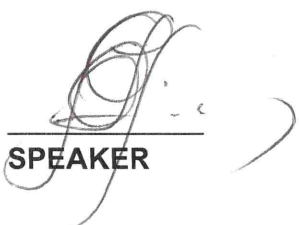




VIREMENT POLICY

JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY

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SPEAKER


DATE

JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY



VIREMENT POLICY

2026/2027

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

TABLE OF CONTENTS

1.	ABBREVIATIONS	3
2.	DEFINITIONS	3
3.	INTRODUCTION	6-7
4.	BACKGROUND AND STATUTORY REQUIREMENTS.....	7
5.	OBJECTIVE	7
6.	MFMA REGULATIONS ON BUDGET VERSUS EXPENDITURE.....	7-8
7.	VIREMENT REQUIREMENT AND RESTRICTIONS.....	9-11
8	PROJECT SEGMENT GUIDANCE	11
9.	FUNCTION SEGMENT GUIDANCE.....	12
10.	FUNDING SEGMENT GUIDANCE.....	12
11.	REGIONAL SEGMENT GUIDANCE.....	12-13
12.	COSTING SEGMENT GUIDANCE.....	14
13.	ITEM SEGMENT: EXPENDITURE GUIDANCE.....	14
14.	ITEM SEGMENT: REVENUE GUIDANCE.....	14-15
15.	IMPLEMENTATION AND REVIEW OF THIS POLICY.....	15

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

1. ABBREVIATIONS

CFO – Chief Financial Officer

CM – Council Minute/s

IDP – Integrated Development Plan

MBRR – Municipal Budget Reporting Regulations

MFMA – Municipal Finance Management Act, Act No. 56 of 2003

MSA – Municipal Systems Act, Act No.32 of 2000

MSTA – Municipal Structures Act

MTREF – Medium term revenue and expenditure framework

SDBIP - Service delivery and budget implementation plan

2. DEFINITIONS

"Accounting Officer" a person appointed in terms of section 82(l) (a) or (b) of the Municipal Structures Act; and also refers to the municipal manager of a municipality in terms of section 60 of the MFMA;

"Approved budget" the annual budget approved by a municipal council; and includes such an annual budget as revised by an adjustments budget in terms of section 28 of the MFMA;

"Capital Budget" the approved budget for capital items in a given fiscal period.

"Chief Financial Officer" a person designated in terms of section 80(2) (a) of the MFMA;

"Council" the municipal council of John Taolo Gaetsewe District Municipality

"Councillor" a member of council;

"Creditor" a person to whom money is owed by the municipality;

"Current year" the financial year, which has already commenced, but not yet ended;

"Delegation" the power to perform a function or duty which is given to office bearer, councillor or staff members either in terms of section 59 of the MSA or section 79 of the MFMA;

"Executive Mayor" the councillor elected as the executive mayor of the municipality in terms of section 55 of the MSTa;

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

"Financial year" a twelve-month period commencing on 1st July and ending on 30th June each year;

"Line Item" is an appropriation that is itemised on a separate line is a budget adopted with the idea of greater control over expenditure.

"Municipal Structures Act" the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Municipal Systems Act" the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"Municipality" John Taolo Gaetsewe District Municipality; **Municipality** and it referred to in section 18 of the Municipal Structures Act;

"National Treasury" the National Treasury established by section 5 of the Public Finance Management Act;

"Official" –

(a) An employee of the municipality;

(b) A person seconded to the municipality or municipal entity to work as a member of the staff of the municipality or municipal entity; or

(c) A person contracted by the municipality or municipal entity to work as a member of the staff of the municipality or municipal entity otherwise than as an employee;

"Overspending" -

(a) causing the operational or capital expenditure incurred by the municipality during a financial year to exceed the total amount appropriated in that year's budget for its operational or capital expenditure, as the case may be;

(b) in relation to a vote, causing expenditure under the vote to exceed the amount appropriated for that vote; or

(c) in relation to expenditure under section 26 of the MFMA, causing expenditure under that section to exceed the limits allowed in subsection (5) of this section;

"Previous financial year" the financial year preceding the current year;

"Senior Manager" all officials reporting directly to the Accounting Officer as contemplated in sect 56 of the MSA;

