



Reference: T11/2/2 (2013/14)

TREASURY CIRCULAR NO. 13/2013

THE PREMIER

- THE MINISTER OF AGRICULTURE AND RURAL DEVELOPMENT
- THE MINISTER OF COMMUNITY SAFETY
- THE MINISTER OF CULTURAL AFFAIRS AND SPORT
- THE MINISTER OF EDUCATION
- THE MINISTER OF FINANCE, ECONOMIC DEVELOPMENT AND TOURISM
- THE MINISTER OF HEALTH
- THE MINISTER OF HUMAN SETTLEMENTS
- THE MINISTER OF LOCAL GOVERNMENT, ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING
- THE MINISTER OF SOCIAL DEVELOPMENT
- THE MINISTER OF TRANSPORT AND PUBLIC WORKS
- THE SPEAKER: PROVINCIAL PARLIAMENT
- THE DEPUTY SPEAKER: PROVINCIAL PARLIAMENT

} For information

- THE ACCOUNTING OFFICER: VOTE 1: PREMIER (ADV B GERBER)
- THE ACCOUNTING OFFICER: VOTE 2: PROVINCIAL PARLIAMENT (MR R HINDLEY)
- THE ACCOUNTING OFFICER: VOTE 3: PROVINCIAL TREASURY (DR JC STEGMANN)
- THE ACCOUNTING OFFICER: VOTE 4: COMMUNITY SAFETY (DR GA LAWRENCE)
- THE ACCOUNTING OFFICER: VOTE 5: EDUCATION (MS P VINJEVOLD)
- THE ACCOUNTING OFFICER: VOTE 6: HEALTH (PROF KC HOUSEHAM)
- THE ACCOUNTING OFFICER: VOTE 7: SOCIAL DEVELOPMENT (MR R MACDONALD)
- THE ACCOUNTING OFFICER: VOTE 8: HUMAN SETTLEMENTS (MR M TSHANGANA)
- THE ACCOUNTING OFFICER: VOTE 9: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING (MR P VAN ZYL)
- THE ACCOUNTING OFFICER: VOTE 10: TRANSPORT AND PUBLIC WORKS (MR J FOURIE)
- THE ACCOUNTING OFFICER: VOTE 11: AGRICULTURE (MS J ISAACS)
- THE ACCOUNTING OFFICER: VOTE 12: ECONOMIC DEVELOPMENT AND TOURISM (MR S FOURIE)
- THE ACCOUNTING OFFICER: VOTE 13: CULTURAL AFFAIRS AND SPORT (MR B WALTERS)
- THE ACCOUNTING OFFICER: VOTE 14: LOCAL GOVERNMENT (DR H FAST)

- THE CHIEF FINANCIAL OFFICER: VOTE 1: PREMIER (MR D BASSON)
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- THE CHIEF FINANCIAL OFFICER: VOTE 7: SOCIAL DEVELOPMENT (MR JO SMITH)
- THE CHIEF FINANCIAL OFFICER: VOTE 8: HUMAN SETTLEMENTS (MR F DE WET)
- THE CHIEF FINANCIAL OFFICER: VOTE 9: ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING (MR T GILDENHUYS)
- THE CHIEF FINANCIAL OFFICER: VOTE 10: TRANSPORT AND PUBLIC WORKS (MR CR ISMAY)
- THE CHIEF FINANCIAL OFFICER: VOTE 11: AGRICULTURE (MR F HUYSAMER)
- THE CHIEF FINANCIAL OFFICER: VOTE 12: ECONOMIC DEVELOPMENT AND TOURISM (MS M ABRAHAMS)
- THE CHIEF FINANCIAL OFFICER: VOTE 13: CULTURAL AFFAIRS AND SPORT (MS BG RUTGERS)
- THE CHIEF FINANCIAL OFFICER: VOTE 14: LOCAL GOVERNMENT (MS B SEWLALL-SINGH)

