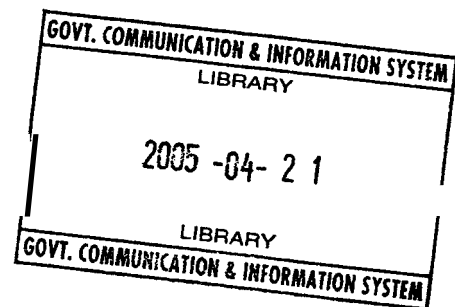


REPUBLIC OF SOUTH AFRICA

DIVISION OF REVENUE BILL

(As amended by the Portfolio Committee on Finance (National Assembly))
(The English text is the official text of the Bill)

(MINISTER OF FINANCE)



[B 8B—2005]

ISBN 0 621 35686 7

No. of copies printed 1 800

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.

BILL

To provide for the equitable division of revenue anticipated to be raised nationally among the national, provincial and local spheres of government for the 2005/06 financial year and the responsibilities of all three spheres pursuant to such division; and to provide for matters connected therewith.

PREAMBLE

WHEREAS section 214(1) of the Constitution requires an Act of Parliament to provide for—

- (a) the equitable division of revenue raised nationally among the national, provincial and local spheres of government;
- (b) the determination of each province's equitable share of the provincial share of that revenue; and
- (c) any other allocations to provinces, local government or municipalities from the national government's share of that revenue, and any conditions on which those allocations may be made;

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

ARRANGEMENT OF SECTIONS

Sections

CHAPTER 1 5

INTERPRETATION AND OBJECTS OF ACT

- 1. Interpretation
- 2. Objects of Act

CHAPTER 2

EQUITABLE SHARE ALLOCATIONS 10

- 3. Equitable division of revenue anticipated to be raised nationally among spheres of government
 - 4. Equitable division of provincial share among provinces
-

5. Equitable division of local government share among municipalities
6. Shortfalls and excess revenue

CHAPTER 3

OTHER ALLOCATIONS TO PROVINCES AND MUNICIPALITIES

Part 1 5

General

7. Other allocations to provinces
8. Other allocations to municipalities
9. Allocations to public entities for provision of municipal service or function
10. Allocations by public entities to municipalities 10
11. Allocations not listed in Schedules

Part 2

Matters related to Schedule 4 allocations

12. General
13. Provincial Infrastructure allocation 15
14. Municipal Infrastructure allocation

Part 3

Matters related to Schedules 5 and 6 allocations

15. Social Assistance Transfers and Social Assistance Administration conditional allocations 20
16. Municipal capacity building allocations
17. Integrated Housing and Human Settlement Development allocation

Part 4

Specific matters related to Schedule 7 allocations

18. Water Services Operating and Transfer Subsidy allocation 25

CHAPTER 4

DUTIES OF ACCOUNTING OFFICERS AND TREASURIES

19. Duties of transferring national officer in respect of Schedule 4 allocation
20. Duties of transferring national officer in respect of Schedule 5, 6 and 7 allocation 30
21. Duties of receiving officer in respect of Schedule 4 allocation
22. Duties of receiving officer in respect of Schedule 5, 6 and 7 allocation
23. Duties of transferring provincial officer
24. Category C municipal budgets and allocations in terms of this Act
25. Duties of provincial accounting officers and treasuries 35
26. Duties relating to co-operative governance in respect of concurrent functions
27. Annual financial statements and annual reports for 2005/06

CHAPTER 5

DUTIES OF NATIONAL TREASURY, POWERS OF AUDITOR-GENERAL AND MATTERS RELATING TO INTERNAL AUDIT UNITS 40

28. Duties of National Treasury
29. Power of Auditor-General
30. Matters relating to internal audit units

CHAPTER 6

GENERAL

31.	Spending in terms of purpose and subject to conditions	
32.	Amendment of payment schedule	
33.	Withholding of allocation	5
34.	Stopping of allocation	
35.	Re-allocation after stopping of allocation	
36.	Non-committed Schedule 5 or 6 allocation	
37.	Preparations for next budget year	
33.	Unauthorised and irregular expenditure	10
39.	Financial misconduct	
40.	Transfers to low capacity municipalities	
41.	Transfers made in error	
42.	Liability for costs incurred in violation of principles of co-operative governance and intergovernmental relations	15
43.	Delegations and assignments	
44.	Exemptions	
45.	Regulations	
46.	Repeal of laws	
47.	Short title and commencement	20

CHAPTER 1

INTERPRETATION AND OBJECTS OF ACT

Interpretation

1. (1) In this Act, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Public Finance Management Act or the Municipal Finance Management Act has the meaning assigned to it in the Act in question and—

“**budget year**” means the financial year commencing on 1 April 2005 and ending on 31 March 2006;

“**category A, B or C municipality**” has the meaning assigned to each category in terms of the Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**corporation for public deposits account**” means a bank account of the Provincial Revenue Fund held with the Corporation for Public Deposits, established by the Corporation of Public Deposits Act, 1984 (Act No. 46 of 1984);

“**framework**” means the conditions and other information in respect of an allocation published by the National Treasury in terms of section 28;

“**Municipal Finance Management Act**” means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

“**municipal financial year**” means the financial year of a municipality commencing on 1 July and ending on 30 June;

“**next financial year**” means the financial year commencing on 1 April 2006 and ending on 31 March 2007;

“**payment schedule**” means a schedule, which sets out—

(a) the amount of each transfer of an equitable share or any other allocation in terms of this Act to be transferred to a province or municipality for the financial year;

(b) the date on which each transfer must be paid; and

(c) to whom, and to which bank account, each transfer must be paid;

“**prescribe**” means prescribe by regulation in terms of section 45;

“**primary bank account**” —

(a) in relation to a province, means a bank account of the Provincial Revenue Fund held with a commercial bank which the head of the department in the provincial treasury has certified to the National Treasury, as the bank account into which allocations, other than the equitable share allocation and Social Assistance Transfers and Social Assistance Administration allocations, in terms of this Act must be deposited; and

(b) in relation to a municipality, means the bank account of the municipality as determined in terms of section 8 of the Municipal Finance Management Act; **“Public Finance Management Act”** means the Public Finance Management Act, 1999 (Act No. 1 of 1999);

“quarter” means—

- (a) 1 April to 30 June;
- (b) 1 July to 30 September;
- (c) 1 October to 31 December; or
- (d) 1 January to 31 March;

“receiving officer”—

(a) in relation to a Schedule 4 or 5 allocation transferred to a province, means the accounting officer of the provincial department which receives that allocation or a portion thereof for spending via an appropriation from its Provincial Revenue Fund; or

(b) in relation to a Schedule 4 or 6 allocation transferred to a municipality, the accounting officer of the municipality, except for that portion of the Municipal Infrastructure allocation, committed before 30 September 2003 and spent by the transferring national officer directly on behalf of the municipality;

“transferring national officer” means the accounting officer of a national department that transfers a Schedule 4, 5 or 6 allocation to a province or municipality or makes a Schedule 7 allocation on behalf of a municipality; and

“transferring provincial officer” means the accounting officer of a provincial department that receives a Schedule 5 or 6 allocation for the purpose of transferring it to a municipality in the relevant province.

(2) Any determination or instruction in terms of this Act must be in writing.

(3) Section 35 of the Public Finance Management Act, section 3 of the Financial and Fiscal Commission Act, 1997 (Act No. 99 of 1997) and sections 9 and 10 of the Municipal Systems Act do not apply in respect of any powers and functions assigned in terms of this Act to a province or municipality.

Objects of Act

2. The objects of this Act are to—

- (a) provide for the equitable division of revenue anticipated to be raised nationally among the three spheres of government;
- (b) promote co-operative governance and intergovernmental relations on budgetary matters;
- (c) promote better co-ordination between policy, planning, budget preparation and execution processes;
- (d) promote predictability and certainty in respect of all allocations to provinces and municipalities in order that such governments may plan their budgets over a multi-year period;
- (e) promote transparency and equity in the resource allocation process;
- (f) promote accountability by ensuring that all allocations are reflected on the budgets of receiving provinces and municipalities; and
- (g) ensure that legal proceedings in respect of division of revenue disputes between organs of state in the three spheres of government are avoided as far as possible.

CHAPTER 2

EQUITABLE SHARE ALLOCATIONS

Equitable division of revenue anticipated to be raised nationally among spheres of government

3. (1) Revenue anticipated to be raised nationally in respect of the budget year must be divided among the national, provincial and local spheres of government for their equitable share allocations as set out in Column A of Schedule 1.

(2) An envisaged division of revenue anticipated to be raised in respect of the next financial year and the 2007/08 financial year, and which is subject to the provisions of the annual Division of Revenue Act in respect of those financial years, is set out in Column B of Schedule 1.

(3) Notwithstanding subsection (2), the National Treasury may, in respect of the next financial year and until the commencement of the annual Division of Revenue Act for that financial year, determine that an amount not exceeding 45 per cent of the envisaged division for the next financial year as set out in Column B of Schedule 1, be transferred as a direct charge against the National Revenue Fund to a province or municipality. 5

Equitable division of provincial share among provinces

4. (1) Each province's equitable share of the provincial share of revenue anticipated to be raised nationally in respect of the budget year is set out in Column A of Schedule 2.

(2) An envisaged division for each province of revenue anticipated to be raised nationally in respect of the next financial year and the 2007/08 financial year, and which is subject to the provisions of the annual Division of Revenue Act for those financial years, is set out in Column B of Schedule 2. 10

(3) Subject to section 32, each province's equitable share allocation contemplated in subsection (1) must be transferred to the corporation for public deposits account of the province, in accordance with a payment schedule determined by the National Treasury, after consultation with the head of the department in the provincial treasury. 15

(4) In determining the payment schedule the National Treasury must take account of the monthly spending commitments of provinces, and seek to minimise risk and debt servicing costs for national and provincial government.

(5) (a) Notwithstanding subsection (3), the National Treasury may for cash management purposes relating to the corporation for public deposits account, or when an intervention in terms of section 100 of the Constitution is taking place, on such conditions as it may determine, advance funds to a province in respect of its equitable share contemplated in subsection (1) or a portion of it, which have not yet fallen due for transfer in accordance with the payment schedule referred to in subsection (3). 20 25

(b) Any advances must be set-off against transfers to the province, which would otherwise become due in terms of that payment schedule.

Equitable division of local government share among municipalities

5. (1) Each municipality's share of local government's equitable share of revenue anticipated to be raised nationally in respect of the budget year, is set out in Column A of Schedule 3. 30

(2) An envisaged division between municipalities of revenue anticipated to be raised nationally in respect of the next financial year and the 2007/08 financial year, and which is subject to the provisions of the annual Division of Revenue Act for those financial years, is set out in Column B of Schedule 3. 35

(3) Each municipality's equitable share contemplated in subsection (1) must be transferred to the primary bank account of the municipality in quarterly transfers before the end of May, August, December and March in the budget year, in accordance with a payment schedule determined by the National Treasury.

(4) Notwithstanding subsection (3), when an intervention in terms of section 139 of the Constitution is taking place in a municipality, the National Treasury may, on such conditions as it may determine, approve a request or direct that the equitable share contemplated in subsection (1), or a portion of it, be— 40

(a) advanced to a municipality in terms of a financial recovery plan prepared in terms of section 141 of the Municipal Finance Management Act, in respect of any portion which has not yet fallen due for transfer in accordance with the payment schedule referred to in subsection (3), and 45

(b) transferred to a municipality via the province in terms of section 226(3) of the Constitution, if the municipality is unable or unwilling to implement its financial recovery plan imposed in terms of section 141 of the Municipal Finance Management Act. 50

(5) Any advances in terms of subsection (4)(a) must be set-off against transfers to the municipality, which would otherwise become due in terms of subsection (3).

Shortfalls and excess revenue

6. (1) If actual revenue raised nationally in respect of the budget year falls short of the anticipated revenue set out in Schedule 1, the national government bears the shortfall. 55

(2) If actual revenue raised nationally in respect of the budget year exceeds the anticipated revenue set out in Schedule 1, the excess accrues to the national government, to be used to reduce borrowing or pay debt as part of its share of revenue raised nationally, and in addition to its share in column A of Schedule 1.

(3) The national government may appropriate a portion of its equitable share or excess revenue contemplated in subsection (2) to make further allocations in an adjustments budget to— 5

- (a) national departments or votes;
- (b) provinces or municipalities, as a conditional or an unconditional allocation.

CHAPTER 3

10

OTHER ALLOCATIONS TO PROVINCES AND MUNICIPALITIES

Part 1

General

Other allocations to provinces

7. (1) Other allocations to provinces in respect of the budget year from the national government's share of revenue anticipated to be raised nationally are set out in Column A of the following Schedules: 15

- (a) Schedule 4A specifying allocations to provinces to supplement the funding of programmes or functions funded from provincial budgets; and
- (b) Schedule 5 specifying specific-purpose allocations to provinces. 20

(2) An envisaged division of other allocations to provinces from the national government's share of revenue anticipated to be raised nationally, for the next financial year and the 2007/08 financial year, which is subject to the annual Division of Revenue Act for those years, is set out in Column B of the Schedules referred to in subsection (1).

(3) Notwithstanding subsection (2), the National Treasury may, in respect of the next financial year and until the commencement of the Division of Revenue Act for that financial year, determine that an amount not exceeding 45 per cent of the envisaged division of an allocation for the next financial year, as set out in Column B of the Schedules, be transferred to a province as a direct charge against the National Revenue Fund. 25 30

Other allocations to municipalities

8. (1) Other allocations to local government in respect of the budget year from the national government's share of revenue anticipated to be raised nationally are set out in Column A of the following Schedules:

- (a) Schedule 4B specifying allocations to municipalities to supplement the funding of programmes or functions funded from municipal budgets; and 35
- (b) Schedule 6 specifying specific-purpose allocations to municipalities; and
- (c) Schedule 7 specifying allocations-in-kind to municipalities for designated special programmes.