"Service delivery and budget implementation plan" a detailed plan approved by the executive mayor of the municipality, in terms of section 53(l) (c) (ii) of the MFMA, for implementing the municipality's delivery of municipal services;

MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

“Unauthorised Expenditure” in relation to a Municipality, means any expenditure incurred by a Municipality otherwise than in accordance with section 15 or 11(3), and includes: -

- (a) overspending of the total amount appropriated in the Municipality's approved budget;
- (b) overspending of the total amount appropriated for a vote in the approved budget;
- (c) expenditure from a vote unrelated to the department or functional area covered by the vote;
- (d) expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose;
- (e) spending of an allocation referred to in paragraph (b), (c) or (d) of the definition of "allocation" otherwise than in accordance with any conditions of the allocation; or
- (f) a grant by the Municipality otherwise than in accordance with this Act;"

“Virement” means the process of transferring an approved budgetary provision from one operating cost element or capital project to another within a vote during a municipal financial year and which results from changed circumstances from that which prevailed at the time of the previous budget adoption.

“Vote/ Function” one of the main segments into which a budget of a municipality is divided for the appropriation of funds for the different directorates of the municipality; and which specifies the total amount that is appropriated for the purposes of the directorate concerned.

Vote – For ease of reference, the definition of “vote” as contained in Section 1 of the MFMA is set out hereunder: ‘vote’ means – (a) “one of the main segments into which a budget of a municipality is divided for the appropriation of money for the different departments or functional areas of the municipality; and (b) which specifies the total amount that is appropriated for the purposes of the department or functional area concerned.”

“Vote holder” means the senior manager to which the vote is assigned.

MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

3. INTRODUCTION

- 3.1 A virement represents a flexible mechanism to effect budgetary amendments within a municipal financial year.
- 3.2 Changing circumstances and priorities during a financial period may give rise to a need for virement (transfer) of funds within or between approved votes, as defined in the Municipal Finance Management Act 56 of 2003 (MFMA). The treatment of such instances may however be dependent on whether an Adjustments Budget is required or not.
- 3.3 The MFMA and the Municipal Budget and Reporting Regulations, 2009 seek to move Municipalities away from the traditional approach of appropriating/ approving budgets by line item. The aim is to give the Senior Managers of Municipal Departments and programmes greater flexibility in managing their budgets. In furtherance of this objective, each Municipality must put in place a Council approved Virement Policy, which should provide clear guidance to managers on when they may shift funds between items, projects, programmes and votes.

4. BACKGROUND AND STATUTORY REQUIREMENTS

- 4.1 The Chief Financial Officer has a statutory duty to ensure that adequate policies and procedures are in place to ensure an effective system of financial control. A Municipality's virement policy and its underlying administrative process within the system of delegations is one of these controls. Section 81(1)(d) of the MFMA states inter alia that "The Chief Financial Officer of a Municipality-...must advise senior managers and other senior officials in the exercise of powers and duties assigned to them in terms of section 78 or delegated to them in terms of section 79..."
- 4.2 It is the responsibility of each Head of each Department (Vote) to which funds are allocated, to plan and conduct assigned operations so as not to expend more funds than budgeted and to ensure that funds are utilised effectively and efficiently.
- 4.3 Section 78(1)(b) of the MFMA states inter alia that "Each senior manager of a

**MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER**

Municipality and each official of a Municipality exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure... (b) that the financial and other resources of the Municipality are utilised effectively, efficiently, economically and transparently..."

5. OBJECTIVE

- 5.1 This policy aims to provide guidelines to senior management in the use of virements as a mechanism in their day-to-day management of their budgets. This policy also allows flexibility in the use of budgeted funds to enable management to act on occasions such as disasters, unforeseen expenditure or savings, etc. as they arise so as to accelerate service delivery in a financially responsible manner.
- 5.2 In addition, it specifically aims to empower senior managers with an efficient financial – and budgetary system to ensure optimum service delivery within the current legislative framework of the MFMA and the Municipality's system of delegations.