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- THE HEAD: BRANCH GOVERNANCE AND ASSET MANAGEMENT (MR Z HOOSAIN)
- THE HEAD: PUBLIC POLICY SERVICES (MR A PHILLIPS)
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THE SENIOR MANAGER: LOCAL GOVERNMENT REVENUE AND EXPENDITURE (GROUP ONE) (MR F SABBAT)
THE SENIOR MANAGER: LOCAL GOVERNMENT REVENUE AND EXPENDITURE (GROUP TWO) (MR M SIGABI)
THE SENIOR MANAGER: LOCAL GOVERNMENT SUPPLY CHAIN MANAGEMENT (MR R MOOLMAN) (ACTING)
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THE SENIOR MANAGER: PROVINCIAL GOVERNMENT SUPPLY CHAIN MANAGEMENT (MS N EBRAHIM)
THE SENIOR MANAGER: STRATEGIC AND OPERATIONAL MANAGEMENT SUPPORT (MS A SMIT)
THE SENIOR MANAGER: SUPPORTING AND INTERLINKED FINANCIAL SYSTEMS (MR A BASTIAANSE)
THE PROVINCIAL AUDITOR
MASTER RECORDS OFFICIAL: BUSINESS INFORMATION AND DATA MANAGEMENT
THE DEPUTY DIRECTOR-GENERAL: CORPORATE ASSURANCE, DEPARTMENT OF THE PREMIER (MS H ROBSON)

ROLLOVER OF UNSPENT FUNDS AND THE RETENTION OF OVER-COLLECTED OWN RECEIPTS FROM 2012/13 TO 2013/14: PRINCIPLES AND PROGRAMME

PURPOSE

1. To, in terms of sections 18(2)(i) and 31(2)(a) and (g) of the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA), with regards to the rollover of unspent 2012/13 funds to 2013/14 and the retention of over collected own receipts (revenue) collected in 2012/13 for use in 2013/14, —
 - (a) inform departments of the guiding statutory limitations, principles and process;
 - (b) provide departments with National Treasury's annual Division of Revenue Circular regarding the rollover of unspent national conditional grant funds, and
 - (c) provide departments with the programme and formats to be used for submission of rollover and receipt (revenue) retention requests.

GUIDING STATUTORY LIMITATIONS

Public Finance Management Act, 1999 (Act 1 of 1999)

2. Section 31(2)(a) of the PFMA stipulates that an adjustments budget of a province may provide for the appropriation of funds that have become available to the Province (such as over-collected own revenue).
3. In terms of section 31(2)(g) of the PFMA, an adjustments budget of a province may also provide for the rollover of unspent funds from the previous financial year.

Treasury Regulations

4. In terms of Treasury Regulation 6.4.1, funds appropriated but not spent in a particular financial year may be rolled over to a subsequent year subject to approval of the relevant treasury. Such approval will be guided by the following limitations:
 - (a) *Payments for capital assets:* Unspent funds on payments for capital assets may only be rolled over to finalise projects or asset acquisitions still in progress.

- (b) *Transfers and subsidies*: Savings on transfers and subsidies may not be rolled over for purposes other than originally voted for.
 - (c) *Current payments*: Savings on compensation of employees may not be rolled over. A maximum of five per cent of a department's payments for goods and services may be rolled over.
5. In terms of Treasury Regulation 6.4.2 requests for rollovers must be submitted to the relevant treasury on or before the last working day of April, and must include-
- (a) the purpose for which the funds were appropriated;
 - (b) the reasons why the funds were not spent;
 - (c) proposed changes to the use of the funds, if any, and
 - (d) a disbursement schedule indicating the month(s) in which the expenditure is expected to be incurred.
6. Funds for a specific purpose may not be rolled over for more than one financial year, unless approved in advance by the relevant treasury in terms of Treasury Regulation 6.4.3.

2012 Division of Revenue Act (Act 5 of 2012)

7. Section 38(2) of the 2013 Division of Revenue Bill stipulates that the repeal of the 2012 Division of Revenue Act (Act No. 5 of 2012) does not affect any duty or obligation set out in that Act, the execution of which is still outstanding.
8. Section 21(1) of the Division of Revenue Act, 2012 (Act 5 of 2012) (2012 DoRA), stipulates that, despite the provisions of the Public Finance Management Act or the Municipal Finance Management Act relating to roll-overs, any conditional allocation that is, in the case of a province, not spent at the end of a financial year, reverts to the National Revenue Fund, unless the relevant receiving officer can prove to the satisfaction of the National Treasury that the unspent allocation is committed to identifiable projects.
9. Section 21(2) of the 2012 DoRA stipulates that the National Treasury may, at the request of a provincial treasury, approve a roll-over from a conditional allocation to the next financial year.
10. Section 21(3) of the 2012 DoRA stipulates that any funds which must revert to the National Revenue Fund as discussed above, and which have not been approved by the National Treasury for retention, must be repaid to the National Revenue Fund.