(2) An envisaged division of allocations to local government from the national government's share of revenue anticipated to be raised nationally for the next financial year and the 2007/08 financial year, which is subject to the annual Division of Revenue Act for those years, is set out in Column B of the Schedules referred to in subsection (1). 40

(3) The National Treasury must publish in the *Gazette* required in terms of section 28, the share of each municipality in respect of the local government allocations referred to in subsections (1) and (2). 45

(4) Notwithstanding subsection (2), the National Treasury may, in respect of the next financial year and until the commencement of the Division of Revenue Act for that financial year, determine that an amount not exceeding 45 per cent of the envisaged division of the allocation for the next financial year, as set out in Column B of the Schedules, be transferred to a municipality as a direct charge against the National Revenue Fund. 50

Allocations to public entities **for** the provision **of** municipal service **or** function

9. (1) No public entity may receive funds for the provision of a municipal service or municipal function on behalf of a municipality, or of a bulk resource necessary for the performance of a municipal service, from a national or of provincial organ of state except —

(a) via the municipality responsible for that service or function, unless the National Treasury approves otherwise in respect of municipalities it deems to have low capacity; or

(b) directly, where the public entity when this Act takes effect, provides such a service or function, and it certifies to the National Treasury by 1 May 2005 that it will enter into a written service delivery agreement with the relevant municipality in accordance with subsection (2).

(2) A public entity contemplated in subsection (1)(b), and the relevant municipality must sign a written service delivery agreement no later than —

(a) 30 June 2005, for all category A municipalities;

(b) 30 November 2005, for all category B municipalities with budgets exceeding R1 billion in the 2004/05 municipal financial year; and

(c) 30 June 2006, for all other municipalities.

(3) (a) The National Treasury, after consultation with the accounting officer of the national department responsible for local government, may determine the format of a service delivery agreement contemplated in this section.

(b) The service delivery agreement must, in addition to compliance with other legislation prescribing the contents of service delivery agreements, including section 81 of the Municipal Systems Act in respect of municipal services, provide for —

(i) the service authority role of the municipality;

(ii) the service provider role of the public entity;

(iii) the principles of co-operative governance as provided for in the Constitution, including the settlement of disputes in accordance with mechanisms and procedures provided for that purpose in legislation;

(iv) the National Treasury to assist in resolving disputes between the parties, including by issuing directives on pricing and service delivery standards in the event of any dispute on these matters; and

(v) any other matter as may be determined by the National Treasury.

(4) A municipality is exempted from compliance with Part 2 of Chapter 8 of the Municipal Systems Act to the extent that ~~Part~~ 2 provides for processes and procedures that a municipality must comply with prior to entering into a service delivery agreement in respect of municipal services contemplated in this section.

(5) A public entity that receives funding directly or via the relevant municipality, in the circumstances contemplated in subsection (1), must within 30 days after the end of each month, report to the relevant municipality, the national or provincial organ of state and the National Treasury on the amount spent on the bulk resource, municipal service or function for which it has received funds, or is entitled to reimbursement from funds transferred to a municipality.

(6) A public entity providing water, electricity or any other prescribed municipal service to residential and commercial users within the area of jurisdiction of a municipality, must inform the relevant municipality and the National Treasury —

(a) by 31 May 2005, of the services provided on behalf of that municipality, including the number of residential and commercial users to whom such services are provided, the total volume of electricity and water supplied to users per month and the free basic services provided;

(b) within 30 days after the end of each month, of —

(i) the revenue collected and not collected for that month; and

(ii) any material difficulties experienced in respect of revenue collection including amounts not billed and losses; and

(c) by 31 August of each year, of the services provided on behalf of the municipality for the preceding municipal financial year.

(7) The National Treasury may —

(a) instruct the withholding of the transfer or reimbursement of funds to a public entity if that entity fails to comply with this section; or

(b) direct that any portion of the equitable share allocation of the municipality be transferred to the public entity if the municipality unreasonably delays entering into a service delivery agreement in accordance with subsection (2).

(8) The National Treasury must mediate any dispute between a municipality and a public entity preventing the signing of a service delivery agreement.

Allocations by public entities to municipalities

- 10.** A public entity that provides funds to a province or a municipality as a grant, sponsorship or donation, must — 5
- (a) where any such transfers collectively exceed R500 000 in a financial year, inform the National Treasury of any intended transfer at least 14 days prior to effecting the transfer; and
 - (b) disclose in its financial statements, the purpose and amount of each transfer to a province or a municipality. 10

Allocations not listed in Schedules

- 11.** (1) An allocation not listed in the Schedules referred to in sections 7 and 8 may only be made in terms of section 6(3).
- (2) The National Treasury must publish the allocations and frameworks for such allocations in the *Gazette*, prior to the transfer of any funds to a province or municipality. 15

Part 2

Matters related to Schedule 4 allocations

General

- 12.** (1) The framework for a Schedule 4 allocation must be designed to promote comprehensive outputs for a programme or function funded or partially funded by the allocation, and may not include any condition— 20
- (a) for a national department or any other organ of state, other than the receiving officers, to approve specific projects or budgets; or
 - (b) requiring a report on spending or projects other than the reports required in terms of section 21 or as approved by the National Treasury. 25
- (2) The National Treasury must approve the payment schedules for all Schedule 4 allocations, submitted to it in accordance with section 19(1)(a).

Provincial Infrastructure allocation

- 13.** (1) The Provincial Infrastructure allocation set out in Schedule 4A supplements the funding of infrastructure programmes funded from provincial budgets to enable provinces to address backlogs in provincial infrastructure. 30
- (2) A province must ensure that its provincial departments responsible for education, health and roads—
- (a) are responsible for all capital and maintenance budgets and spending for those functions; 35
 - (b) enter into, implement and manage service delivery agreements with provincial departments responsible for public works or public entities, where such departments and entities manage or undertake construction or maintenance on their behalf;
 - (c) participate, together with the provincial department responsible for public works in the Infrastructure Development Improvement Programme facilitated by the National Treasury, unless any such department is exempted from participation by the National Treasury; and 40
 - (d) take account of any recommendations on infrastructure made by the Cabinet member responsible for that function in terms of section 26. 45
- (3) A province, in allocating the Provincial Infrastructure allocation—
- (a) must consider the capacity requirements of a receiving provincial department to administer an allocation;
 - (b) must take into account the capacity of the receiving provincial department to spend and manage infrastructure, based on the extent of any or any projected roll-overs in the 2003/04 and 2004/05 financial years; and 50
 - (c) may, where a receiving provincial department lacks capacity, with the National Treasury's approval, designate a percentage of the allocation for acquiring such capacity.

Municipal Infrastructure allocation

14. (1) The Municipal Infrastructure allocation set out in Schedule 4B supplements the funding of infrastructure programmes funded from municipal budgets to enable municipalities to address backlogs in municipal infrastructure required for the provision of basic services. 5

(2) The Municipal Infrastructure allocation—

(a) must be transferred, directly to a category A, B or C municipality that has the executive authority to provide basic municipal service infrastructure, from 1 July 2005, if the municipality is classified as a high or medium capacity municipality by the transferring national officer and the National Treasury; 10
and

(b) may be transferred via the relevant category C municipality to a category B municipality if the category B municipality is classified as a low capacity municipality by the transferring national officer and the National Treasury.

(3) Notwithstanding subsection (2), the transferring national officer, in consultation with the National Treasury, may determine that the Municipal Infrastructure allocation— 15

(a) be transferred directly to a category B municipality not classified as a high or medium capacity municipality in terms of subsection (2)(a); or

(b) be transferred to the relevant province, in accordance with section 226(3) of the Constitution, if section 40 applies. 20

(4) A municipality receiving the municipal infrastructure grant must table and approve a three-year capital budget as part of its budget for the 2005/06 financial year in accordance with the Municipal Finance Management Act, unless exempted in terms of that Act. 25

(5) The transferring national officer may, with the approval of the National Treasury and after consultation with the responsible sector departments, make direct payments to creditors against the Municipal Infrastructure allocation of a municipality for commitments incurred on previous consolidated municipal infrastructure and water capital grants as at 30 September 2003, if the receiving municipality is unable, unwilling or fails to pay for such commitments. 30

Part 3

Matters related to Schedules 5 and 6 allocations

Social Assistance Transfers and Social Assistance Administration conditional allocations 35

15. (1) The transferring national officer must, in addition to the duties contemplated in section 20, take appropriate steps to ensure that—

(a) social assistance transfers and administration spending in each province—
(i) do not exceed the amounts appropriated for that purpose on provincial budgets; and 40

(ii) are in accordance with the approved payment schedule for each month of the year, for each type of social assistance grant included in the Social Assistance Transfers allocation, and administration;

(b) subsection (4) on under and over spending is complied with;

(c) legislation, including legislation providing for social assistance, is adhered to; 45
and

(d) reasonable technical, systems and other support necessary to ensure the sound administration of the Social Assistance Transfers and Social Assistance Administration conditional allocations are provided to provinces”.

- (2) A receiving officer must, in addition to the duties contemplated in section 22—
- (a) ensure that the amount budgeted for each type of social assistance grant included in the Social Assistance Transfers allocation takes into account the indicative allocations for that grant as set out in Schedule 5A;
 - (b) ensure that administrative processes and procedures comply with all requirements set by the transferring national officer;
 - (c) ensure that social assistance transfers and administration spending are in accordance with the approved payment schedule for each type of social security grant included in the Social Assistance Transfer allocation, and administration for each month of the year; and
 - (d) in addition to complying with the reporting requirements set out in section 32 of the Public Finance Management Act, provide such information and reports, within the specified timeframes, to the transferring national officer as he or she may request in the performance of the duties provided for in subsection (1).
- (3) (a) The transferring national officer must, after consultation with the National Treasury and receiving officers, not later than seven days after this Act takes effect submit a Social Assistance Transfers and Social Assistance Administration conditional allocations monitoring plan to the National Treasury.
- (b) The plan must set out the key performance indicators, financial procedures, internal audit processes, and monitoring and reporting mechanisms of the national and each provincial department to ensure effective and efficient delivery of social assistance.
- (4) In the event that the total amount anticipated to be spent on social assistance in a province in this financial year materially exceeds or is less than the appropriated amount or the amount set out in the approved payment schedule for a specific month, the receiving officer must, within 14 days of detecting the anticipated over or under expenditure, submit a report to the transferring national officer and relevant provincial treasury, which report must—
- (a) set out the extent of the anticipated over or under expenditure;
 - (b) provide reasons for the anticipated over or under expenditure, including information on approval processes and number of new beneficiaries; and
 - (c) outline the measures taken to ensure that the anticipated over or under expenditure is not due to fraudulent or any other irregular practices.
- (5) Over expenditure attributable to non-compliance with legislative requirements and poor management procedures must be funded from the Provincial Revenue Fund, unless the National Treasury determines otherwise.
- (6) (a) The National Treasury must direct the establishment of a dedicated bank account configuration for the transfer of Social Assistance Transfers and Social Assistance conditional allocations.
- (b) Each provincial treasury must ensure that the bank account configuration as directed is in place and operational by 1 April 2005.
- (7) The transferring national officer must transfer Social Assistance Transfers and Social Assistance Administration conditional allocations to the dedicated corporation of public deposits account of the province, in accordance with a payment schedule agreed between the transferring national officer and the provincial receiving officer, and approved by the National Treasury.
- (8) (a) The transferring national officer may, with the written approval of the National Treasury and after consultation with the affected provinces, reallocate the Social Assistance Transfers and Social Assistance Administration allocations, or a portion of such allocations, from one province to another province.
- (b) Any such reallocation must, together with an explanatory memorandum, be published in the *Gazette* within 30 days of such a reallocation.
- (9) Any reallocation by a receiving officer of the indicative allocations for the different types of social security grants included in the Social Assistance Transfers conditional allocation as set out in Schedule 5A, exceeding five per cent must be approved by the transferring national officer, in consultation with the National Treasury, prior to the reallocation.

Municipal capacity **building** allocations

- 16. (1)** Any transfer of an allocation aimed at developing and improving municipal systems and the capacity of municipalities to perform functions assigned to them, may **only be made** in terms of a framework determined by the national accounting officer responsible for local government, in consultation with the National Treasury.

(2) The framework contemplated in subsection (1) must take into account the capacity requirements for implementing the Municipal Systems Act and the Municipal Finance Management Act, including integrated planning, performance management, financial management, budgeting and spatial planning considerations and the need to ensure that the capacity of a municipality is developed in measurable ways. 5

(3) The annual report of the department responsible for any capacity-building allocation must indicate the extent to which the capacity of any municipality was improved in measurable ways by that allocation and the extent to which such an allocation was spent on external consultants contracted to assist a municipality.

Integrated Housing and Human Settlement Development allocations 10

17. (1) The provincial accounting officer responsible for housing must—

- (a) facilitate applications for accreditation in terms of the Housing Act, 1997 (Act No. 107 of 1997) from 1 April 2005 from all category A municipalities, and all category B municipalities identified by the transferring national officer in respect of each province; and 15
- (b) within six months of receiving applications from the municipalities contemplated in paragraph (a), complete the accreditation of those municipalities.

(2) (a) A municipality whose accreditation application was refused may lodge an objection to the refusal with the transferring national officer.

(b) The transferring national officer must on receipt of an objection take all necessary steps to facilitate accreditation as soon as possible, but no later than 60 days after the objection was received. 20

(3) Accreditation granted in terms of subsection (1) must—

- (a) at least include—
 - (i) authority to administer housing programmes, including the administration of all housing subsidy applications; 25
 - (ii) authority to grant subsidies and approve projects, subject to subsection (4), to be funded from uncommitted housing funds from the 2006/07 financial year;
 - (iii) an obligation to maintain compliance with the capacity and system requirements prescribed by the provincial accounting officer responsible for housing; 30
 - (iv) an obligation to provide monthly reports on housing delivery; and
 - (v) an obligation to provide information on the levying and collection of rental in respect of all municipal owned houses; and 35
- (b) be implemented progressively during the financial year and finalised by 30 June 2006.

(4) An accredited municipality must, in exercising its authority in terms of subsection (3)(a)(ii)—

- (a) take into account any criteria for the prioritisation of projects as determined by the province; and 40
- (b) participate in housing programme forums established by the transferring national department.