6. MFMA REGULATIONS ON BUDGET VERSUS EXPENDITURE

- 6.1. The MFMA regulates the following regarding the incurring of expenditure against budgetary provisions as follows:

- 6.1.1. Section 15 – Appropriation of funds for expenditure:

"A Municipality may, except where otherwise provided in this Act, incur expenditure only: -

- (a) in terms of an approved budget; and*
- (b) within the limits of the amounts appropriated for the different votes in an approved budget."*

- 6.1.2. Unauthorised expenditure is defined in section 1 of the MFMA as follows:

"Unauthorised expenditure", in relation to a municipality, means any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11(3), and includes-

- (a) overspending of the total amount appropriated in the municipality's approved budget;*
- (b) overspending of the total amount appropriated for a vote in the approved budget;*
- (c) expenditure from a vote unrelated to the department or functional area*

MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

covered by the vote;

(d) expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose;

(e) spending of an allocation referred to in paragraph (b), (c) or (d) of the definition of "allocation" otherwise than in accordance with any conditions of the allocation; or

(f) a grant by the municipality otherwise than in accordance with this Act.

6.1.3. Overspending (as per the MFMA's definition)

a) in relation to the budget of a municipality, means causing the operational or capital expenditure incurred by the municipality during a financial year to exceed the total amount appropriated in that year's budget for its operational or capital expenditure, as the case may be;

b) in relation to a vote, means causing expenditure under the vote to exceed the amount appropriated for that vote; or

c) in relation to expenditure under section 26, means causing expenditure under that section to exceed the limits allowed in subsection (5) of that section.

6.1.4. Section 71(1)(g)(iii) states inter alia

"(1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:...(g) when necessary, an explanation of... (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget...."

7. VIREMENT REQUIREMENTS AND RESTRICTIONS

7.1. The virement represents a flexible mechanism to affect budgetary amendments within a municipal financial year and is the major mechanism to align and take corrective (financial / budgetary) action within a Department (Vote) during a financial year.

7.2. In order for a "vote" to transfer funds from one cost element or capital project to another cost element or capital project, a saving has to be identified within the

MR. I.E AISENG JOHN TAOLU GAETSEWE DISTRICT MUNICIPALITY SPEAKER

monetary limitations of the approved “giving” cost element or capital project allocations on the respective budgets.

- 7.3. Sufficient, (non-committed) budgetary provision should be available within the “giving” function’s cost element or capital project concerned to give effect to the budgetary transfer (virement). In addition, the transferring function must clearly indicate to which cost element or capital project the budget provision will be transferred to and provide a clear motivation for the transfer.
- 7.4. Any budgetary amendment of which the net impact will be a change to the total approved annual budget allocation and any other amendments not covered in this policy are to be considered for budgetary adoption via an Adjustments Budget (per MFMA Section 28).
- 7.5. In terms of Section 17 of the MFMA a Municipality’s budget is divided into an operating and capital budget and consequently no virements are permitted between Operating and Capital Budgets other than through an Adjustments Budget.
- 7.6. Virements are not permissible across, or between, votes without approval of both vote holders and the CFO.
- 7.7. ~~Virements between Trading- and Rate-funded functions are not allowed, due to the differing impacts on respective tariff- or Rates-borne services’ budgets, unless adopted via an Adjustments Budget (MFMA Section 28).~~
- 7.8. Virements between functions and/ sub-functions may not exceed a maximum of 15% of the total approved operating expenditure budget of the Department.
- 7.9. The Virement should be requested by the Director of the of that specific vote, as the custodian, approved by the Chief Financial Officer and authorised by the Municipal Manager. The Budget office to capture and keep record of the virement processed, only after authorisation by the Municipal Manager.
- 7.10. A virement may not create new policy, significantly vary current policy, or alter the approved outcomes / outputs as approved in the IDP for the current or subsequent years (MFMA Sections 19 and 21).
- 7.11. Virements resulting in adjustments to the approved SDBIP by the user Directorate need to be submitted with an Adjustments Budget to the Council with altered outputs and measurements for approval. (MFMA Circular 13, page 3 paragraph 3).