National Treasury's Annual Division of Revenue Circular

11. In line with the National Treasury's annual Division of Revenue Circular dated 19 March 2013, the approval of rollover of unspent national conditional grants must be sought from National Treasury. Uncommitted balances on such grants must be surrendered to the National Revenue Fund.

Western Cape Direct Charges Act, 2000 (Act 6 of 2000)

12. In terms of the Western Cape Direct Charges Act, 2000 (Act 6 of 2000) an Accounting Officer may, after approval of the rollover funds by the Provincial Treasury, but before appropriation thereof in an adjustments appropriation act, spend such rollover funds for the approved purpose or purposes, as a direct charge against the Provincial Revenue Fund.
13. Furthermore, this Act also enables an accounting officer to, after approval of receipt (own revenue) retention funds by the Provincial Treasury, but before appropriation thereof in an adjustments appropriation act, withdraw the receipt retention funds, for the approved purpose or purposes, as a direct charge against the Provincial Revenue Fund.

APPROVAL PROCEDURE

14. As the National Treasury, in terms of section 21(2) of the 2012 DoRA, has the authority to approve the rollover of unspent balances on national conditional grants, the national time frames will be followed in approving such rollover requests.
15. Similarly, any rollovers pertaining to national contractual agreements such as the Global Fund will also be approved as soon as possible after final book closure.
16. With regards to rollover requests pertaining to unspent provincial funds, it must be noted that consideration of such requests will be held in abeyance until the end of October 2013, by which time more certainty will be attained around future funding for the 2014 MTEF process.

PRINCIPLES

17. Requests for the rollover of funds from 2012/13 to 2013/14 will be considered in terms of the following principles (as applied by the excel model):
 - 17.1 That all unspent funds committed to identifiable projects with regards to Schedule 5 national conditional grants be recommended to National Treasury for rollover, subject to departments providing documentary evidence of such commitments.
 - 17.2 That unspent balances committed to identifiable projects with regards to Schedule 4 national conditional grants be considered by the Provincial Treasury for rollover, subject to departments providing documentary evidence of such commitments.
 - 17.3 That, after deducting the amounts referred to in paragraphs 17.1 and 17.2 above and taking into account the statutory and policy requirements, the net balance of unspent funds be considered for rollover, provided that there will not be an unfinanced / increased deficit for the financial year.
 - 17.4 That the guidelines and limitations in Treasury Regulation 6.4 be strictly applied.

- 17.5 That, excluding funds pertaining to national conditional grant allocations, no requests for the rollover of unspent infrastructure funds will be considered, but such funds will revert to the Asset Finance Reserve for future allocation as and when required.
- 17.6 That savings or under spending intentionally created through shifts and virements on capital or current expenditure to increase the magnitude of permissible rollover, not be taken into account for rollover purposes.
- 17.7 That the following will form a first liability against the contemplated maximum of five per cent (TR 6.4.1(c)) of a department's payments for goods and services permissible for rollover:
- (a) Under collection in own receipts (revenue).
 - (b) Unauthorised expenditure.
 - (c) Intergovernmental debt if not budgeted for in the next financial year.
 - (d) Trading entity net debt if not budgeted for in the next financial year.

With regard to 17.7(c) and (d) above, accounting officers are requested to quantify and indicate these amounts in the covering letter of their rollover submission.

- 17.8 That, in a case where the unspent cash available (inclusive of increased own revenue collected) in a vote at the end of 2012/13 is less than the unspent budget available, approvals may take into account to the available cash and not just the available budget.
18. Requests for the retention of own revenue will be considered in terms of the following principles derived from the revenue retention strategy accepted by Cabinet in 2003, which created incentives by giving departments permission to retain and utilise any additional funds collected over and above the previous year's adjusted appropriation:
- 18.1 That the request to retain revenue relates to the collection of revenue not anticipated at the time of the 2012/13 Adjusted Budget, or alternatively relates to the implementation of efficiency measures with regard to revenue collection, special initiatives to increase own revenue, donations, etc.
 - 18.2 That approval of requests for revenue retention is subject to current and future revenue budgets being credible.
 - 18.3 That retained revenue be utilised to fund once-off expenditure.
 - 18.4 That revenue over collection firstly be used to offset overspending.
 - 18.5 That, in cases where the unspent cash available (inclusive of increased own revenue collected) in a vote at the end of 2012/13 is less than the unspent budget available, approvals may take into account the available cash.