(5) Notwithstanding any provision in any law, section 35 of the Public Finance Management Act, section 3 of the Financial and Fiscal Commission Act, 1997 (Act No. 99 of 1997), and sections 9 and 10 of the Municipal Systems Act do not apply to the accreditation of municipalities in terms of the Housing Act, 1997 (Act No. 107 of 1997). 45

Part 4

Specific matters related to Schedule 7 allocation

Water Services Operating and Transfer Subsidy allocations 50

18. (1) The transferring national officer, subsequent to the signing of a transfer agreement between the transferring national officer and the municipality for the transfer of water services assets, may with the written approval of the National Treasury adjust the Water Services Operating and Transfer Subsidy allocation to a municipality to reflect— 55

- (a) the actual personnel allocation payable to a municipality as a result of the number of staff transferred from the transferring national department to the municipality; and
- (b) the actual operating allocation payable to a municipality as informed by the percentage or portion of assets transferred to a municipality in respect of assets shared across municipal boundaries. 5

(2) Any adjustments contemplated in subsection (1) must, together with an explanatory memorandum, be published by the National Treasury in the *Gazette*, within 120 days after granting approval for an adjustment.

CHAPTER 4

10

DUTIES OF ACCOUNTING OFFICERS AND TREASURIES

Duties of transferring national officer in respect of Schedule 4 allocation

19. (1) The transferring national officer for a Schedule 4 allocation is responsible for —

- (a) submitting a payment schedule determined after consultation with the receiving officer to the National Treasury for approval before 1 April 2005; 15
- (b) ensuring that transfers to all provinces and municipalities are in accordance with the payment schedule, unless allocations are withheld or stopped in terms of sections 33 or 34;
- (c) monitoring expenditure and non-financial performance information on programmes funded by an allocation, provided that such monitoring— 20
 - (i) is approved by the National Treasury; and
 - (ii) does not impose undue administrative burdens on receiving provinces and municipalities beyond the provision of standard management information; and 25
 - (iii) is in accordance with sections 12(1) and 21(3).
- (d) evaluating the performance of programmes funded or partially funded by the allocation and the submission of such evaluations to the National Treasury, within four months in respect of a province and six months in respect of a municipality after the end of the financial year. 30

(2) Where more than one national department have responsibilities relating to a Schedule 4 allocation, the transferring national officer must co-ordinate the roles and responsibilities of such national departments and ensure those roles and responsibilities —

- (a) are exercised in a manner that does not duplicate its responsibilities as set out in subsection (1); and 35
- (b) do not impose undue administrative burdens on provinces or municipalities beyond the provision of standard management information.

Duties of transferring national officer in respect of Schedule 5, 6 and 7 allocation

20. (1) A transferring national officer must, not later than 14 days after this Act takes effect, certify to the National Treasury that — 40

- (a) allocation frameworks, including conditions and monitoring provisions, are reasonable and do not impose an undue administrative burden on receiving provincial governments and municipalities beyond the provision of standard management information; 45
- (b) any business plans requested in respect of how allocations, other than the Social Assistance Transfers and Social Assistance Administration allocations, will be utilised by a province or municipality have been approved prior to the start of the financial year;
- (c) funds will only be transferred after information required in terms of this Act has been provided to the National Treasury; 50
- (d) funds will only be transferred in accordance with a payment schedule determined after consultation with relevant provinces or organised local government;
- (e) funds will only be deposited into the primary bank account of a province or municipality, or, where appropriate into the corporation for public deposits account of a province; and 55

- (f) all other arrangements or requirements necessary for the transfer of an allocation have been complied with prior to the start of the financial year.
- (2) The transferring national officer must submit all information and documentation referred to in subsections (1)(a) and (b) to the National Treasury within 14 days after this Act takes effect. 5
- (3) A transferring national officer who has not complied with subsection (1) must transfer such allocation as instructed by the National Treasury, including as an unconditional allocation.
- (4) Before making the first transfer of any allocation, the transferring national officer must take note of any notice in terms of section 28(2) from the National Treasury outlining the details of the account for each province or municipality. 10
- (5) Notwithstanding anything to the contrary contained in any law, a transferring national officer must in respect of any allocation, as part of the report contemplated in section 40(4)(c) of the Public Finance Management Act, not later than 20 days after the end of each month, and in the format determined by the National Treasury, submit to the National Treasury, information for the month reported on and for the financial year up to the end of that month, on — 15
- (a) the amount of funds transferred to a province or municipality;
 - (b) the amount of funds stopped or withheld from any province or municipality, the reasons for the withholding or stopping and the steps taken to deal with the causes that necessitated the withholding or stopping of the payment; 20
 - (c) the actual expenditure incurred by the province or municipality in respect of a Schedule 5 and 6 allocation; and
 - (d) such other issues as the National Treasury may determine.
- (6) The transferring national officer must evaluate the performance of programmes funded or partially funded by the allocation and submit such evaluations to the National Treasury within four months in respect of a province and six months in respect of a municipality after the end of the financial year. 25

Duties of receiving officer in respect of Schedule 4 allocation

21. (1) A receiving officer is responsible for — 30
- (a) complying with the framework for a Schedule 4 allocation as published in terms of section 28; and
 - (b) the manner in which it allocates and spends a Schedule 4 allocation.
- (2) The receiving officer of a municipality must — 35
- (a) ensure and certify to the National Treasury that the municipality —
 - (i) indicates, or if required, exclusively appropriates each programme funded or partially funded by this allocation in its annual budget; and
 - (ii) makes public, in accordance with the requirements of section 21A of the Municipal Systems Act, the conditions and other information in respect of the allocation to facilitate performance measurement and the use of required inputs and outputs; 40
 - (b) by no later than 1 April 2005, submit to the National Treasury, together with its annual budget, detailed plans for the 2005/06 financial year outlining how the municipality intends to achieve outputs for each programme funded by this allocation; 45
 - (c) submit monthly reports as required by the Municipal Finance Management Act to the National Treasury on spending against programmes; and
 - (d) submit a quarterly performance report within 30 days after the end of each quarter to the transferring national officer.
- (3) The receiving officer in a province must — 50
- (a) submit monthly reports as required by the Public Finance Management Act to the relevant provincial treasury on spending against programmes; and
 - (b) submit a quarterly performance report within 30 days after the end of each quarter to the transferring national officer.
- (4) The receiving officer must report against programmes funded or partially funded by a Schedule 4 allocation against the relevant framework in its annual financial statements and annual report. 55
- (5) The receiving officer must annually, within two months after the end of the financial year and where relevant the municipal financial year, evaluate its performance in respect of programmes funded or partially funded by an allocation and submit such evaluation to the transferring national officer. 60

Duties of receiving officer in respect of Schedule 5 and 6 allocation

- 22.** (1) The relevant receiving officer must, in respect of an allocation transferred to—
- (a) a province, as part of the report required in section 40(4)(c) of the Public Finance Management Act, submit a report to the relevant provincial treasury and the transferring national officer; and 5
 - (b) a municipality, as part of the report required in terms of section 71 of the Municipal Finance Management Act, submit a report to the relevant transferring national or provincial officer.
- (2) A report by a province in terms of subsection (1) must set out for that month and for the financial year up to the end of that month— 10
- (a) the amount received by the province;
 - (b) the amount of funds stopped or withheld from the province;
 - (c) the actual expenditure by the province in respect of a Schedule 5 allocation;
 - (d) the extent of compliance with the conditions of an allocation provided for in a framework and with this Act; 15
 - (e) an explanation for any material problems experienced by the province regarding an allocation which has been received and a summary of the steps taken to deal with such problems or the effect of such variations; and
 - (f) such other issues and information as the National Treasury may determine.
- (3) A report by a municipality in terms of subsection (1) must set out for that month 20 and for the financial year up to the end of that month the amount of funds stopped or withheld from the municipality and such other information as the National Treasury may determine.
- (4) The receiving officer must annually, within two months after the end of the financial year and where relevant the municipal financial year, evaluate its performance 25 in respect of programmes funded or partially funded by an allocation and submit such evaluation to the transferring national officer.

Duties of transferring provincial officer

- 23.** (1) A transferring provincial officer must, as part of the report contemplated in section 40(4)(c) of the Public Finance Management Act, in respect of any allocation to 30 be transferred to municipalities, and in the format determined by the National Treasury, submit, within 15 days after the end of each month, to the transferring national officer and the relevant treasury, information on—
- (a) the amount of funds transferred to a municipality in the month reported on and for the financial year up to the end of that month; 35
 - (b) the amount of funds stopped or withheld from any municipality in the month reported on;
 - (c) actual expenditure incurred in respect of that allocation; and
 - (d) such other issues as the National Treasury may determine.

Category C municipal budgets and allocations in terms of this Act 40

- 24.** (1) (a) In addition to the requirements of the Municipal Finance Management Act, a category C municipality must, no later than 1 April 2005, submit to the National Treasury and all category B municipalities within its area of jurisdiction, its budget, as tabled in accordance with section 16 of the Municipal Finance Management Act, for the 2005/06 municipal financial year, and the two following municipal financial years. 45
- (b) The budget must indicate all allocations to be transferred to each category B municipality within its area of jurisdiction and disclose the criteria for allocating funds between the category B municipalities.
- (2) A category C municipality must strive to ensure that it does not duplicate a function currently performed by a category B municipality, and transfer funds for 50 infrastructure development or the provision of services to the relevant category B municipalities, taking into account any indicative allocations for such municipalities as determined *or* published in the *Gazette* by the National Treasury, and may only retain and spend funds directly if—
- (a) the category C municipality retained a power or function in terms of the Local 55 Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); **and**

(b) a category B municipality in the opinion of the category C municipality has weak capacity and the national department for local government and National Treasury concur with that opinion.

(3) A category C municipality must before implementing any capital project for water, electricity, roads or any other municipal service secure approval for the project from the category B municipality within whose area of jurisdiction the project will be implemented and agree on which municipality is responsible for its operational costs and collection of user fees. 5

(4) A municipality must ensure that any allocation made to it in terms of this Act, or by a province or another municipality, that is not reflected in its budget, as tabled in accordance with section 16 of the Municipal Finance Management Act, is reflected in its budget to be approved in accordance with section 24 of the Municipal Finance Management Act. 10

(5) Where a function for which a province receives a Schedule 5 allocation is assigned to a municipality during a financial year and the province has not appropriated funds to that municipality for the performance of that function, the province must transfer such funds to the municipality in terms of section 226(3) of the Constitution as a direct charge against that province's Revenue Fund. 15

Duties of provincial treasuries

25. (1) The head of the department in the provincial treasury must ensure and certify to the National Treasury that the province— 20

(a) indicates or, if required, exclusively appropriates each programme funded or partially funded through Schedule 4 allocations in its Appropriation Bill or a schedule to its Appropriation Bill; and

(b) publishes the conditions and other information in respect of these allocations to facilitate performance measurement and the use of required inputs and outputs in its budget documents submitted to its legislature or the *Gazette*. 25

(2) The provincial treasury must in respect of allocations to municipalities other than allocations made in terms of this Act publish, with its annual budget or in the *Gazette*, not later than 1 April 2005— 30

(a) the allocation per municipality for every allocation made by the province to municipalities; and

(b) the envisaged division of the allocation contemplated in paragraph (a) in respect of each municipality, for the next financial year and the 2007/08 financial year. 35

(3) (a) Notwithstanding anything to the contrary contained in any law, a provincial treasury may, in accordance with a framework determined by the National Treasury, make allocations to municipalities that were not published in terms of subsection (2).

(b) These allocations must be published in the *Gazette* before any transfers can be made, unless the allocations were published with its adjustments budget submitted to the provincial legislature. 40

(4) A provincial treasury must, as part of its consolidated monthly report in terms of section 32 of the Public Finance Management Act, in the format determined by the National Treasury, report on—

(a) actual transfers received by the province from national departments; 45

(b) actual expenditure on such allocations, excluding Schedule 4 allocations, up to the end of that month;

(c) actual transfers made by the province to municipalities, and projections of actual expenditure by municipalities on such allocations; and

(d) any problems of compliance with this Act by transferring provincial officers and receiving officers and the steps taken to deal with such problems. 50

(5) The report contemplated in subsection (4) must include reports for each quarter, and be in the format and include the information as may be determined by the National Treasury.

Duties relating to co-operative governance in respect of concurrent functions 55

26. (1) A Cabinet member responsible for a function falling within Schedule 4 to the Constitution may determine a monitoring system for the performance by provinces and, if applicable, by municipalities of that function, and make recommendations at any stage to a province or municipality on improving performance of the function and compliance with national legislation applicable to the function. 60

(2) If a province or municipality performing a function referred to in subsection (1) fails to meet any applicable national targets and standards for the performance of the function, the relevant Cabinet member may take such steps as may be necessary to assist the province or municipality in meeting those targets or standards, including recommendations to that province or municipality on— 5

- (a) how to improve its performance;
- (b) organisational and administrative arrangements for a provincial department or other provincial organ of state or a municipality;
- (c) human resource arrangements, particularly where a large number of personnel is employed; 10
- (d) human resource development, training and management;
- (e) governance arrangements to prevent or limit corruption and wastage; and
- (f) agency arrangements for delivering or managing any of the core responsibilities pertaining to that function.

(3) The Premier of a province or mayor of a municipality must take into account any recommendations made by the Cabinet member in terms of subsection (1) or (2), in order to improve performance of that function. 15

Annual financial statements and annual reports for 2005/06

27. (1) The annual financial statements for the 2005/06 financial year of a national or provincial department transferring any funds in respect of an allocation set out in Schedules 4, 5, 6 and 7 must, in addition to any requirements in terms of any other applicable law— 20

- (a) indicate the total amount of that allocation transferred to a province or municipality;
- (b) indicate the transfers, if any, that were withheld in respect of each province or municipality; 25
- (c) certify that all transfers to a province or municipality were deposited into the primary bank account of a province or municipality, or where appropriate, into the corporation for public deposits account of a province; and
- (d) indicate the funds, if any, utilised for the administration of the allocation, and whether any portion of the allocation was retained by the transferring department for that purpose. 30

(2) The annual report for the 2005/06 financial year of a national or provincial department transferring any funds in respect of an allocation set out in Schedules 4, 5, 6 and 7 must, in addition to any requirements in terms of any other applicable law— 35

- (a) indicate the reasons for the withholding of any transfers to a province or municipality;
- (b) indicate to what extent a province or municipality was monitored for compliance with the conditions of an allocation provided for in the relevant framework and the provisions of this Act; 40
- (c) indicate to what extent the allocation achieved its purpose and outputs; and
- (d) indicate any non-compliance with this Act, and the steps taken to deal with such non-compliance.

