

# Vote 23

## Justice and Constitutional Development

<b>Amount to be appropriated</b>	<b>Main appropriation</b>	<b>Adjusted appropriation</b>	<b>Decrease</b>	<b>Increase</b>
	R5 072 061 000	R5 185 733 000		R113 672 000
<b>Statutory appropriations</b>	R849 977 000	R849 977 000		
<b>Responsible minister</b>	Minister of Justice and Constitutional Development			
<b>Administering department</b>	Department of Justice and Constitutional Development			
<b>Accounting officer</b>	Director-General of Justice and Constitutional Development			

### Aim

*The aim of the Department of Justice and Constitutional Development is to uphold and protect the Constitution and the rule of law, and to render accessible, fair, speedy and cost-effective administration of justice in the interests of safer and more secure South Africa.*

### Changes to programme purposes and measurable objectives

No changes were made to programme purposes and measurable objectives

### Details of adjustments to Estimates of National Expenditure 2005

Table 23.1: Justice and Constitutional Development

Programme	2005/06						
	Main appropriation	Additional appropriation				Total additional appropriation	Adjusted appropriation
		Roll-overs	Unforeseeable /unavoidable	Virement	Other adjustments		
R thousand							
1. Administration	380 783	–	7 000	1 496	–	8 496	389 279
2. Court Services	2 264 905	13 652	–	–	11 020	24 672	2 289 577
3. State Legal Services	315 320	–	–	(1 496)	–	(1 496)	313 824
4. National Prosecuting Authority	1 272 810	32 000	50 000	–	–	82 000	1 354 810
5. Auxiliary and Associated Services	838 243	–	–	–	–	–	838 243
<b>Subtotal</b>	<b>5 072 061</b>	<b>45 652</b>	<b>57 000</b>	<b>–</b>	<b>11 020</b>	<b>113 672</b>	<b>5 185 733</b>
<b>Direct charge on the National Revenue Fund</b>	<b>849 977</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>–</b>	<b>849 977</b>
Judges' Salaries	187 877	–	–	–	–	–	187 877
Magistrates' Salaries	662 100	–	–	–	–	–	662 100
<b>Total</b>	<b>5 922 038</b>	<b>45 652</b>	<b>57 000</b>	<b>–</b>	<b>11 020</b>	<b>113 672</b>	<b>6 035 710</b>

2005/06							
R thousand	Main appropriation	Additional appropriation				Total additional appropriation	Adjusted appropriation
		Roll-overs	Unforeseeable /unavoidable	Virement	Other adjustments		
<b>Economic classification</b>							
<b>Current payments</b>	<b>4 799 157</b>	<b>32 000</b>	<b>56 900</b>	<b>(31 404)</b>	<b>11 020</b>	<b>68 516</b>	<b>4 867 673</b>
Compensation of employees	3 236 873	–	–	17 093	–	17 093	3 253 966
Goods and services	1 562 284	32 000	56 900	(48 497)	11 020	51 423	1 613 707
<b>Transfers and subsidies to:</b>	<b>695 622</b>	<b>–</b>	<b>–</b>	<b>1 511</b>	<b>–</b>	<b>1 511</b>	<b>697 133</b>
Provinces and municipalities	7 777	–	–	7	–	7	7 784
Departmental agencies and accounts	685 407	–	–	–	–	–	685 407
Foreign governments and international organisations	2 438	–	–	1 504	–	1 504	3 942
<b>Payments for capital assets</b>	<b>427 259</b>	<b>13 652</b>	<b>100</b>	<b>29 893</b>	<b>–</b>	<b>43 645</b>	<b>470 904</b>
Buildings and other fixed structures	258 134	9 841	–	50 000	–	59 841	317 975
Machinery and equipment	167 341	3 811	100	(20 117)	–	(16 206)	151 135
Software and other intangible assets	1 784	–	–	10	–	10	1 794
<b>Total</b>	<b>5 922 038</b>	<b>45 652</b>	<b>57 000</b>	<b>–</b>	<b>11 020</b>	<b>113 672</b>	<b>6 035 710</b>

## Roll-overs – R45,652 million

### Programme 2: Courts Services

R13,652 million was rolled over for installing and refurbishing IT equipment in the child justice centre in Port Elizabeth and in mobile court facilities.

### Programme 4: National Prosecuting Authority

R32 million was rolled over for outstanding State Information Technology Agency (SITA) and car rental claims.

## Unforeseeable and unavoidable expenditure – R57 million

R7 million has been allocated for the Khampepe Commission.

R30 million has been allocated to settle an outstanding car rental dispute with Imperial Holdings.

R20 million has been allocated for the cost of high profile cases.