MR. I.E AISENG JOHN TAOLO GAETSEWE DISTRICT MUNICIPALITY SPEAKER

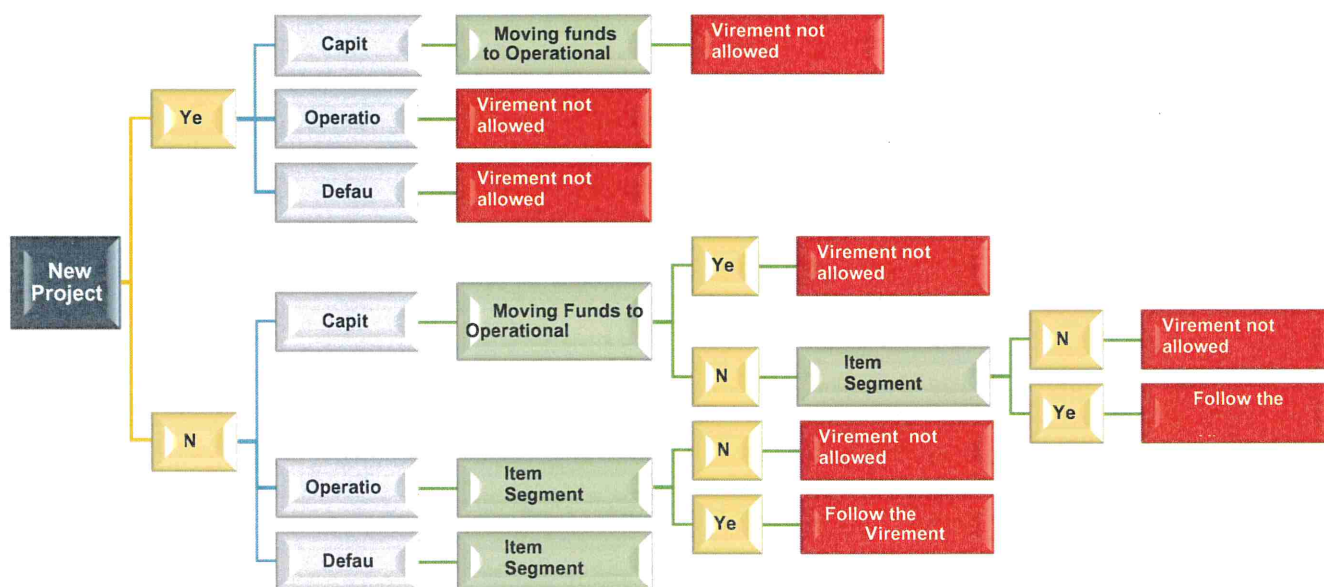
- 7.12. No virement may commit the Municipality to increase recurrent expenditure, which commits the Council's resources in the following financial year, without the prior approval of the Council. This refers to expenditures such as entering into multi-year lease or rental agreements for the leasing of vehicles, photo copiers or fax machines.
- 7.13. No virement may be made to cover/ allow for unauthorised, irregular or fruitless and wasteful expenditure (MFMA Section 32).
- 7.14. No virements are permitted within the first three months or the final month of the financial year without the approval of the CFO.
- 7.15. The virement that relates to an unfunded vacant position is subject to the approval of the Municipal Manager. The budget for such position may only be transferred from Employee related cost, if also approved by the CFO.
- 7.16. Virement amounts may not be rolled over to subsequent years or create expectations on following budgets (MFMA Section 30).
- 7.17. All virements should be approved in line with the Council's System of delegations.
- 7.18. All virements of funds between votes (Departments) must be approved by the Municipal Manager and reported to the Executive Mayor on a monthly basis.
- 7.19. Virements should not result in adding 'new' projects to the Capital Budget.
- 7.20. Virements of conditional grant funds to purposes outside of that specified in the relevant conditional grant framework must not be permitted.
- 7.21. Virement should only be allowed within a mSCOA function and its sub functions¹, except for the following case; a Project extending over/ incorporating more than one mSCOA function or sub function, then savings in the budgetary allocation in a function or sub-function may be applied across the functions and/ or sub-functions directly linked to the same Project and Funding Source.
- 7.22. Virements should not be permitted in relation to the revenue side of the budget.
- 7.23. Virements between functions should be permitted where the proposed shifts in funding facilitate sound risk and financial management.