(3) The annual financial statements of a provincial department receiving an allocation in terms of Schedules 4 and 5, must, in addition to any requirements in terms of any other applicable law— 45

- (a) indicate the total amount of all allocations received;
- (b) indicate the total amount of actual expenditure on all allocations except Schedule 4 allocations; and
- (c) certify that all transfers in terms of this Act to the province were deposited into the primary bank account of the province, or where appropriate, into the corporation for public deposits account of a province. 50

(4) The annual report of a provincial department receiving an allocation in terms of Schedules 4 and 5, must, in addition to any requirements in terms of any other applicable law— 55

- (a) indicate to what extent the province met the conditions, provided for in the relevant framework of such an allocation, and complied with the provisions of this Act;
- (b) indicate the extent to which the objectives and outputs of the allocation were achieved; and 60
- (c) contain such other information as the National Treasury may determine.

(5)(a) The annual financial statements and annual reports of a municipality for the 2005/06 financial year must be prepared in accordance with the Municipal Finance Management Act.

(b) Municipalities for whom the implementation of section 121 of the Municipal Finance Management Act was delayed by the Minister under section 178 of that Act, must notwithstanding such delay, prepare annual performance management reports in terms of section 46 of the Municipal Systems Act, by no later than 31 December 2005.

(6) The National Treasury may determine how transferring departments and receiving municipalities report on local government allocations on a quarterly basis to facilitate the audit of allocations for both the national and municipal financial years. 5

CHAPTER 5

DUTIES OF NATIONAL TREASURY, POWERS OF AUDITOR-GENERAL AND MATTERS RELATING TO INTERNAL AUDIT UNITS 10

Duties of National Treasury

28. (1) The National Treasury must within 14 days of this Act taking effect—

- (a) submit a notice to all transferring national officers, containing the details of the bank accounts of each province and municipality; and
- (b) publish in the *Gazette* — 15
 - (i) the allocations per municipality for each Schedule 4B, 6 or 7 allocation to local government; and
 - (ii) the framework for each Schedule 4, 5, 6 and 7 allocation.

(2) The National Treasury must publish any revisions or amendments to the allocations or frameworks published in terms of subsection (1)(b) authorised by an adjustment budget in the *Gazette*. 20

(3) The National Treasury must, together with the monthly report contemplated in section 32(2) of the Public Finance Management Act, publish a report on actual transfers of all allocations listed in the Schedules referred to in sections 7 and 8 or made in terms of section 11. 25

Powers of Auditor-General

29. (1) Without derogating from the powers and duties of the Auditor-General in terms of the Constitution and any other law, the Auditor-General may, in the audit of financial statements on the allocations set out in Chapter 3 or in a special report to be submitted to Parliament, report on— 30

- (a) the extent of compliance with this Act and frameworks published in terms of section 28 by transferring national officers, transferring provincial officers and receiving officers; and
- (b) such other intergovernmental financial management matters as may be prescribed. 35

(2) The Auditor-General may, when conducting the audits of the provincial departments responsible for education, health, social grants, housing and roads, take appropriate measures to ensure consistency in the audit processes between provincial departments to promote comparability between the provincial departments and national departments responsible for the same functions. 40

Matters relating to internal audit units

30. (1) (a) The transferring national officer of a Schedule 5 or 6 allocation that exceeds R 1 billion for the budget year must, within seven days after this Act takes effect, determine a minimum set of risks that must be taken into account and mitigated by the receiving province or municipality in respect of that allocation. 45

(b) The internal audit plan of the receiving province or municipality for the financial year must take into account the risks identified in paragraph (a) and any other major fiscal risks to the National Revenue Fund posed by poor enforcement of legislative requirements.

(2) A receiving officer of an allocation contemplated in subsection (1), or if requested by any other transferring national officer, must — 50

- (a) by 30 April 2005, submit a risk management plan that includes the internal audit plan referred to in subsection (1)(a) to the transferring national officer and the National Treasury; and

- (b) submit a quarterly report, within 30 days after the end of each quarter, to the transferring national officer, which report must address all material issues and risk that arose in respect of the spending of the allocation and the measures taken to minimise the impact thereof.

(3) The internal audit unit of the transferring national department must co-ordinate and co-operate with the internal audit units of the provincial departments and municipalities to whom it transfers an allocation. 5

(4) The accounting officer of the transferring national department, the receiving provincial department and receiving municipality must regularly report to its audit committee on compliance with this section. 10

CHAPTER 6

GENERAL

Spending in terms of purpose and subject to conditions

31. (1) Notwithstanding anything to the contrary contained in any law, an allocation referred to in Schedules 4, 5, 6 or 7 may only be utilised for the purpose stipulated in the Schedules concerned and in accordance with the frameworks published in terms of section 28(1). 15

(2) A receiving officer may not transfer any Schedule 5 or 6 allocation or a portion of such allocation to any other entity for the performance of a function envisaged in terms of the allocation, unless — 20

- (a) it is a transfer that is approved in the budget of the receiving province or municipality or a framework published in terms of section 28(1);
- (b) it is a payment for services rendered or goods received, which services or goods were procured in accordance with the supply chain management policy or procurement policy of the relevant province or municipality and for which adequate documentation for payment have been received; or 25
- (c) it is a transfer not consistent with the budget of the receiving province or municipality, or advance payment, approved by the National Treasury on certification by the receiving officer that such transfer is not an attempt to artificially inflate its spending estimates and there are good reasons for the allocation or advance payment. 30

(3) Notwithstanding the provisions of this Act, the National Treasury may at the request of a provincial treasury approve that rollovers and unspent funds in respect of conditional allocations made by the national government to a province in previous budget years, be deemed to be unconditional allocations to the Provincial Revenue Fund. 35

Amendment of payment schedule

32. (1) Subject to subsection (2), a transferring national officer may, in respect of an allocation set out in Schedule 5 or 6, amend a payment schedule as a result of the withholding or stopping of an allocation in terms of this Act. 40

(2) The National Treasury may, in the interest of better debt and cash-flow management or to deal with financial mismanagement or under performance, amend any payment schedule for an allocation listed in Schedules 2, 3, 4, 5 or 6 on notification to—

- (a) the head of a provincial treasury, in the case of a provincial allocation; and
- (b) the accounting officer of the national department responsible for local government and organised local government, in the case of a local government allocation. 45

(3) A payment schedule revised in terms of subsection (1) or (2) must take account of the monthly spending commitments of provinces or municipalities, the revenue at the disposal of provinces or municipalities and the minimisation of risk and debt servicing costs for all three spheres of government. 50

(4) An amendment of a payment schedule in terms of subsection (2) prevails over any amendment made in terms of subsection (1).

Withholding of allocation

33. (1) Subject to subsection (2), a transferring national officer may withhold the transfer of a Provincial or Municipal Infrastructure allocation or a Schedule 5, 6 or 7 allocation or any portion of such allocation for a period not exceeding 30 days, if— 5

(a) the province or municipality does not comply with the provisions of this Act or conditions to which the allocation, as provided for in the relevant framework, is subject; or

(b) expenditure on previous transfers during the financial year reflects significant under-spending, for which no satisfactory explanation is given. 10

(2) A transferring national officer must, seven days prior to withholding an allocation in terms of subsection (1), give the relevant receiving officer—

(a) written notice of the intention to withhold the allocation; and

(b) an opportunity to submit written representations, within those seven days as to why the allocation should not be withheld. 15

(3) A notice contemplated in subsection (2) must include the reasons for withholding the allocation and the intended duration of the withholding.

(4) (a) The National Treasury may instruct or approve a request from a transferring national officer to withhold an allocation for a period longer than 30 days, but not exceeding 120 days, if the withholding will— 20

(i) facilitate compliance with this Act or the conditions to which the allocation is subject; or

(ii) minimise the risk of under spending.

(b) A transferring national officer must, when requesting the withholding of an allocation in terms of this subsection, submit proof of its compliance with subsection (2) and any representations received from the receiving officer, to the National Treasury. 25

(c) The transferring national officer must comply with subsection (2) when the National Treasury instructs him or her in terms of subsection (4). 30

Stopping of allocation

34. (1) Notwithstanding section 33, the National Treasury may stop the transfer of—

(a) a Schedule 4, 5 or 6 allocation to a province or municipality on the grounds of a persistent and material non-compliance with the provisions of this Act, or a condition to which the allocation, as provided for in the relevant framework, is subject; or 35

(b) a Provincial or Municipal Infrastructure allocation or a Schedule 5, 6 or 7 allocation, if the National Treasury anticipates that a province or municipality will substantially under spend on that allocation in the financial year.

(2) The National Treasury must comply with section 33(2), and in respect of a municipality, also sections 38 and 39 of the Municipal Finance Management Act, when it intends to Act in terms of subsection (1). 40

(3) Any stopping of an allocation contemplated in subsection (1) must, together with an explanatory memorandum, be published by the National Treasury in the *Gazette*.

(4) (a) The Minister may, by notice in the *Gazette*, approve that an allocation or any portion of such allocation stopped in terms of subsection (1), be utilised to meet that province's or municipality's outstanding statutory and contractual financial commitments. 45

(b) The utilisation of funds contemplated in this subsection is a direct charge against the National Revenue Fund. 50

Re-allocation after stopping of allocation

35. The National Treasury may, where it stops an allocation in terms of section 34 determine that a portion or the full allocation that will be under spent be reallocated to one or more provinces or municipalities on condition that the allocation will be spent in the financial year. 55

Non-committed Schedule 5 or 6 allocation

36. (1) Notwithstanding the provisions of the Public Finance Management Act relating to roll-overs, a Schedule 5 or 6 allocation that is not committed to identifiable projects at the end of a financial year, including any interest earned thereon, reverts to the National Revenue Fund. 5

(2) Notwithstanding subsection (1), the National Treasury may at the request of a provincial treasury or municipality approve—

- (a) roll-overs from a conditional allocation to the next financial year; and
- (b) spending of a portion of a conditional allocation on activities related to the purpose of that allocation where the province or municipality projects significant unforeseen and unavoidable over spending on its budget. 10

Preparations for next budget year

37. (1) (a) The receiving officer of a Provincial Infrastructure allocation must, by 31 July 2005, submit detailed five-year infrastructure plans in a format determined by the National Treasury, to the provincial treasury. 15

(b) The five-year infrastructure plans must indicate the prioritised projects to be funded from the allocations for the next financial year and the 2007/08 financial year as set out in column B of Schedule 4A.

(c) The provincial treasury must co-ordinate the infrastructure plans of all receiving officers and submit the co-ordinated plans to the National Treasury by 1 September 2005. 20

(2) (a) The receiving officer of a Municipal Infrastructure allocation must, by 1 October 2005, submit to the National Treasury a detailed draft three year capital plan for the 2007/08 and 2008/09 municipal financial years in a format determined by the National Treasury. 25

(b) Where the receiving officer is a category C municipality, the municipality must, in addition to complying with paragraph (a) certify to the National Treasury that its capital plan is co-ordinated with all category B municipalities located within that category C municipality.

(3) The transferring national officer of a Schedule 4A or 4B allocation must, by 1 October 2005, submit to the National Treasury for approval the draft frameworks for the allocations set out in column B of Schedules 4A and 4B in the format to be determined by the National Treasury. 30

(4) The National Treasury may, in preparation for the next financial year, instruct departments and municipalities to submit to it such plans and information for any conditional grant, as it may determine, at specified times prior to the start of the next financial year. 35

Unauthorised and irregular expenditure

38. (1) The following transfers constitute unauthorised expenditure in terms of the Public Finance Management Act and the Municipal Finance Management Act, as the case may be, where relevant: 40

- (a) a transfer prohibited in terms of section 31(3) of this Act; or
- (b) a transfer by a transferring national officer to a bank account of a province or municipality that is not the primary bank account, or, in respect of provinces, a corporation for public deposits account. 45

(2) Any transfer made or spending of an allocation in contravention of this Act constitutes irregular expenditure in terms of the Public Finance Management Act and the Municipal Finance Management Act.

Financial misconduct

39. (1) Notwithstanding anything to the contrary contained in any law, any serious or persistent non-compliance with a provision of this Act or a framework constitutes financial misconduct. 50

(2) Section 84 of the Public Finance Management Act and section 171(4) of the Municipal Finance Management Act applies in respect of financial misconduct in terms of subsection (1). 55

- (3) A transferring national officer and a transferring provincial officer must —
- (a) investigate any serious or persistent non-compliance with a provision of this Act or a framework within 15 days of becoming aware of the non-compliance;
 - (b) keep a register of all non-compliance with a provision of this Act or a framework, actions taken in respect of each non-compliance, and, in cases where action was not taken, the reason therefore; and
 - (c) include the register in its section 40(4)(c) report to the National Treasury in terms of the Public Finance Management Act.

Transfers to low capacity municipalities

40. The national accounting officer responsible for local government, in respect of a category B municipality classified as a low capacity municipality by that accounting officer and the National Treasury, may with the concurrence of the National Treasury, determine that an allocation in terms of this Act or portion of such an allocation be transferred to the category C municipality, within whose area of jurisdiction the category B municipality is located, or the relevant province, for purposes of the proper administration of the allocation.

Transfers made in error

41. (1) Despite anything to the contrary contained in any law, the transfer of an allocation to a province in error is regarded as not legally due to the province for the purpose of its Revenue Fund.

(2) A transfer contemplated in subsection (1), must be recovered, without delay, by the responsible transferring national officer.

(3) The National Treasury may instruct that the recovery contemplated in subsection (2) be effected by set-off against future transfers to the province, which would otherwise become due in accordance with a payment schedule.

(4) Notwithstanding anything to the contrary contained in any law, the transfer of an allocation to a municipality, or a public entity in error, is regarded as not legally due to that municipality or public entity and must be recovered without delay by the responsible transferring national officer or transferring provincial officer.

(5) The accounting officer of the national department responsible for local government may instruct that the recovery contemplated in subsection (4) be effected by set-off against transfers to the municipality concerned, which would otherwise become due in accordance with any payment schedule.

Liability for costs incurred in violation of principles of co-operative governance and intergovernmental relations

42. (1) An organ of state involved in an intergovernmental dispute regarding any provision of this Act or any division of revenue matter or allocation must, before approaching a court to resolve such dispute, make every effort to settle the dispute with the other organ of state concerned, including exhausting all mechanisms provided for the settlement of disputes in relevant legislation.

(2) In the event that a dispute is referred back by a court in accordance with section 41(4) of the Constitution, due to the court not being satisfied that the organ of state approaching the court has complied with subsection (1), the expenditure incurred by that organ of state in approaching the court must be regarded as fruitless and wasteful.