## Virements

**Table 23.2: Justice and Constitutional Development (Net effect of all virements)**

From	R thousand	To	R thousand
<b>Programme</b>			
3 State Legal Services	1 496	1 Administration	1 496
<b>Economic classification item</b>			
Goods and services	48 497	Compensation of employees	17 093
Machinery and equipment	20 117	Transfers and subsidies	1 511
		Buildings and other fixed structures	50 000
		Software and other intangible assets	10

### **Details of savings**

Programme 3: State Legal Services

R1,496 million has been shifted to *Programme 1: Administration* for the legislative costing unit which moved there.

### **Utilisation of savings**

Programme 1: Administration

R1,496 million has been shifted to this programme for the legislative costing unit.

### **Virements within a programme**

Programme 1: Administration

Savings of R8,569 million on machinery and equipment have been shifted to goods and services to ensure proper cost classification.

Programme 2: Court Services

Savings of R50 million allocated under goods and services for the rehabilitation of courts have been shifted to buildings and other fixed structures to ensure proper cost classification.

Programme 5: Auxiliary and Associated Services

Savings of R10 million under machinery and equipment for IT equipment have been shifted to goods and services to ensure proper cost classification.

## **Other adjustments – R11,02 million**

### **Self-financing expenditure**

The department's Child Justice and Special Programme directorate received a donation of R20 000 from the Impumelelo Award. The money has been deposited in the National Revenue Fund and will be used for awards to individuals or projects and for attending local conferences or training courses.

### **Shifting of funds between votes**

Programme 2: Court Services

R11 million has been transferred from the Department of Public Works to the Department of Justice and Constitutional Development for day-to-day building maintenance.

## Expenditure 2004/05 and preliminary expenditure 2005/06

**Table 23.3: Justice and Constitutional Development**

Programme	2004/05				2005/06		
	Expenditure outcome				Preliminary expenditure		
R thousand	Adjusted appropriation	Apr 2004 - Sep 2004	Apr 2004 - Mar 2005	Apr 04 - Mar 05 % of adjusted appropriation	Adjusted appropriation	Apr 2005 - Sep 2005	% change 04/05 - 05/06 Apr - Sept
1.Administration	588 503	237 960	579 420	98,5	389 279	178 558	(25,0)
2.Court Services	2 349 263	994 223	2 274 213	96,8	2 289 577	787 076	(20,8)
3.State Legal Services	216 482	99 978	222 684	102,9	313 824	136 146	36,2
4.National Prosecuting Authority	1 146 559	559 362	1 170 435	102,1	1 354 810	599 121	7,1
5.Auxiliary and Associated Services	753 610	376 542	758 890	100,7	838 243	451 802	20,0
<b>Subtotal</b>	<b>5 054 417</b>	<b>2 268 065</b>	<b>5 005 642</b>	<b>99,0</b>	<b>5 185 733</b>	<b>2 152 703</b>	<b>(5,1)</b>
<b>Direct charge on the National Revenue Fund</b>	<b>177 083</b>	<b>85 298</b>	<b>242 093</b>	<b>136,7</b>	<b>849 977</b>	<b>524 872</b>	<b>515,3</b>
Judges' Salaries	177 083	85 298	242 093	136,7	187 877	125 118	46,7
Magistrates' Salaries	-	-	-	-	662 100	399 754	-
<b>Total</b>	<b>5 231 500</b>	<b>2 353 363</b>	<b>5 247 735</b>	<b>100,3</b>	<b>6 035 710</b>	<b>2 677 575</b>	<b>13,8</b>
<b>Current payments</b>	<b>4 186 625</b>	<b>1 899 354</b>	<b>4 173 084</b>	<b>99,7</b>	<b>4 867 673</b>	<b>2 140 003</b>	<b>12,7</b>
Compensation of employees	2 880 417	1 431 137	2 969 625	103,1	3 253 966	1 627 904	13,7
Goods and services	1 306 208	466 588	1 111 124	85,1	1 613 707	511 345	9,6
Financial transactions in assets and liabilities	-	1 629	92 335	-	-	754	(53,7)
<b>Transfers and subsidies to:</b>	<b>616 907</b>	<b>315 326</b>	<b>628 026</b>	<b>101,8</b>	<b>697 133</b>	<b>416 601</b>	<b>32,1</b>
Provinces and municipalities	8 032	4 144	8 479	105,6	7 784	3 532	(14,8)
Departmental agencies and accounts	606 575	304 369	606 836	100,0	685 407	412 692	35,6
Foreign governments and international organisations	2 300	162	162	7,0	3 942	377	132,7
Households	-	6 651	12 549	-	-	-	-
<b>Payments for capital assets</b>	<b>427 968</b>	<b>138 683</b>	<b>446 625</b>	<b>104,4</b>	<b>470 904</b>	<b>120 971</b>	<b>(12,8)</b>
Buildings and other fixed structures	243 523	100 307	270 483	111,1	317 975	99 097	(1,2)
Machinery and equipment	182 598	37 875	166 430	91,1	151 135	21 718	(42,7)
Software and other intangible assets	1 847	501	9 712	525,8	1 794	156	(68,9)
<b>Total</b>	<b>5 231 500</b>	<b>2 353 363</b>	<b>5 247 735</b>	<b>100,3</b>	<b>6 035 710</b>	<b>2 677 575</b>	<b>13,8</b>

### Selected expenditure trends for first half of 2005/06 financial year

Expenditure in the first six months of 2005/06 was R2,677 billion, or 44,4 per cent of the adjusted appropriation of R6,035 billion for the whole year.