NATIONAL CONDITIONAL GRANTS

19. In terms of section 7(1) of the 2013 DoRA, conditional allocations to provinces in respect of the financial year from the national government's share of revenue raised nationally are provided in terms of the following Schedules:
- (a) Schedule 4, 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. **Schedule 4 grants:** These are supplementary grants and funding is provided to top-up provincial funding. Departments are thus requested, in as far as possible, to reflect full expenditure against the national conditional grant allocations. If there is any under spending, it must be reflected against the provincial portion of the funds.
21. **Schedule 5 grants:** Departments must provide preliminary requests for the rollover of Schedule 5 national conditional grants to the Provincial Treasury by **Friday, 26 April 2013**. This preliminary information must be submitted to Shaheed Arnold at Shaheed.Arnold@westerncape.gov.za and must at least contain the following information (please note, no format is provided):
- The total amount of unspent funds for each relevant conditional grant as at 31 March 2013.
 - The amount of unspent funds for the relevant grant not committed to identifiable projects.
 - The amount of funds currently committed to identifiable projects.
 - Given that section 21(1) of the 2012 DoRA requires proof of commitments, the Department must provide Provincial Treasury with a list of the committed projects, clearly stipulating the tender details (pricing and numbers) related to each ongoing infrastructure project or invoices awaiting payment in respect of current expenditure.
 - Conditional grant funds for which no commitments and therefore no rollover is being requested, must be surrendered by Provincial Treasury to the National Revenue Fund through the relevant national department by 31 May 2013.
 - National Treasury will, after consultation with the relevant treasury and the transferring national officer, give provisional approval for funds committed to identified projects to be retained within the relevant Provincial Revenue Fund for the purposes of rolling over to the 2013/14 financial year. Such approval will be communicated to the Provincial Treasury within 21 days of receipt of the project lists and the committed amounts as outlined above.
 - All funds already transferred to provincial departments but unspent must be surrendered and retained within the provincial revenue fund, pending the outcome as per the audited financial statements and finalisation of the rollover process.

- Upon submission of the audited financial statements, the National Treasury will provide a final approval for rollovers of conditional grants or a request for the surrender of uncommitted and unspent conditional grants. Any conditional grant funds approved as a provincial rollover must be included in the provincial adjusted estimates of 2013/14.
- The Provincial Treasury must surrender any uncommitted balances on national conditional grants to the relevant national departments.
- National departments must, upon receipt of these funds, promptly surrender the same to the National Revenue Fund.

TOTAL REQUESTS: FORMATS

22. Departments must submit their total rollover requests, inclusive of those pertaining to Schedule 4 and 5 national conditional grants, as well as any requests for the retention of own revenue (over collected own receipts), by Tuesday, **30 April 2013** (prescribed date as per Treasury Regulation 6.4.2) by completing the formats attached hereto as Annexures A, A1, B, B1, C and D. Completed requests must be submitted to the Provincial Treasury on the dates as per the programme below. The formats will be provided to the CFOs electronically.
23. Any challenges experienced with the completion of the Annexures must be taken up with the relevant Provincial Government Finance expenditure analyst.
24. The Provincial Treasury will consider the requests in terms of the statutory requirements and the principles as set out above and provide accounting officers with the approved allocations on a date to be determined at a later stage.
25. In order to allow the Treasury to make informed decisions regarding departmental requests, Annexure A1, which includes, inter alia, explanations on the under spending and remedial steps instituted, must be fully completed and motivated. Any further supporting/additional documentation regarding the rollover requests may also be submitted with Annexure A1.
26. Post approval, departments must reflect their allocations from both sources, i.e. rollover and receipt retention, in the in-year monitoring (IYM) reports and also, eventually, take it up in the Adjusted Estimates of Provincial Expenditure for 2013/14.



national treasury

Department:
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**TO: ACCOUNTING OFFICERS OF NATIONAL DEPARTMENTS
PROVINCIAL HEADS OF DEPARTMENT
NATIONAL AND PROVINCIAL CHIEF FINANCIAL OFFICERS**

**DIVISION OF REVENUE CIRCULAR – UNSPENT CONDITIONAL GRANTS IN
RESPECT OF THE 2012/13 FINANCIAL YEAR**

**COMPLIANCE WITH SECTION 21 OF THE 2012 DIVISION OF REVENUE ACT (ACT
NO. 5 OF 2012), AS AMENDED.**

1. PURPOSE

- 1.1 To give effect to the provisions of section 21 of the 2012 Division of Revenue Act (Act No.5 of 2012), as amended;

2. LEGAL REQUIREMENTS

- 2.1 In terms of section 21 (1) of the 2012 Division of Revenue Act, any conditional allocation that is not spent at the end of a financial year reverts to the National Revenue Fund, unless the relevant receiving officer can prove to the satisfaction of the National Treasury that the unspent allocation is committed to identifiable projects.
- 2.2 Furthermore, section 21 (2) stipulates that the National Treasury may at the request of a transferring national officer, provincial treasury or municipality approve a rollover from a conditional allocation to the next financial year.