(3) The amount of any such fruitless and wasteful expenditure must, in terms of a prescribed procedure, be recovered without delay from the person who caused the organ of state not to comply with the requirements of subsection (1).

Delegations and assignments

43. (1) The Minister may, in writing, delegate any of the powers entrusted to the National Treasury in terms of this Act and assign any of the duties imposed on the National Treasury in terms of this Act, to an official of the National Treasury.

(2) A delegation or assignment in terms of subsection (1) to an official of the National Treasury —

- (a) is subject to any limitations or conditions that the Minister may impose;
- (b) may authorise that official to sub-delegate, in writing, the delegated power or assigned duty to another National Treasury official; and
- (c) does not divest the National Treasury of the responsibility concerning the exercise of the delegated power or the performance of the assigned duty. 5

(3) The Minister may confirm, vary or revoke any decision taken by an official as a result of a delegation, subject to any rights that may have vested as a consequence of the decision.

Exemptions

44. (1) The National Treasury may, on written application by a transferring national or provincial officer, exempt such officer in writing from complying with a provision of this Act, if the officer satisfies the National Treasury that— 10

- (a) the duty cannot be complied with at that stage;
- (b) the relevant allocation and framework are properly designed; and
- (c) the officer is taking steps to comply with the provisions of this Act. 15

(2) Any exemption granted in terms of subsection (1) must set out the period and conditions, if any, to which it is subject and must be published in the *Gazette*.

Regulations

- 45.** The Minister may, by notice in the *Gazette*, make regulations regarding— 20
- (a) anything which must or may be prescribed in terms of this Act; and
 - (b) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

Repeal of laws

46. (1) Subject to subsection (2), the Division of Revenue Act, 2004 (Act No. 5 of 2004), is hereby repealed. 25

(2) The repeal of the Division of Revenue Act, 2004, does not affect any duty or obligation set out in that Act, the execution of which is still outstanding.

Short title and commencement

47. This Act is called the Division of Revenue Act, 2005, and takes effect on 1 April 2005. 30

SCHEDULE 1**EQUITABLE DIVISION OF REVENUE ANTICIPATED TO BE RAISED
NATIONALLY AMONG THE THREE SPHERES OF GOVERNMENT**

Spheres of Government	Column A	Column B	
	2005/06	Forward Estimates	
	Allocation	2006/07	2007/08
	R'000	R'000	R'000
National'	273 469 694	299 120 613	325 845 497
Provincial	134 706 191	146 757 275	157 677 779
Local	9 643 341	10 514 940	11 370 620
TOTAL	417 819 226	456 392 828	494 893 896

SCHEDULE 2**DETERMINATION OF EACH PROVINCE'S EQUITABLE SHARE OF THE
PROVINCIAL SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(as a direct charge against the National Revenue Fund)**

Province	Column A	Column B	
	2005/06	Forward Estimates	
	Allocation	2006/07	2007/08
	R'000	R'000	R'000
Eastern Cape	22 202 309	23 839 059	25 238 734
Free State	8 660 286	9 261 995	9 765 081
Gauteng	20 810 204	22 864 963	24 774 603
KwaZulu-Natal	28 398 760	31 388 210	34 204 801
Limpopo	18 375 726	20 017 878	21 506 369
Mpumalanga	9 976 192	10 970 046	11 894 723
Northern Cape	3 124 184	3 326 755	3 491 843
North West	11 086 061	11 989 563	12 786 822
Western Cape	12 072 469	13 098 806	14 014 803
TOTAL	134 706 191	146 757 275	157 677 779

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

			Column A	Column B	
			005/06 Allocation	Forward Estimates	
				2006/07	2007/08
Cat	Number	Municipality	R'000	R'000	R'000
EASTERNCAPE					
A		Nelson Mandela	205 630	228 289	270 844
B	EC101	Camdeboo	9 786	10 728	12 777
B	EC102	Blue Crane Route	10948	11 901	13 729
B	EC103	Ikwezi	4 163	4 483	5 046
B	EC104	Makana	18 321	20 159	23 970
B	EC105	Ndlambe	15 364	16 884	19 868
B	EC106	Sundays River Valley	10 022	10 741	11 049
B	EC107	Baviaans	4 399	4 713	5 248
B	EC108	Kouga	13 435	14 803	17 409
B	EC109	Koukamma	8 148	8 838	9 796
C	DC10	Cacadu District Municipality	3 374	3 275	4 019
Total: Cacadu Municipalities			97 961	106 523	122 910
B	EC121	Mbhashe	40 853	41 678	33 564
B	EC122	Mnquma	44 857	48 400	48 502
B	EC123	Great Kei	8 813	9 415	10 172
B	EC124	Amahlathi	24 214	26 145	29 284
B	EC125	Buffalo City	191 519	206 759	235 688
B	EC126	Ngqushwa	16 973	18 062	19 948
B	EC127	Nkonkobe	24 997	27 088	30 703
B	EC128	Nxuba	5 756	6 210	6 898
C	DC12	Amatole District Municipality	95 063	102 725	120 834
Total: Amatole Municipalities			453 046	486 481	535 594
B	EC131	Inxuba Yethemba	10 608	11 707	13 802
B	EC132	Tsolwana	7 101	7 282	7 907
B	EC133	Inkwanca	4 919	5 269	5 717
B	EC134	Lukhanji	28 849	31 426	36 492
B	EC135	Intsika Yethu	37 054	35 520	29 395
B	EC136	Emalahleni	21 364	20 997	21 767
B	EC137	Engcobo	24 982	25 588	20 228
B	EC138	Sakhisizwe	10 075	10 774	11 657
C	DC13	Chris Hani District Municipality	89 813	95 719	106 109
Total: Chris Hani Municipalities			234 764	244 281	253 074
B	EC141	Elundini	25 190	26 913	21 628
B	EC142	Senqu	24 685	26 275	28 237
B	EC143	Maletswai	6 374	6 869	7 361
B	EC144	Gariep	6 820	7 364	8 216
C	DC14	Ukhahlamba District Municipality	45 684	47 995	49 283
Total: Ukhahlamba Municipalities			108 753	115 415	114 725
B	EC151	Mbizana	34 371	35 200	32 257
B	EC152	Ntabankulu	21 384	22 799	17 929
B	EC153	Qaukeni	36 740	38 926	31 618
B	EC154	Rort St. Johns	24 716	24 114	19 126
B	EC155	Nyandeni	42 199	43 438	37 944
B	EC156	Mhlontlo	32 060	33 480	29 274
B	EC157	King Sabata Dalindvebo	57 257	55 092	56 599
C	DC15	O.R. Tambo District Municipality	153 236	159 493	155 529
Total: O.R Tambo Municipalities			401 962	412 541	380 277
B	EC05b1	Umzimkhulu	26 632	28 089	25 451
B	EC05b2	Umzimvubu	64 870	64 636	54 776
C	DC44	Alfred Nzo District Municipality	61 825	64 528	62 612
Total: Alfred Nzo Municipalities			153 328	157 253	142 838
Total: Eastern Cape Municipalities			1 655 443	1 750 784	1 820 263

Cat = Category & Municipality

Number = Demarcation code of Municipality

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

Cat	Number	Municipality	Column A	Column B	
			2005/06 Allocation	Forward Estimates	
				006/07	2007/08
			R'000	R'000	R'000
FREE STATE					
B	FS161	Letsemeng	13 892	15 217	17 902
B	FS162	Kopanong	23 847	26 455	32 306
B	FS163	Mohokare	14 934	15 382	18 144
C	DC16	Xhariep District Municipality	3 139	3 142	1 748
Total: Xhariep Municipalities			55 813	60 196	70 099
B	FS171	Naledi	10 709	11 372	13 227
B	FS172	Mangaung	175 080	188 001	220 454
B	FS173	Mantsopa	18 434	20 107	23 892
C	DC17	Motheo District Municipality	1 072	1 287	1 603
Total: Motheo Municipalities			205 295	220 767	259 176
B	FS181	Masilonyana	23 852	25 452	29 232
B	FS182	Tokologo	11 907	12 846	15 108
B	FS183	Tswelopele	18 125	18 423	21 604
B	FS184	Matjhabeng	124 581	135 646	162 703
B	FS185	Nala	37 224	41 037	49 864
C	DC18	Lejweleputswa District Municipality	1 784	2 053	2 728
Total: Lejweleputswa Municipalities			217 474	235 456	281 238
B	FS191	Setso	45 181	49 493	59 437
B	FS192	Dihlabeng	34 813	38 535	46 758
B	FS193	Nketoana	22 840	23 322	27 654
B	FS194	Maluti-a-Phofung	105 417	105 403	121 353
B	FS195	Phumelela	15 497	16 837	19 582
C	DC19	Thabo Mofutsanyana District Municipality	12 930	12 897	3 793
B	FS201	Moghaka	44 963	48 239	59 032
B	FS203	Ngwathe	42 120	45 460	56 044
B	FS204	Metsimaholo	27 364	30 304	36 494
B	FS205	Mafube	20 658	22 715	27 467
C	DC20	Northern Free State District Municipality	1 687	1 923	2 515
Total: Northern Free State Municipalities			136 792	148 641	181 552
Total: Free State Municipalities			852 052	911 546	1 070 642

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

			Column A	Column B	
			2005/06 Allocation	Forward Estimates	
				2006/07	2007/08
Cat	Number	Municipality	R'000	R'000	R'000
GAUTENG					
A		Ekurhuleni	472 390	530 030	595 474
A		City of Johannesburg	540 664	613 393	643 272
A		City of Tshwane	269 741	300 956	264 898
B	GT02b1	Nokeng tsa Taamane	10 409	11 413	12 533
B	CBLC2	Kungwini	24 372	26 907	30 282
C	CBDC2	Metsweding District Municipality	1 601	1 099	133
Total: Metsweding Municipalities			36 382	39 419	43 548
B	GT421	Emfuleni	160 060	180 070	220 885
B	GT422	Midvaal	13 629	15 044	17 360
B	GT423	Lesedi	15 965	17 892	21 622
B	GT411	Mogale City	58 667	65 623	76 585
B	GT412	Randfontein	25 422	28 441	33 444
B	GT414	Westonaria	38 523	43 106	33 672
B	CBLC8	Merafong City	61 069	68 625	62 561
C	CBDC8	West Rand District Municipality	1 894	1 849	1 030
Total: West Rand Municipalities			185 575	207 644	207 293
Total: Gauteng Municipalities			1 695 428	1 905 448	2 014 936

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

			Column A	Column B	
			2005/06 Allocation	Forward Estimates	
				2006/07	2007/08
Cat	Number	Municipality	R'000	R'000	R'000
KWAZULU-NATAL					
A		eThekweni	535 540	593 898	673 805
B	KZ211	Vulamehlo	13 247	14 045	10 470
B	KZ212	Umdoni	7 314	8 020	8 954
B	KZ213	Umzumbe	26 958	29 134	25 985
B	KZ214	uMuziwabantu	14 612	15 676	13 109
B	KZ215	Ezingoiweni	9 437	10 022	7 752
B	KZ216	Hibiscus Coast	26 067	28 678	32 668
C	DC21	Ugu Distinct Municipality	57 169	62 459	69 597
Total: Ugu Municipalities			154 805	168 032	168 535
B	KZ221	uMshwathi	17 806	19 354	12 804
B	KZ222	uMngeni	10 082	10 959	12 324
B	KZ223	Mooi Mpofana	6 513	7 082	7 115
B	KZ224	Impendle	6 995	7 404	5 460
B	KZ225	Msunduzi	104 671	114 407	133 564
B	KZ226	Mkhambathini	10 813	11 682	6 537
B	KZ227	Richmond	10 502	11 211	9 101
C	DC22	uMgungundlovu Distinct Municipality	41 406	46 359	56 330
Total: uMgungundlovu Municipalities			208 788	228 459	243 236
B	KZ232	Emnambithi/Ladysmith	28 473		35 850
B	KZ233	Indaka	16 117	31 316	
B	KZ234	Umtshezi	8 630	17 450	18 890
B	KZ235	Okhahlamba	18 974	20 926	19 010
B	KZ236	Imbabazane	16 977	18 386	20 156
C	DC23	Uthukela District Municipality	57 320	68 386	74 262
B	KZ241	Endumeni	7 060	7 800	8 955
B	KZ242	Nquthu	19 778	20 975	20 536
B	KZ244	Msinga	25 268	27 149	19 906
B	KZ245	Umvoti	14 779	15 818	12 856
C	DC24	Umzinyathi District Municipality	42 506	46 271	50 091
Total: Umzinyathi Municipalities			109 391	118 014	112 344
B	KZ252	Newcastle	75 432	83 900	103 122
B	KZ253	Utrecht	5 216	5 528	4 000
B	KZ254	Dannhauser	13 363	14 326	14 684
C	DC25	Amajuba District Municipality	11 263	12 509	14 597
B	KZ261	eDumbe	11 441	12 356	11 400
B	KZ262	uPhongolo	18 303	19 622	18 682
B	KZ263	Abaqulusi	20 684	22 402	24 429
B	KZ265	Nongoma	23 546	25 030	21 107
B	KZ266	Ulundi	26 311	27 710	24 035
C	DC26	Zululand District Municipality	60 169	66 245	73 725
Total: Zululand Municipalities			161 053	173 365	173 377
B	KZ271	Umhlabuyalingana	19 347	20 869	15 363
B	KZ272	Jozini	24 345	26 310	20 820
B	KZ273	The Big Five False Bay	6 374	6 775	4 096
B	KZ274	Hlabisa			
C	DC27	Umkhanyakude District Municipality	48 599	51 824	50 320
Total: Umkhanyakude Municipalities			123 193	131 887	112 088
B	KZ281	Mbonambi	137 131	14 777	12 986
B	KZ282	uMhlathuze	54 196	59 395	67 802
B	KZ283	Ntambanana	8 411	8 894	6 011
B	KZ284	Umlalazi	28 690	30 730	24 645
B	KZ285	Mthonjaneni	10 139	10 799	7 854
B	KZ286	Nkandla	19 516	20 897	14 742
C	DC28	uThungulu District Municipality	41 816	45 791	50 914
Total: uThungulu Municipalities			176 481	191 283	184 954
B	KZ291	eNdongakusuka	18 559	19 513	20 791
B	KZ292	KwaDukuza	20 154	21 957	24 381
B	KZ293	Ndwedwe	21 764	23 444	18 468
B	KZ294	Maphumulo	17 257	18 488	14 384
C	DC29	Ilembe Distinct Municipality	46 096	50 500	58 591
Total: Ilembe Municipalities			123 830	133 902	136 616