8. Project segment guidance

The flow chart diagrams below incorporate the virement principles explained above and provide guidance on how a virement should be applied in the *mSCOA* environment. Virement

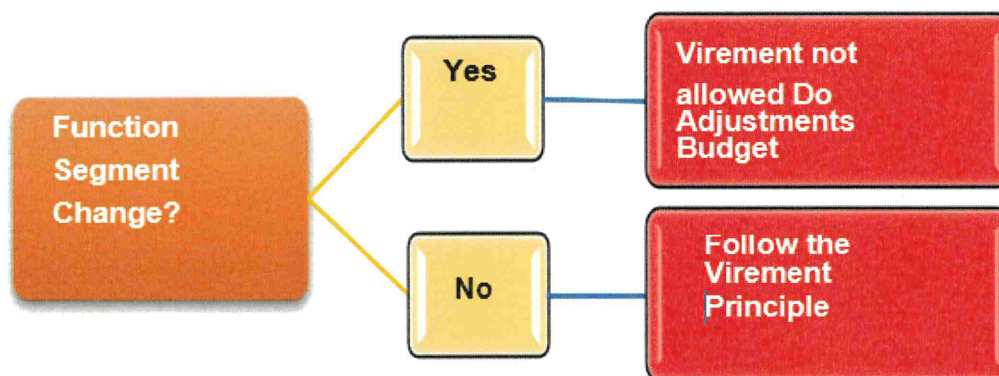
MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

decisions should start with the project segment. As illustrated below, if a virement needs to be done for a project, the municipality should consider whether it is a new or existing capital, operational or default project and based on the type of project, the diagram below will provide guidance on whether a virement is allowed or whether and adjustments budget is required:



9. Function segment guidance

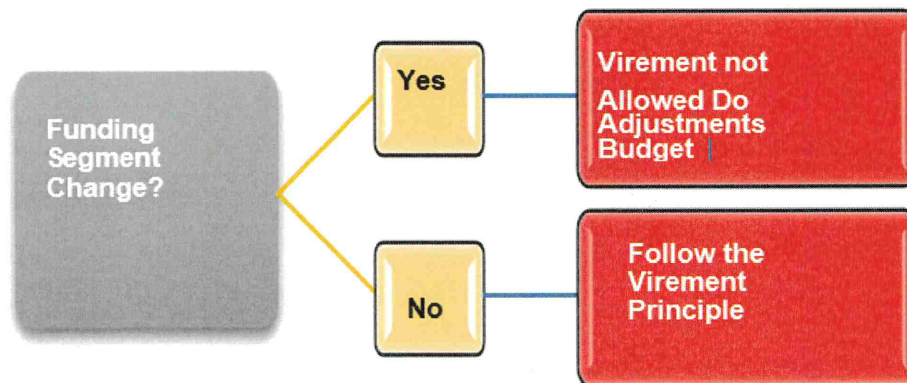
The next segment that should be considered in terms of the impact of the virement process is the function segment. In terms of the flow diagram below, if there is no change to the function segment, a virement may be done subject to the virement principles above.



MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

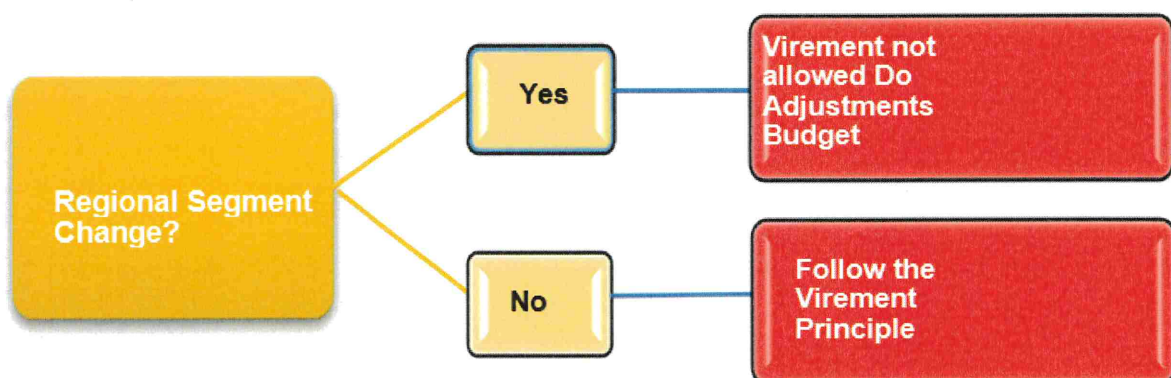
10. Funding segment guidance

If there is no change to the funding segment, a virement may be done subject to the virement principles above.



