 (1) (c) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Make recommendations to the court for placement on day parole or parole and set the conditions of community corrections regarding offenders serving life imprisonment.	Correctional Supervision and Parole Board
Section 75 (1B) (a) <u>EFFECTIVE AS FROM 1 OCTOBER 2004</u>	Identify offences for purposes of subsection (1A) with the concurrence of the National Commissioner of the South African Police Service, the Director-General of the Department of Justice	Commissioner

ANNEXURE D

156

TREASURY	AUTHORITY DELEGATED OR ASSIGNED	LEVEL OF EXECUTION	NOTES
		SERVICES	
	Part Three : Planning and Budgeting Chapter Six : Budgeting and Related Matters		
6.1.1	The assigned official must comply with any annual budget circulars issued by the National Treasury.	<u>Management Area Level:</u> ❖ None <u>Regional Level:</u> None <u>Head Office Level:</u> Director Management Accounting	Heads of Finances on regional level and Area Coordinator Finance should assist on the different levels.
6.1.3	The assigned official of a budget vote must ensure that the budget submission for that vote includes appropriate supporting information in respect of constitutional institutions and public entities receiving transfer payments on that vote.	<u>Management Area Level:</u> ❖ None <u>Regional Level:</u> None <u>Head Office Level:</u> ♦ Director Management Accounting	Whenever the need arises
6.3	The assigned official must utilize saving in the amount appropriated under a main division within the budget vote of the Department towards the defrayment of excess expenditure under another main division within the budget vote. Read with section 43 of the PFM Act	<u>Management Area Level:</u> ❖ None <u>Regional Level:</u> None <u>Head Office Level:</u> Director Management Accounting	Heads of Finances on regional level and the Area Coordinators Finance should assist on the different levels.
6.5.3	Before seeking formal approval from the Minister of Public Service and Administration for any transfer of functions to another sphere of government, the	<u>Management Area Level:</u>	In the case of assets

ANNEXURE E

217

TREASURY REGULATIONS TR	AUTHORITY DELEGATED OR ASSIGNED	LEVEL OF EXECUTION	NOTES
	<p align="center">Part Eight : Miscellaneous.</p> <p align="center">Chapter Twenty One : Gifts, Donations and Sponsorships</p>		
21.1.1	<p>Granting of gifts, donations and sponsorships by the state</p> <p>The assigned officials may approve gifts and donations and sponsorships and state money and other movable property in the interest of the state.</p>		When such cash amounts exceed R100 000, the approval of the relevant legislature must be sought by including the item separately in the estimates of expenditure.
	(a) Amount up to and including R50 000 per case.	<u>Management Area Level:</u> ❖ None <u>Regional Level:</u> None <u>Head Office Level:</u> ❖ Chief Financial Officer	
0	Cash amount up to and including R100 000 per case, and movable property exceeding R50 000.	<u>Management Area Level:</u> ❖ None <u>Regional Level:</u> None	

ANNEXURE F

138 A

<u>STATUTORY PROVISION</u>	<u>AUTHORITY DELEGATED</u>	<u>LEVEL OF DELEGATION</u>	<u>NOTES</u>
43 (1) and (2)	<p>Utilisation of savings in the amount appropriated under a main division within a vote towards the defrayment of excess expenditure under another main division within the same vote.</p> <p>NB May not exceed eight per cent (8%) of the amount appropriated under the main division.</p>	<p><u>Management Area Level:</u></p> <p>❖ None</p> <p><u>Regional Level:</u></p> <p>None</p> <p><u>Head Office Level:</u></p> <p>♦ Dir. Management Accounting</p>	
43 (3)	<p>Submit a report within seven days containing the prescribed particulars concerning the utilisation of a saving to the executive authority responsible for the department and to the relevant treasury.</p>	<p><u>Management Area Level:</u></p> <p>❖ None</p> <p><u>Regional Level:</u></p> <p>None</p> <p><u>Head Office Level:</u></p> <p>♦ Dir. Management Accounting</p>	