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

			Column A	Column B	
			2005/06 Allocation	Forward Estimates	
				2006/07	2007/08
Cat	Number	Municipality	R'000	R'000	R'000
B	KZ5a1	Ingwe	16 855	18 099	15 078
B	KZ5a2	Kwa Sani	4 406	4 645	3 756
B	KZ5a3	Matatiele	4 155	4 479	4 688
B	KZ5a4	Greater Kokstad	12 881	14 261	16 061
B	KZ5a5	Ubuhlebezwe	16 527	17 876	15 123
C	DC43	Sisonke District Municipality	36 380	40 231	47 396
Total: Sisouke Municipalities			91 203	99 590	102 103
Total: KwaZulu-Natal Municipalities			1 936 049	2 114 399	2 221 326

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

			Column A	Column B	
			2005/06 Allocation	Forward Estimates	
			2006/07	2007/08	
Cat	Number	Municipality	R'000	R'000	R'000
LIMPOPO					
B	NP03A2	Makhuduthamaga	37 445	40 816	45 317
B	NP03A3	Fetakgomo	14 191	15 178	13 948
B	CBLC3	Greater Marble Hall	18 564	20076	21 922
B	CBLC4	Greater Groblersdal	34 654	37 421	41 906
B	CBLC5	Greater Tubatse	36 727	39410	40 148
C	CBDC3	Greater Sekhukhune Cross Boundary	89 361	96 360	100385
Total: Greater Sekhukhune Cross Boundary Municipalities			231 042	249 261	263 626
B	NP04A1	Maruleng	16 000	17 188	16 440
B	CBLC6	Bushbuckridge	76 520	82 355	92 474
C	CBDC4	Bohlabela Distinct Municipality	60 613	65 923	73 157
B	NP331	Greater Giyani	40 926	40 925	41 746
B	NP332	Greater Letaba	35 746	38 760	
B	NP333	Greater Tzaneen	56 410	61 393	68374
B	NP334	Ba-Phalaborwa	18 585	18 851	19 823
C	DC33	Mopani District Municipality	92 810	103 321	120 876
Total: Mopani Municipalities			244 478	263 250	291 530
B	NP341	Musina	0 000	9 345	
B	NP342	Mutale	18 908	19 332	120091
B	NP343	Thulamela	76 298	81 421	87 502
B	NP344	Makhado	67 823	73 177	80116
C	DC34	Vhembe District Municipality	111 122	123 459	145 657
B	NP351	Blouberg	24 522	26 134	25 523
B	NP352	Aganang	21 276	22 887	23 309
B	NP353	Molemole	19 828	21 583	23 964
B	NP354	Polokwane	111 076	122 255	138 284
B	NP355	Lepelle-Nkumpi	32 923	35 805	39 542
C	DC35	Capricorn District Municipality	62 120	69 817	83 169
B	NP361	Thabazimbi	17 155	18 944	19 544
B	NP362	Lephalale	257801	28308	31649
B	NP364	Mookgaphong	6 87	7 538	8 05
B	NP365	Modimolle	16 159	17 742	19 660
B	NP366	Bela Bela	12 428	13 699	15 907
B	NP367	Mogalakwena	68 591	75 585	86 793
C	DC36	Waterberg Distinct Municipality	3 508	2 409	2 602
Total: Waterberg Municipalities			150491	164226	184 296
Total: Limpopo Municipalities			1 329 681	1 443 420	1 591 124

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

			Column A	Column B	
			005/06 Allocation	Forward Estimates	
				2006/07	2007/08
Cat	Number	Municipality	R'000	R'000	R'000
MPUMALANGA					
B	MP301	Albert Luthuli	43 127	47 031	52 738
B	MP302	Msukaligwa	28 526	31 643	36 753
B	MP303	Mkhondo	27 066	29 657	32 441
B	MP304	Seme	22 565	25 003	29 537
B	MP305	Lekwa	21 846	24 204	27 653
B	MP306	Dipaleseng	12 380	13 621	15 712
B	MP307	Govan Mbeki	56 859	63 198	72 589
C	DC30	Gert Sibande District Municipality	2 180	2 266	270 888
Total: Gert Sibande Municipalities			214 549	236 623	303
B	MP311	Delmas	14 099	15 615	18 058
B	MP312	Emalahleni	53 806	59 599	66 766
B	MP313	Steve Tshwete	26 463	29 402	34 295
B	MP314	Highlands	9 980	10 935	12 370
B	MP315	Thembisile	60 517	66 391	76 185
B	MP316	Dr JS Moroka	61 288	67 372	78 557
C	DC31	Nkangala District Municipality	1 760	2 107	2 843
Total: Nkangala Municipalities			227 912	251 421	289 074
B	MP321	Thaba Chweu	21 430	23 364	25 890
B	MP322	Mbombela	93 309	101 724	110 538
B	MP323	Umjindi	13 476	14 717	16 025
B	MP324	Nkomazi	74 330	81 310	88 576
C	DC32	Ehlanzeni District Municipality	3 564	2 684	3 092
Total: Ehlanzeni Municipalities			206 108	223 799	244 121
Total: Mpumalanga Municipalities			648 570	711 843	803 499

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

			Column A	Column B	
			'005/'06 Allocation	Forward Estimates	
				2006/07	2007/08
Cat	Number	Municipality	R'000	R'000	R'000
NORTHERN CAPE					
B	NC01B1	Gamagara	4 146	4 076	4 856
B	NW1a1	Moshaweng	16 425	17 566	18 617
B	CBLC1	Ga-Segonyana	17 364	18 857	21 374
C	CBDC1	Kgalagadi District Municipality	14 832	14 652	7 197
Total: Kgalagadi Cross Border Municipalities			52 766	55 150	52 044
B	NC061	Richtersveld	32 351	3 484	3 998
B	NC062	Nama Khoi	8 749	9 623	11 535
B	NC064	Kamiesberg	3 342	3 410	3 965
B	NC065	Hantam	5 613	5 843	6 773
B	NC066	Karoo Hoogland	3 869	3 864	4 278
B	NC067	Khai-Ma	3 418	3 670	4 003
C	DC6	Namakwa District Municipality	1 911	1 648	1 722
Total: Namakwa Municipalities			30 137	31 542	36 274
B	NC071	Ubuntu	5 473	5 420	6 091
B	NC072	Umsobomvu	8 183	8 880	10 387
B	NC073	Emthanjeni	9 445	10 268	12 334
B	NC074	Kareeberg	3 529	3 520	3 937
B	NC075	Renosterberg	3 930	4 186	4 817
B	NC076	Thembelihle	3 764	4 018	4 548
B	NC077	Siyathemba	5 499	5 759	6 762
B	NC078	Siyancuma	9 336	10 074	11 309
C	DC7	Karoo District Municipality	2 908	2 447	2 739
Total: Karoo Municipalities			52 068	54 571	62 923
B	NC081	Mier	2 844		
B	NC082	Kai !Garib			
B	NC083	//Khara Hais	13 296	14 799	18 367
B	NC084	!Kheis	4 363	4 639	5 003
B	NC085	Tsantsabane	7 869	8 593	10 119
B	NC086	Kgatelopele	4 199	4 237	5 104
C	DC8	Siyanda District Municipality	3 868	3 929	3 960
Total: Siyanda Municipalities			49 679	53 712	60 596
B	NC091	Sol Plaatje	43 125	47 808	56 865
B	NC092	Dikgatlong	12 114	13 158	15 222
B	NC093	Magareng	7 825	8 482	9 968
B	CBLC7	Phokwane	17 413	18 916	22 041
C	DC9	Frances Baard District Municipality	2 617	2 571	3 114
Total: Frances Baard Municipalities			83 094	90 934	107 210
Total: Northern Cape Municipalities			267 743	285 909	319 047

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

			Column A	Column B	
			2005/06 Allocation	Forward Estimates	
				2006/07	2007/08
Cat	Number	Municipality	R'000	R'000	R'000
NORTH WEST					
B	NW371	Moretele	40 463	44 282	49 326
B	NW372	Madibeng	78 709	85 966	96 399
B	NW373	Rustenburg	79 402	87 839	90 557
B	NW374	Kgetlengrivier	11 281	12 375	14 313
B	NW375	Moses Kotane	61 733	67 449	78 022
C	DC37	Bojanala Platinum District Municipality	2 829	1 863	2 154
Total: Bojanala Platinum Municipalities			274 416	299 774	330 772
B	NW381	Ratlou	17 343	18 643	20 734
B	NW382	Tswaing	16 753	18 163	20 265
B	NW383	Mafikeng	33 316	36 521	41 591
B	NW384	Ditrobeta	20 404	22 359	25 251
B	NW385	Zeerust	21 100	22 842	25 345
C	DC38	Central District Municipality	74 506	81 850	98 177
Total: Central Municipalities			183 422	200 378	231 365
B	NW391	Kagisano	16 423	17 636	19 413
B	NW392	Naledi	9 056	9 974	11 382
B	NW393	Mamusa	8 576	9 303	10 268
B	NW394	Greater Taung	26 479	28 189	30 507
B	NW395	Molopo	3 727	3 877	3 484
B	NW396	Lekwa-Teemane	7 577	8 265	9 132
C	DC39	Bophirima District Municipality	48 742	53 424	63 885
Total: Bophirima Municipalities			120 580	130 669	148 071
B	NW401	Ventersdorp			
B	NW402	Potchefstroom	12 433	13 606	15 688
B	NW403	Klerksdorp	94 090	106 864	126 868
B	NW404	Maquassi Hills	20 190	20 369	26 105
C	DC40	Southern District Municipality	20 206	22 278	26 765
Total: Southern Municipalities			153 076	170 523	201 504
Total: North West Municipalities			731 494	801 343	911 712

SCHEDULE 3

**DETERMINATION OF EACH MUNICIPALITY'S EQUITABLE SHARE OF THE LOCAL
GOVERNMENT SPHERE'S SHARE OF REVENUE RAISED NATIONALLY
(by National Financial Year)**

Cat Number Municipality			Column A	Column B	
			2005/06 Allocation	Forward Estimates	
				2006/07	2007/08
WESTERN CAPE					
A	City of Cape Town		275 565	311 970	292 912
B	WC011	Matzikama	8 920	9 878	11 586
B	WC012	Cederberg	7 579	8 342	9 424
B	WC013	Bergvliet	6 208	6 897	7 989
B	WC014	Saldanha Bay	9 369	10 587	12 978
B	WC015	Swartland	7 596	8 343	9 489
C	DC1	West Coast District Municipality	1 787	1 791	2 151
Total: West Coast Municipalities			41 459	45 838	53 618
B	WC022	Witzenberg	12 612	13 926	15 838
B	WC023	Drakenstein	20 820	23 287	27 342
B	WC024	Stellenbosch	13 118	14 662	17 068
B	WC025	Breede Valley	18 705	20 778	24 430
B	WC026	Breede River Winelands	13 687	15 292	18 187
C	DC2	Cape Winelands District Municipality	2 208	1 807	695
Total: Boland Municipalities			81 149	89 752	103 561
B	WC031	Theewaterskloof	14 431	16 031	18 681
B	WC032	Overstrand	10 172	11 459	13 987
B	WC033	Cape Agulhas	4 456	5 008	6 237
B	WC034	Swellendam	5 428	5 960	6 913
C	DC3	Overberg District Municipality	1 064	1 187	1 386
Total: Overberg Municipalities			35 551	39 644	47 204
B	WC041	Kannaland	5 610	6 117	6 883
B	WC042	Langeberg	7 187	8 072	10 021
B	WC043	Mossel Bay	10 967	12 394	15 379
B	WC044	George	20 679	23 259	28 021
B	WC045	Oudtshoorn	11 296	12 675	15 342
B	WC047	Plettenberg Bay	6 539	7 341	8 972
B	WC048	Knysna	8 922	10 014	12 062
C	DC4	Eden District Municipality	3 437	3 460	4 091
Total: Eden Municipalities			74 637	83 332	100 771
B	WC051	Laingsburg	2 501	2 682	2 960
	WC052	Prince Albert	2 968	3 123	3 352
	WC053	Beaufort West	7 420	8 270	9 950
C	DC5	Central Karoo District Municipality	5 629	5 639	3 744
Total: Central Karoo Municipalities			18 518	19 712	20 007
Total: Western Cape Municipalities			526 880	590 248	618 072
National Total			9 643 341	10 514 940	11 370 620

SCHEDULE 4A

GENERAL OR NATIONALLY ASSIGNED FUNCTION ALLOCATIONS TO PROVINCES

Vote	Name of Allocation	Purpose	Type of Allocation	Province	Column A	Column B	
					2005/06 Allocation	Forward Estimates	
					2006/07	2007/08	
Agriculture (Vote 25)	Comprehensive Agricultural Support Programme Grant	To expand the provision of support services to promote and facilitate agricultural development.	Conditional grant, to be phased in the provincial equitable share	Eastern Cape	R'000 47 552	R'000 57 061	R'000 69 838
				Free State	21 038	25 306	38 084
				Gauteng	5 727	6 873	19 651
				KwaZulu-Natal	46 270	55 524	68 301
				Limpopo	41 786	50 143	62 921
				Mpumalanga	23 629	28 355	41 133
				Northern Cape	13 148	15 777	28 555
				North West	33 594	40 313	53 091
				Western Cape	17 206	20 648	33 426
				TOTAL	250 000	300 000	415 000
Health (Vote 16)	(a) Health Professions Training and Development Grant	To support the training and development of health professionals.	Nationally assigned function grant to provinces	Eastern Cape	127 566	127 566	133 944
				Free State	92 517	92 517	97 143
				Gauteng	554 039	554 039	581 741
				KwaZulu-Natal	192 373	192 373	201 992
				Limpopo	72 411	72 411	76 032
				Mpumalanga	54 363	54 363	57 081
				Northern Cape	41 069	41 069	43 122
				North West	62 564	62 564	65 692
				Western Cape	323 278	323 278	339 442
				TOTAL	1 520 180	1 520 180	1 596 189
	(b) National Tertiary Services Grant	To fund provinces to plan, modernise, rationalise and transform the tertiary hospital service delivery platform in line with national policy objectives.	Nationally assigned function grant to provinces	Eastern Cape	353 022	374 203	392 913
				Free State	432 116	458 043	480 945
				Gauteng	1 760 465	1 866 094	959 399
				KwaZulu-Natal	691 451	732 167	768 078
				Limpopo	71 182	71 579	71 648
				Mpumalanga	42 224	44 757	46 995
				Northern Cape	76 353	92 286	107 975
				North West	67 889	69 380	70 509
				Western Cape	1 214 684	1 272 640	322 744
				TOTAL	4 709 386	4 981 149	221 206