3. PROCEDURE

- 3.1 To give effect to the above legal requirement the following procedure must be applied:
- 3.1.1 Each Provincial Treasury must by **30 April 2013** indicate to the National Treasury and the transferring national officer in writing:
- 3.1.1.1 The total amount of unspent funds for each relevant conditional grant as at 31 March 2013;
- 3.1.1.2 The amount of unspent funds for the relevant grant not committed to identifiable projects;
- 3.1.1.3 The amount of funds currently committed to identifiable projects;
- 3.1.1.4 Given that section 21 of the Act requires proof of commitments, the Provincial Treasury must submit a list of the projects referred to in (3.1.1.3) above, clearly stipulating the tender details (pricing and numbers) related to each ongoing infrastructure project or invoices awaiting payment in respect of current expenditure.

- 3.1.2 Conditional grant funds for which no commitments and therefore no rollover is being requested must be surrendered by Provincial Treasury to the National Revenue Fund through the relevant national department by **31 May 2013**.
- 3.1.3 National Treasury will, after consultation with the relevant treasury and the transferring national officer, give provisional approval for funds committed to identified projects to be retained within the relevant Provincial Revenue Fund for the purposes of rolling over to the 2013/14 financial year. Such approval will be communicated within 21 days of receipt of the project lists and the committed amounts as outlined above.
- 3.1.4 All funds already transferred to provincial departments but unspent must be surrendered and retained within the provincial revenue fund, pending finalisation of the rollover process.
- 3.1.5 Upon submission of the audited financial statements, the National Treasury will provide a final approval for rollovers of conditional grants or a request for the surrender of uncommitted and unspent conditional grants. Any conditional grant funds approved as a provincial rollover must be included in the *provincial adjusted estimates* of 2013/14.
- 3.1.6 The relevant provincial treasury must surrender any uncommitted funds as determined by the National Treasury to the relevant national department.
- 3.1.7 National departments must, upon receipt of these funds, promptly surrender the same to the National Revenue Fund.

4. REQUESTS FOR ROLL-OVERS

- 4.1 Treasury Regulation 6.4 will apply with respect to requests for roll-overs (including the implementation of provincial roll-overs), and Treasury Regulation 6.6 applies with respect to accounting for such in an adjustments budget. Therefore:
- 4.1.1 Only funds for projects already in progress may be rolled over;
- 4.1.2 Conditional grant funds earmarked/budgeted for *transfers and subsidies* may not be rolled over unless they will be used for the same purpose already voted for; and
- 4.1.3 Conditional grant funds that are budgeted for *compensation of employees* (such as those within the Human Settlements Development Grant) may not be rolled over if unspent.
- 4.2 In the case of funds either withheld by a national department as at 31 March 2013 or where a province has surrendered funds, the relevant national department may submit to National Treasury a request for roll-overs. Any such request must be supported by the provincial treasury in the relevant province. The request must be accompanied by an appropriate motivation on behalf of the sector and the province.

5. CONCLUSION

- 5.1 This circular seeks to provide clarity on the application of section 21 of the 2012 Division of Revenue Act.
- 5.2 This circular is not a substitute for any other requirement stipulated in the 2012 Division of Revenue Act and does not affect any duty or obligation set out in that Act, or the relevant conditional grant framework in terms of section 15.

5.3 Directives related to the relevant accounting procedures have been issued by the Office of the Accountant-General.

6. APPLICABILITY

6.1 This circular applies to all national and provincial departments that have conditional grant allocations within their budgets, either as transferring national officers or receiving officers in provinces.

7. EFFECTIVE DATE

7.1 The procedures contained in this circular take effect from 01 April 2013 and must be adhered to by all accounting officers.

8. CONTACT PERSON

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Approved:



MALIJENG NGQALENI
ACTING DEPUTY DIRECTOR-GENERAL: INTERGOVERNMENTAL RELATIONS

Date: 19/03/2013