



18 July 2026

The Honourable Ms Mmamoloko Kubayi MP
Minister of Justice and Constitutional Development
Republic of South Africa

By e-mail

Dear Minister,

**REQUEST FOR A RESPONSE: TRANSFER OF THE NATIONAL PROSECUTING
AUTHORITY'S BUDGET AND THE ESTABLISHMENT OF FULL FISCAL
INDEPENDENCE IN LIGHT OF RECENT DEVELOPMENTS**

I write to request a response to my letter dated 10 June 2026, the contents of which bear reference. As you will recall from my letter, I urged you to take immediate steps to ensure that the budget of the National Prosecuting Authority ("NPA") is transferred directly to the NPA and administered by it independently of the Department of Justice and Constitutional Development. To date, I am yet to receive a response from your office.

Notwithstanding the undesirable state of criminal prosecutions in South Africa, rampant crime rates, an incapacitated National Prosecuting Authority and poor conviction rates necessitating your urgent action in this matter; the Report of the Standing Committee on Appropriations on the Appropriations Bill of 12 June 2026 explicitly recommends as follows:

*"The Committee notes that the NPA performs prosecutorial functions that are distinct from the judicial functions of the courts and the Office of the Chief Justice. The Committee is of the view that the current budgetary arrangements of the National Prosecuting Authority (NPA) require a review, including consideration of whether the NPA should be funded through a separate budget Vote or through funds appropriated similar to Schedule 2 of the Bill."*¹

And further recommends:

That the Minister of Finance, in consultation with the Minister of Justice and Constitutional Development and the National Director of Public Prosecutions, undertake a review of the current budgetary arrangements of the National Prosecuting Authority (NPA) and consider

¹ Report of the Standing Committee on Appropriations on the Appropriation Bill [B4 – 2026] (National Assembly Section 77), dated 12 June 2026 at paragraph 8.13 on page 167; available online: <https://www.parliament.gov.za/storage/app/media/Docs/atc/01ls62wgeszlzoi4vo7zdz7w6j2nn4xsqs.pdf>

a separate budget Vote for the NPA or consider appropriating funds for the NPA in line with the proposed allocations in Schedule 2 of the Bill.²

As you will note from the above, the Committee explicitly recommends that the matter be addressed by you; and echoes my request contained in my letter of 10 June 2026. I believe that the above recommendations, coupled with the state of the prosecutions service and the plight of South Africans across the country presents you with an opportunity to take action that will significantly bolster the fight against the scourge of crime.

I therefore humbly request that you consider taking the following steps without delay:

1. Initiate the necessary legislative and administrative processes to establish a separate budget vote for the National Prosecuting Authority;
2. Engage with the Minister of Finance and National Treasury to facilitate the direct appropriation of funds to the NPA;
3. Consider amendments to the National Prosecuting Authority Act and any other relevant legislation to provide for the NPA's financial and administrative autonomy;
4. Develop a clear implementation plan, with defined timelines, to achieve full fiscal independence for the NPA; and
5. Report to Parliament on the steps being taken to strengthen the institutional independence of the prosecuting authority.

Solving the problems of criminal prosecutions in South Africa is a monumental task, as I am sure you are fully aware. That being said, there has never been a better opportunity for you to take the necessary steps to ensure the financial independence of the National Prosecuting Authority: to recapacitate the prosecutions service, improve conviction rates; and place South Africans first.

You have my full and unwavering support in this matter, and I trust that you will give it your *urgent* attention.

I look forward to receiving your response.

Regards.



ADV. GLYNNIS BREYTENBACH MP
Chief Whip of the Democratic Alliance

² Paragraph 9.9 at page 169