SCHEDULE 4A

GENERAL OR NATIONALLY ASSIGNED FUNCTION ALLOCATIONS TO PROVINCES

Vote	Name of Allocation	Purpose	Type of Allocation	Province	Column A	Column B	
					2005/06 Allocation	Forward Estimates	
					2006/07	2007/08	
National Treasury (Vote 8)	Provincial Infrastructure Grant	To fund the construction, maintenance and rehabilitation of new and existing infrastructure in education, roads, health and agriculture.	General conditional grant to provinces	Eastern Cape	R'000	R'000	R'000
				Free State	675 330	742 057	984 943
				Gauteng	220 921	242 678	438 423
				KwaZulu-Natal	369 777	407 745	406 127
				Limpopo	787 803	870 486	1 120 474
				Mpumalanga	660 898	729 464	830 980
				Northern Cape	285 533	316 596	410 263
				North West	180 529	201 733	279 241
				Western Cape	321 135	354 373	496 918
				TOTAL	228 847	252 987	356 656
Social Development (Vote 18)	Integrated Social Development Services Grant	To support and provide appropriate social welfare services and development interventions, and for immediate and appropriate short-term relief to vulnerable individuals and households who are not eligible and not receiving any form of assistance.	Conditional grant, to be phased in the provincial equitable share	TOTAL	3 730 773	4 118 119	5 324 025
				Eastern Cape	94 133	99 781	104 770
				Free State	37 334	39 574	41 553
				Gauteng	27 904	29 578	31 057
				KwaZulu-Natal	68 185	72 276	75 890
				Limpopo	61 146	64 815	68 056
				Mpumalanga	27 651	29 310	30 775
				Northern Cape	9 998	10 598	11 128
				North West	41 615	44 112	46 317
				Western Cape	20 034	21 236	22 298
				TOTAL	388 000	411 280	431 844

SCHEDULE 4B

GENERAL OR NATIONALLY AS NED FUNCTIONAL ALLOCATIONS LOCAL GOVERNMENT

Vote	Name & Allocation	Purpose	Column A	Column B	
			2005/06 Allocation	Forward Estimates 2006/07	2007/08
Provincial and Local Government (Vote 5)	Municipal Infrastructure Grant (MIG)	To supplement municipal capital budgets to fund backlogs in basic municipal infrastructure for the provision of basic services primarily for poor households.	R 5 436 161	R 7 453 595	R 8 301 274
TOTAL			R 5 436 161	R 7 453 595	R 8 301 274

1) The allocations per municipality are listed in Appendix E4 of Annexure E.

SCHEDULE 5

SPECIFIC PURPOSE ALLOCATIONS TO PROVINCES

Vote	Name of Allocation	Purpose	Type of Allocation	Province	Column A		Column B	
					2005/06 Allocation	K 000	Forward Estimates	
							000 000	000 000
Agriculture (Vote 25)	Land Care Programme Grant: Poverty Relief and Infrastructure Development	To address the degradation problems of natural/agricultural resources and to improve the socio-economic status and food security of rural communities.	Conditional grant	Eastern Cape		8 000	8 500	8 748
				Free State		2 000	2 500	2 747
				Gauteng		2 000	2 500	2 747
				KwaZulu-Natal		8 000	8 500	8 748
				Limpopo		5 000	5 500	5 747
				Mpumalanga		5 500	6 000	6 247
				Northern Cape		2 000	2 500	2 747
				North West		5 000	5 500	5 747
				Western Cape		2 500	3 000	3 247
				TOTAL			500 000	500 000
Education (Vote 15)	(a) Further Education and Training College Sector Recapitalisation Grant	Recapitalisation of further Education and Training colleges.	Conditional grant	Unallocated		-	500 000	500 000
				TOTAL			500 000	500 000
	(b) HIV and Aids (Life Skills Education) Grant	To promote HIV and Aids and life skills education in primary and secondary schools.	Conditional grant	Eastern Cape		23 692	25 113	26 369
				Free State		7 947	8 424	8 845
				Gauteng		18 880	20 012	21 013
				KwaZulu-Natal		31 126	32 994	34 644
				Limpopo		20 371	21 594	22 673
				Mpumalanga		10 317	10 936	11 483
				Northern Cape		2 318	2 457	2 580
				North West		10 444	11 071	11 624
				Western Cape		11 198	11 870	12 464
				TOTAL		136 293	144 471	151 695
	(c) National School Nutrition Programme Grant	To alleviate hunger and enhance active learning capacity.	Conditional grant	Eastern Cape		194 288	233 882	245 576
				Free State		53 817	64 784	68 023
				Gauteng		83 006	99 921	104 917
				KwaZulu-Natal		198 849	239 372	251 341
				Limpopo		167 836	202 039	212 141
				Mpumalanga		70 235	84 549	88 777
				Northern Cape		24 628	29 647	31 129
				North West		79 357	95 529	100 305
				Western Cape		40 135	48 313	50 729
				TOTAL		912 151	1 098 036	1 152 938

SCHEDULE 5

SPECIFIC PURPOSE ALLOCATIONS TO PROVINCES

Vote	Name of Allocation	Purpose	Type of Allocation	Province	Column A	Column B	
					2005/06 Allocation	Forward Estimates	
						2006/07	2007/08
Health (Vote 16)	(a) Comprehensive HIV and Aids Grant	To enable the health sector to develop an effective response to the HIV and Aids epidemic and other matters.	Conditional grant	Eastern Cape	R'000	R'000	R'000
				Free State	159 005	218 021	228 922
				Gauteng	100 874	142 265	149 378
				KwaZulu-Natal	185 048	252 695	265 330
				Limpopo	251 468	344 304	361 519
				Mpumalanga	125 899	175 861	184 654
				Northern Cape	81 392	107 479	112 853
				North West	48 050	68 603	72 033
				Western Cape	100 921	142 316	149 432
				TOTAL	1 135 108	1 567 214	1 645 575
	(b) Hospital Management and Quality Improvement Grant	To transform hospital management and improve quality of care in line with national policy.	Conditional grant	Eastern Cape	24 531	26 003	27 303
				Free State	13 393	14 197	14 907
				Gauteng	18 510	19 621	20 602
				KwaZulu-Natal	23 778	25 204	26 464
				Limpopo	17 457	18 505	19 430
				Mpumalanga	12 340	13 081	13 735
				Northern Cape	10 083	10 688	11 223
				North West	12 642	13 400	14 070
				Western Cape	17 608	18 664	19 597
				TOTAL	150 342	159 363	167 331
	(c) Hospital Revitalisation Grant	To fund provinces to plan, manage, modernise, rationalise and transform the infrastructure, health technology, management, monitoring and evaluation of hospitals in line with national policy objectives.	Conditional grant	Eastern Cape	157 732	71 666	102 552
				Free State	113 082	128 853	104 360
				Gauteng	17 955	148 664	133 093
				KwaZulu-Natal	128 977	60 940	81 090
				Limpopo	212 918	123 698	160 690
				Mpumalanga	57 018	101 032	117 071
				Northern Cape	69 651	217 464	234 960
				North West	98 056	125 493	106 495
				Western Cape	172 038	202 474	198 987
				TOTAL	1 027 427	1 180 284	1 239 298

SCXEDWL 5

SPECIFIC PURPOSE ALLOCATIONS TO PROVINCES

Vote	Name of Allocation	Purpose	Type of Allocation	Province	Column A		Column B	
					2005/06 Allocation	2006/07	Forward Estimates	
Health (Vote 16)	d) Integrated Nutrition Programme Grant	To implement integrated nutrition activities aimed at improving the nutritional status of South Africans.	Conditional grant	Eastern Cape	26 316	-	-	-
				Free State	7 296	-	-	-
				Gauteng	11 333	-	-	-
				KwaZulu-Natal	26 954	-	-	-
				Limpopo	22 344	-	-	-
				Mpumalanga	9 581	-	-	-
				Northern Cape	3 299	-	-	-
				North West	10 981	-	-	-
				TOTAL	123 392	-	-	-
				Eastern Cape	581 218	679 194	830 154	-
Housing (Vote 28)	(a) Integrated Housing and Human Settlement Development Grant	To finance the implementation of National Housing programmes, and to facilitate habitable, stable and sustainable human settlements.	Conditional grant	Free State	398 618	465 814	569 347	-
				Gauteng	1 340 675	1 566 674	1 914 887	-
				KwaZulu-Natal	799 659	934 457	1 142 153	-
				Limpopo	397 650	464 682	567 963	-
				Mpumalanga	321 123	375 255	458 660	-
				Northern Cape	79 917	93 389	114 146	-
				North West	467 880	546 751	668 274	-
				Western Cape	456 740	533 733	652 362	-
				TOTAL	4 843 480	5 659 949	6 917 946	-
				Free State	9 475	-	-	-
Land Affairs (Vote 29)	(b) Human Settlement and Redevelopment Grant	To fund projects that aim to improve the quality of the environment by identifying dysfunctionalities in human settlements.	Conditional grant	Gauteng	4 130	-	-	-
				Limpopo	1 418	-	-	-
				Western Cape	9 373	-	-	-
				TOTAL	14 886	14 886	14 886	14 886
				Gauteng	8 000	8 000	-	-
				Limpopo	-	-	-	-
				North West	-	-	-	-
				Western Cape	-	-	-	-
				TOTAL	8 000	8 000	8 000	8 000
				TOTAL	14 886	14 886	14 886	14 886

SCHEDULE 5

SPECIFIC PURPOSE ALLOCATIONS TO PROVINCES

Vote	Name of Allocation	Purpose	Type of Allocation	Province	Column A	Column B	
					2005/06 Allocation	Forward Estimates	
						2006/07	2007/08
Social Development (Vote 18)	(a) HIV and Aids (Community-Based Care) Grant	To provide social welfare services to orphans and vulnerable children who are infected and affected by HIV and Aids.	Conditional grant	Eastern Cape	R'000	R'000	R'000
				Free State	13 979	14 026	14 424
				Gauteng	19 374	19 439	19 991
				KwaZulu-Natal	20 341	20 409	20 988
				Limpopo	25 187	25 272	25 990
				Mpumalanga	9 138	9 168	9 429
				Northern Cape	20 619	20 688	21 275
				North West	7 750	7 776	7 997
				Western Cape	15 914	15 967	16 420
				TOTAL	138 391	138 854	142 797
	(b) Social Assistance Administration Grant	To fund the administration of social assistance grants.	Conditional grant	Eastern Cape	649 890	696 113	717 079
				Free State	232 876	242 899	255 044
				Gauteng	350 000	375 514	391 923
				KwaZulu-Natal	784 235	819 796	840 402
				Limpopo	500 000	516 290	542 292
				Mpumalanga	246 139	268 391	283 142
				Northern Cape	94 688	97 710	102 596
	(c) Social Assistance Transfers Grant	To fund social assistance transfer payments to eligible beneficiaries.	Conditional grant	North West	287 993	316 768	327 974
				Western Cape	236 234	250 839	273 738
				TOTAL	3 382 055	3 584 340	3 734 190
				Eastern Cape	9 946 979	11 049 415	11 951 314
				Free State	3 725 860	4 103 041	4 447 815
				Gauteng	6 454 145	7 221 414	7 838 460
				KwaZulu-Natal	11 986 896	13 012 642	14 006 710
				Limpopo	6 814 594	7 375 574	7 974 876
				Mpumalanga	3 531 761	3 834 151	4 163 859
				Northern Cape	1 232 391	1 349 015	1 461 636
				North West	4 328 016	4 873 356	5 345 759
				Western Cape	4 002 671	4 251 501	4 639 629
				TOTAL	52 023 313	57 070 109	61 830 058

SCHEDULE 5

SPECIFIC PURPOSE ALLOCATIONS TO PROVINCES

Vote	Name of Allocation	Purpose	Type of Allocation	Province	Column A		Column B	
					2005/06 Allocation	R'000	Forward Estimates	
							2006/07	2007/08
Sport and Recreation South Africa (Vote 19)	Mass Sport and Recreation Participation Programme Grant	To fund the promotion of mass participation within disadvantaged communities in a selected number of sport activities and the empowerment of communities to manage these activities.	Conditional grant	Eastern Cape	2 870	4 340	R'000	6 491
				Free State	2 870	4 340		3 068
				Gauteng	2 870	4 340		4 690
				KwaZulu-Natal	2 870	4 340		7 596
				Limpopo	2 870	4 340		5 115
				Mpumalanga	2 870	4 340		3 087
				Northern Cape	2 840	4 280		3 115
				North West	2 870	4 340		3 460
				Western Cape	2 870	4 340		4 328
				TOTAL	24 000	39 000		40 950