11. Regional Segment guidance

If there are changes to the regional segment in the application of a virement, then a virement may not be done but an adjustments budget is required, because Council allocates the project and funding to a **specific region**. A virement may be done if it will not result in changes to the regional segment subject to the application of the virement principles below.



MR. I.E AISENG
JOHN TAOLO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER

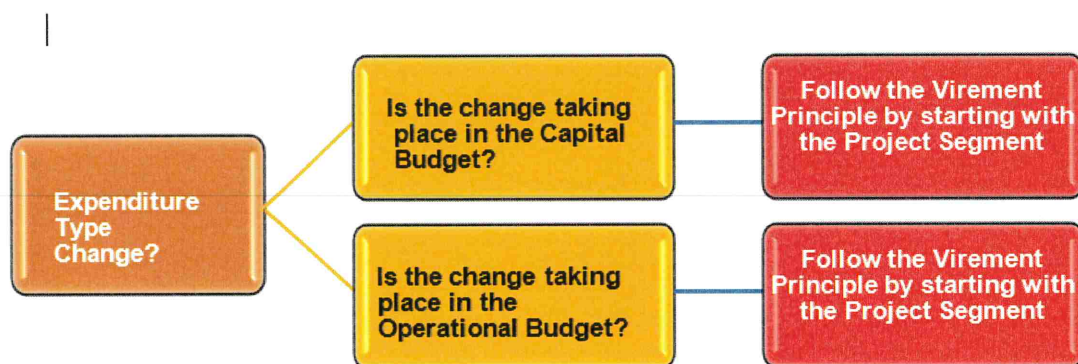
12. Costing Segment guidance

Changes to the costing segment should not affect the application of a virement.

13. Item Segment: Expenditure guidance

If changes in expenditure are incurred in the capital or operational budget, the virement decision should start with the project segment. If a virement is allowed, it will be subject to the application of the virement principles above.

An example of a change taking place in the capital budget is when the nature of the project may change from “outsourced” to an “own account” project which will result in a different selection of accounts from expense accounts within the item classification for Construction Work-in-progress.

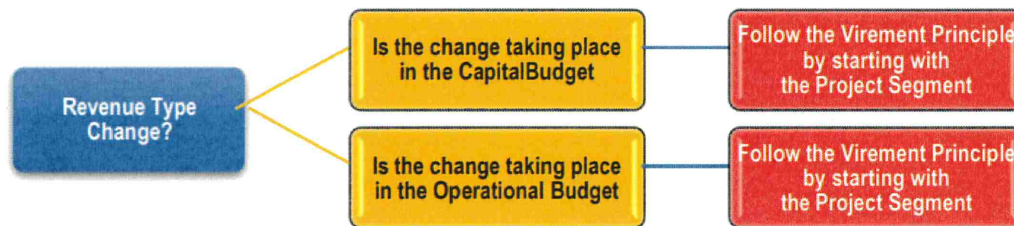


An example of a change taking place in the operational budget is when a District Municipality builds administrative building to be transferred to a local municipality (accounted for by the District Municipality as an operational project) which would have been constructed as an “own account construction” changing to an outsourced development. The impact is on the nature of expenditure, i.e., increase in contracted services.

14. Item segment: Revenue guidance

If changes in revenue type change either in the Capital or Operational Budget. First start with the Project and apply the change to all the segments and should the Virement be allowed refer to The Virement Principals before applying the Virement.

MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER



Previously, revenue stood on its own in the budget. Now revenue is linked to the item and project. So, if the project segment is funded from a specific revenue source and there is a saving (item expenditure) within the function, then the saving (budget) may only be applied to another project within the same function or sub-function only if the revenue source is the same and if it is transferred to the same project in another function. Importantly, the revenue source should be the same which restricts the use of the revenue sources.

15. POLICY REVIEW

This policy shall be reviewed annually.

MR. I.E AISENG
JOHN TAULO GAETSEWE
DISTRICT MUNICIPALITY
SPEAKER