The decline in the growth of expenditure in *Programme 1: Administration* and *Programme 2: Court Services* is mainly due to outstanding government garage transport claims, delays in project implementation, outstanding capital works claims, outstanding merit awards and notch increments, the delay in implementing the public private partnership for monies held in trust, and staff turnover.

## Summary of transfers and subsidies

Table 23.4: Summary of transfers and subsidies per programme

R thousand	2005/06					Total additional appropriation	Adjusted appropriation
	Main appropriation	Roll-overs	Unforeseeable /unavoidable	Virement	Other adjustments		
<b>1. Administration</b>	<b>3 646</b>	–	–	<b>3</b>	–	<b>3</b>	<b>3 649</b>
<b>Provinces and municipalities</b>							
<b>Municipalities</b>							
<b>Municipal bank accounts</b>							
<b>Current</b>	<b>360</b>	–	–	<b>3</b>	–	<b>3</b>	<b>363</b>
Regional Services Council levies	360	–	–	3	–	3	363
<b>Departmental agencies and accounts</b>							
<b>Public entities</b>							
<b>Current</b>	<b>3 286</b>	–	–	–	–	–	<b>3 286</b>
Contribution to Skills Fund	3 286	–	–	–	–	–	3 286
<b>2. Court Services</b>	<b>3 662</b>	–	–	<b>(31)</b>	–	<b>(31)</b>	<b>3 631</b>
<b>Provinces and municipalities</b>							
<b>Municipalities</b>							
<b>Municipal bank accounts</b>							
<b>Current</b>	<b>3 662</b>	–	–	<b>(31)</b>	–	<b>(31)</b>	<b>3 631</b>
Regional Services Council levies	3 662	–	–	(31)	–	(31)	3 631
<b>3. State Legal Services</b>	<b>3 557</b>	–	–	<b>1 539</b>	–	<b>1 539</b>	<b>5 096</b>
<b>Provinces and municipalities</b>							
<b>Municipalities</b>							
<b>Municipal bank accounts</b>							
<b>Current</b>	<b>1 119</b>	–	–	<b>35</b>	–	<b>35</b>	<b>1 154</b>
Regional Services Council levies	1 119	–	–	35	–	35	1 154
<b>Foreign governments and international organisations</b>							
<b>Current</b>	<b>2 438</b>	–	–	<b>1 504</b>	–	<b>1 504</b>	<b>3 942</b>
United Nations Institution for Unification of Private Law	2 438	–	–	1 504	–	1 504	3 942
<b>4. National Prosecuting Authority</b>	<b>2 635</b>	–	–	–	–	–	<b>2 635</b>
<b>Provinces and municipalities</b>							
<b>Municipalities</b>							
<b>Municipal bank accounts</b>							
<b>Current</b>	<b>2 635</b>	–	–	–	–	–	<b>2 635</b>
Regional Services Council levies	2 635	–	–	–	–	–	2 635
<b>5. Auxiliary and Associated Services</b>	<b>682 122</b>	–	–	–	–	–	<b>682 122</b>
<b>Provinces and municipalities</b>							
<b>Municipalities</b>							
<b>Municipal bank accounts</b>							
<b>Current</b>	<b>1</b>	–	–	–	–	–	<b>1</b>
Regional Services Council levies	1	–	–	–	–	–	1
<b>Departmental agencies and accounts</b>							
<b>Public entities</b>							
<b>Current</b>	<b>682 121</b>	–	–	–	–	–	<b>682 121</b>
South African Human Rights Commission	41 774	–	–	–	–	–	41 774
Commission on Gender Equality	26 469	–	–	–	–	–	26 469
Special Investigating Unit	43 851	–	–	–	–	–	43 851
Legal Aid Board	440 008	–	–	–	–	–	440 008
Public Protector	55 127	–	–	–	–	–	55 127
President's Fund	1	–	–	–	–	–	1
Represented Political Parties Fund	74 891	–	–	–	–	–	74 891
<b>Total</b>	<b>695 622</b>	–	–	<b>1 511</b>	–	<b>1 511</b>	<b>697 133</b>