SCHEDULE 5A: SOCIAL ASSISTANCE TRANSFERS GRANT

Vote	Name of Allocation	Social Assistance Transfers Grant by Grant Type	Province	Column A		Column B	
				2005/06 Allocation	Forward Estimates	2006/07	2007/08
Social Developm (Vote 18)	Assistance Transfers Grant	() <are Dependency Grant	Eastern Cape	R'000	R'000	R'000	R'000
			Free State	224 190	249 346	272 894	44 250
			Gauteng	36 838	40 177	119 463	129 049
			KwaZulu-Natal	110 983	119 463	272 876	303 652
			Limpopo	244 560	272 876	117 595	130 874
			Mpumalanga	105 366	50 286	54 988	29 369
			Northern Cape	46 846	25 868	87 681	99 547
			North West	22 425	87 681	75 877	81 972
			Western Cape	75 146	75 877		
			TOTAL	937 309	1 039 169	1 146 595	
			Eastern Cape	1 409 533	1 518 561	1 645 377	549 823
			Free State	489 966	512 345	1 171 930	1 233 611
			Gauteng	1 104 682	2 094 900	2 205 158	1 538 259
			KwaZulu-Natal	2 033 048	1 461 347	696 973	733 656
			Limpopo	1 405 410	154 340	162 689	811 890
			Mpumalanga	676 395	755 386	564 307	602 918
			Northern Cape	149 783			
			North West	703 146			
			Western Cape	539 553			
			TOTAL	8 511 516	8 930 089	9 483 381	
c) Child Support Grant (0 - 6 years)	Child Support Grant (0 - 6 years)	Child Support Grant (0 - 6 years)	Eastern Cape	1 136 141	1 560 292	1 689 304	593 385
			Free State	404 921	537 892	1 067 721	1 178 037
			Gauteng	759 633	1 067 721	1 593 557	1 744 753
			KwaZulu-Natal	1 254 859	1 067 961	504 418	553 413
			Limpopo	952 156	165 366	793 883	180 044
			Mpumalanga	457 795	350 836		905 098
			Northern Cape	126 964			392 004
			North West	579 919			
			Western Cape	283 372			
			TOTAL	5 955 760	7 641 926	8 411 468	

SCHEDULE 5A: SOCIAL ASSISTANCE TRANSFERS GRANT

Vote	Name of Allocation	Province	Column A		Column B	
			2005/06 Allocation	Forward Estimates	2007/08	Forward Estimates
Social Development (Vote 18)	Social Assistance Transfers Grant	Disability Grant	R'000	R'000	R'000	R'000
			2 749 764	2 931 524	3 182 133	3 182 133
			1 305 816	1 392 130	1 507 163	1 507 163
			1 756 393	1 900 131	2 074 495	2 074 495
			3 862 642	4 117 965	4 458 234	4 458 234
			1 021 525	1 126 558	1 258 310	1 258 310
			794 495	881 728	984 847	984 847
			441 030	477 571	525 171	525 171
			1 080 462	1 199 094	1 339 329	1 339 329
			1 391 382	1 451 698	1 580 508	1 580 508
			14 403 509	15 478 399	16 910 190	16 910 190
			Eastern Cape	409 714	563 622	563 622
			Free State	244 662	283 474	323 182
			Gauteng	286 546	336 837	388 926
			KwaZulu-Natal	441 480	492 897	555 145
			Limpopo	192 746	231 051	266 410
			Mpumalanga	105 470	140 905	168 556
			Northern Cape	59 519	64 293	70 909
			North West	129 840	150 984	172 340
			Western Cape	175 840	187 235	205 197
			TOTAL	70 038 051	71 470 006	73 029 608
	Social Assistance Transfers Grant	Disability Grant	R'000	R'000	R'000	R'000
			2 749 764	2 931 524	3 182 133	3 182 133
			1 305 816	1 392 130	1 507 163	1 507 163
			1 756 393	1 900 131	2 074 495	2 074 495
			3 862 642	4 117 965	4 458 234	4 458 234
			1 021 525	1 126 558	1 258 310	1 258 310
			794 495	881 728	984 847	984 847
			441 030	477 571	525 171	525 171
			1 080 462	1 199 094	1 339 329	1 339 329
			1 391 382	1 451 698	1 580 508	1 580 508
			14 403 509	15 478 399	16 910 190	16 910 190
			Eastern Cape	409 714	563 622	563 622
			Free State	244 662	283 474	323 182
			Gauteng	286 546	336 837	388 926
			KwaZulu-Natal	441 480	492 897	555 145
			Limpopo	192 746	231 051	266 410
			Mpumalanga	105 470	140 905	168 556
			Northern Cape	59 519	64 293	70 909
			North West	129 840	150 984	172 340
			Western Cape	175 840	187 235	205 197
			TOTAL	70 038 051	71 470 006	73 029 608

SCHEDULE 5A: SOCIAL ASSISTANCE TRANSFERS GRANT

Vote	Name of Allocation	Province	Column A	Column B	
			2005/06 Allocation	Forward Estimates	
			R'000	2006/07	2007/08
Social Development (Vote 18)	Social Assistance Transfers Grant	(g) Social Relief of Distress			
		Eastern Cape	18 953	19 901	20 896
		Free State	7 098	7 453	7 826
		Gauteng	12 281	12 894	13 539
		KwaZulu-Natal	22 821	23 962	25 160
		Limpopo	12 974	13 623	14 304
		Mpumalanga	6 724	7 060	7 413
		Northern Cape	5 000	5 251	5 513
		North West	8 240	8 652	9 085
		Western Cape	7 620	8 001	8 401
		TOTAL	101 711	106 797	112 137
	(h) War Veterans Grant	Eastern Cape	3 675	3 226	2 826
		Free State	850	768	692
		Gauteng	6 871	5 982	5 195
		KwaZulu-Natal	4 460	4 002	3 583
		Limpopo	2 744	2 564	2 391
		Mpumalanga	1 054	1 015	974
		Northern Cape	957	755	591
		North West	1 025	883	759
		TOTAL	28 740	25 378	22 392

SCHEDULE 6

RECURRENT GRANTS TO LOCAL GOVERNMENT

Vote	Name of Allocation	Purpose	Column A	Column B	
			2005/06 Allocation	Forward Estimates 2006/07	2007/08
Provincial and Local Government (Vote 5)	Municipal Systems Improvement Grant	To assist municipalities in building in-house capacity to perform their functions and stabilise institutional and governance systems.	K 000 2 0 000	K 000 2 0 000	K 000 2 00 000
National Treasury (Vote 8)	(a) Local Government: Financial Management Grant	To promote and support reforms to municipal financial management and the implementation of the Municipal Finance Management Act.	132 000	140 200	140 200
	(b) Local Government Restructuring Grant	To support municipal restructuring initiatives of large budget municipalities.	30 00	3 9 000	30 00
Water Affairs and Forestry (Vote 34)	Water Services Operating Subsidy (Augmentation to the Water Trading Account)	To augment the Water Trading Account to subsidise water schemes owned and/or operated by the department or by other agencies on behalf of the department.	106 296	8 44	48 31
TOTAL			788 796	763 744	741 601

1) The allocations per municipality are listed in Appendix E3 of Annexure E.

SCHEDULE 6

INFRASTRUCTURE GRANTS TO LOCAL GOVERNMENT

Vote	Name of Allocation	Purpose	2005/06 Allocation R'000	Forward Estimates	
				2006/07 R'000	2007/08 R'000
Minerals and Energy (Vote 30)	National Electrification Programme	To implement the Integrated National Electrification Programme by providing capital subsidies to municipalities to address electrification backlogs of permanently occupied residential dwellings.	28 00	-	-
TOTAL			258 000	-	-

SCHEDULE 7

ALLOCATIONS-IN-KIND / INDIRECT GRANTS TO LOCAL GOVERNMENT

Vote	Name of Allocation	Purpose	Column A	Column B	
			2005/06 Allocation	Forward Estimates	2007/08
National Treasury (Vote 8)	Local Government: Financial Management Grant	To promote and support reforms to municipal financial management and the implementation of the Municipal Finance Management Act.	1 240 000	1 307 000	1 307 000
Water Affairs and Forestry (Vote 34)	(a) Water Services Operating Subsidy (Augmentation to the Water Trading Account) ¹⁾	To augment the Water Trading Account to subsidise water schemes owned and/or operated by the department or by other agencies on behalf of the department.	2 813 800		
	(b) Implementation of Water Services Projects ¹⁾				
TOTAL			1 033 057	975 413	1 047 081

1) The allocations per municipality are listed in Appendix E5 of Annexure E.

MEMORANDUM ON THE OBJECTS OF THE DIVISION OF REVENUE BILL, 2005

1. Section 214(1) of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) (“the Constitution”), requires that an Act of Parliament must provide for—
 - 1.1 the equitable division of revenue raised nationally among the national, provincial and local spheres of government;
 - 1.2 the determination of each province’s equitable share of the provincial share of that revenue; and
 - 1.3 any other allocations to provinces, local government or municipalities from the national government’s share of that revenue, and for any conditions on which those allocations may be made.
2. Section 10 of the Intergovernmental Fiscal Relations Act, 1997 (Act No. 97 of 1997) (“the Act”), requires that, as part of the process of the enactment of the Act of Parliament referred to in paragraph 1, each year when the annual budget is introduced, the Minister of Finance (“the Minister”) must introduce in the National Assembly, a Division of Revenue Bill (“the Bill”) for the financial year to which that budget relates.
3. The Act requires that the Bill be accompanied by a memorandum explaining—
 - 3.1 how the Bill takes account of each of the matters listed in section 214(2)(a) to (j) of the Constitution;
 - 3.2 the extent to which account was taken of any recommendations of the Financial and Fiscal Commission (“the FFC”) submitted to the Minister or as a result of consultations with the FFC; and
 - 3.3 any assumptions or formulae used in arriving at the respective shares of the three spheres of government and the division of the provincial share between the nine provinces.
4. The Bill is introduced in compliance with the requirements of the Constitution and the Act as set out in paragraphs 1 to 3 above.
5. The memorandum referred to in paragraph 3 above will be attached as “Annexure E” to the Budget Review which will be made available on Budget Day.
6. The allocations contemplated in section 214(1) of the Constitution are set out in seven schedules to the Bill, namely—
 - 6.1 Schedule 1, which sets out the respective shares of anticipated revenue raised nationally in respect of the national, provincial and local spheres of government;
 - 6.2 Schedule 2, which sets out the respective shares of each province;
 - 6.3 Schedule 3, which deals with the respective shares of each municipality;
 - 6.4 Schedule 4, which sets out allocations to provinces and municipalities to supplement the funding of programmes funded from provincial and municipal budgets;
 - 6.5 Schedule 5, which sets out specific-purpose allocations to identified provincial departments;
 - 6.6 Schedule 6, which sets out specific-purpose allocations to local government; and

6.7 Schedule 7, which sets out allocations-in-kind to municipalities for designated special programmes.

7. The following is a brief summary of the Bill:

- Clause 1 contains the relevant definitions;
- Clause 2 sets out the object of this Bill;
- Clause 3 provides for the equitable division of anticipated revenue raised nationally among the national, provincial and local spheres of government in Schedule 1;
- Clause 4 provides for each province's equitable share, which is set out in Schedule 2, and for a payment schedule in terms of which such shares must be transferred;
- Clause 5 provides for local government's equitable share of revenue and the determination of each municipality's share of that revenue;
- Clause 6 determines what must happen if actual revenue raised falls short of or exceeds anticipated revenue for the financial year;
- Clause 7 provides for other allocations to provinces from the national government's equitable share, set out in Schedules 4 and 5 to the Bill;
- Clause 8 provides for other allocations to municipalities from the national government's equitable share, set out in Schedules 6 and 7 to the Bill;
- Clause 9 provides for transfers to public entities for the provision of bulk resources, municipal services or municipal functions;
- Clause 10 provides for transfers by public entities to municipalities;
- Clause 11 provides for the process of dealing with allocations to provinces and municipalities, which are not set out in the Schedules to the Bill;
- Clauses 12 to 14 provide for matters related to Schedule 4 allocations, specifically the Provincial and Municipal Infrastructure allocations;
- Clauses 15 to 17 provide for matters related to Schedule 5 and 6 allocations, specifically the Social Assistance Transfers and Social Assistance Administrative conditional allocations, the municipal capacity building allocations and the Integrated Housing and Human Settlement Development allocation;
- Clause 18 provides for matters related to Schedule 7 allocations, specifically the Water Services Operating and Transfer Subsidy;
- Clauses 19 to 27 set out the responsibilities of transferring national officers, receiving officers, transferring provincial officers, category C municipalities, provincial accounting officers and provincial treasuries and also provides for duties relating to cooperative governance in respect of concurrent functions;
- Clause 28 to 30 sets out the responsibilities of the National Treasury, the powers of the Auditor-General and matters relating to internal audit units;
- Clause 31 requires that conditional allocations may only be used for their stated purpose and subject to stated conditions;
- Clause 32 provides for the amendment of a payment schedule and transfer mechanism by a transferring national officer or the National Treasury;
- Clause 33 provides for the withholding of conditional allocations until conditions are met;

- Clause 34 provides for the stopping of allocations under certain circumstances;
- Clause 35 enables the National Treasury to reallocate allocations stopped where significant under expenditure is anticipated and to reallocate such allocations to other provinces or municipalities;
- Clause 36 provides for uncommitted Schedule 5 or 6 allocations to revert to the National Revenue Fund at the end of the financial year;
- Clause 37 enables the National Treasury to require preparatory information and plans from national and provincial departments, and municipalities in preparation for the 2006/07 financial year;
- Clause 38 provides for certain transfers to constitute unauthorised or irregular expenditure in terms of the Public Finance Management Act;
- Clause 39 provides that non-compliance with the Bill constitutes financial misconduct;
- Clause 40 provides that **an** allocation to a category B municipality with **low** capacity may be transferred to the Category C municipality, within whose area of jurisdiction it is located, or the relevant province to facilitate the proper administration of the allocation;
- Clause 41 provides for the correction of any allocation in error;
- Clause 42 allocates financial liability for costs incurred in respect of litigation in violation of the principles of co-operative governance and intergovernmental relations;
- Clause 43 enables the Minister to delegate any powers or assign any duties entrusted to the National Treasury in this Bill to an official of the National Treasury;
- Clause 44 enables the National Treasury to exempt transferring officers from reporting requirements and other responsibilities;
- Clause 45 enables the Minister to make regulations regarding any matter which may or must be prescribed or which is necessary for effective implementation of this Bill;
- Clause 46 makes provision for the repeal of the Division of Revenue Act, 2004 (Act No. 5 of 2004);
- Clause 47 sets out the short title and commencement date of this Bill.

8. PARLIAMENTARY PROCEDURE

- 8.1 The State Law Advisers and the National Treasury are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by section 76(1) of the Constitution since it provides for legislation envisaged in Chapter 13 of the Constitution and it includes provisions affecting the financial interests of the provincial sphere of government as contemplated in section 76(4)(b) of the Constitution.
- 8.2 The State Law Advisers are of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No. 41 of 2003), since it does not contain provisions pertaining to customary law or customs of traditional communities.
- 8.3 The Explanatory Memorandum to the Division of Revenue (“Annexure E” of Budget Review) which appeared as an Annexure in the Bill as introduced, was not reprinted in Bill 8B—2005.