

Eastern Cape, South Africa

Promotion of Youth Affairs Act, 1995

Act 6 of 1995

Legislation as at 30 November 1995

FRBR URI: /akn/za-ec/act/1995/6/eng@1995-11-30

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PDF created on 19 April 2024 at 09:53.

Collection last checked for updates: 15 April 2024.

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Eastern Cape South Africa

Promotion of Youth Affairs Act, 1995

Act 6 of 1995

Published in Eastern Cape Provincial Gazette 127 on 30 November 1995

Assented to on 16 November 1995

Commenced on 16 November 1995

*[This is the version of this document from 30 November 1995
and includes any amendments published up to 15 April 2024.]*

[Repealed by [Promotion of Youth Development Act Repeal Act, 2009 \(Eastern Cape\) \(Act 2 of 2009\)](#) on 1 April 2010]

ACT

To provide for the establishment and constitution of the Eastern Cape Youth Commission; the establishment of area committees; to define the powers and functions of the various bodies; to provide for development programmes for the youth; to provide for the registration of programmes; and to provide for incidental matters.

BE IT ENACTED by the Legislature of the Province of the Eastern Cape, as follows:—

1. Definitions

In this Act, unless the context otherwise indicates—

“**Commission**” means the Commission established by [section 2](#);

“**Gazette**” means the *Provincial Gazette* of the Province;

“**Legislature**” means the Legislature of the Province of the Eastern Cape, as contemplated in section 125 of the Constitution;

“**Province**” means the Province of the Eastern Cape established by section 124 of the [Constitution of the Republic of South Africa, 1993 \(Act No. 200 of 1993\)](#);

“**Premier**” means the Premier of the Province of the Eastern Cape;

“**youth**” means those persons whose ages range between 14 and 35 years, and “youth” has a corresponding meaning.

2. Establishment and constitution of Commission

- (1) There is hereby established a Commission to be known as the Eastern Cape Youth Commission, which shall exercise such powers as may be conferred, and perform such functions and duties as may be imposed, upon it by or under this Act or any other law.
- (2)
 - (a) The Commission shall consist of 12 members.
 - (b) The members of the Commission shall be appointed by the Premier from—
 - (i) youth selected from a nomination list put forward by the youth of the Province; and
 - (ii) such other category or categories as he or she may determine.

- (c) The Premier shall designate two of the members as chairperson and deputy chairperson, respectively.
- (3) Members of the Commission shall be referred to as commissioners.
- (4) The Commission shall, in respect of the exercise and performance of its powers, functions and duties, be accountable, through the Premier, to the Legislature and shall also be accountable to the youth of the Province.

3. Term of office of members of Commission

- (1) A member of the Commission shall be appointed for a period of 5 years subject to such conditions as the Premier may determine and in making such appointments the Premier may determine which commissioners shall serve full-time and which commissioners shall serve part-time.
- (2) A member of the Commission whose period of office has expired shall be eligible for reappointment.
- (3) The period of office of a member of the Commission may, after consultation with the youth of the Province, be terminated by the Premier at any time if, in the opinion of the Premier, there are good reasons for doing so and shall be so terminated when he or she attains the age of thirty-six.
- (4) If a member of the Commission dies or vacates his or her office under subsection (3) or otherwise, the Premier shall, with due regard to the provisions of this Act, appoint any other person to hold office for the unexpired portion of the period for which such member was appointed.

4. Meetings and other procedural matters

- (1) The chairperson shall preside at the meetings of the Commission and of the Management Committee and the deputy chairperson shall, in his or her absence, preside at such meetings.
- (2) The Commission shall, subject to the regulations issued under [section 13](#), determine its own procedures.
- (3) The Commission shall determine the frequency of its meetings, and the items and venues thereof subject to the availability of funds.
- (4) The Commission may assign specific tasks and responsibilities, including the monitoring of activities of area committees, to each one of the members, and shall formulate the procedure to be adopted by it in its dealings and communications with government departments.

5. Powers and functions of Commission

- (1) The powers and functions of the Commission shall, in addition to those assigned to it under [section 2](#), to be—
 - (a) investigate of its own accord or at the request of the Premier the existing or future needs of the youth in the Province;
 - (b) make proposals with regard to any matter investigated in terms of paragraph (a);
 - (c) investigate and to consider, with the approval, or on the direction, of the Premier, any complaints, representations or recommendations received by the Commission as to the nature, extent and adequacy of the services provided for, and in relation to the needs or issues pertaining to, the youth, and to recommend to any interested person, competent body or department of State or provincial department, measures for the improvement of such services which it considers inadequate or for the solution of any problems occurring in regard to such services;
 - (d) plan and prepare a programme with a view to the future development or provision of services or facilities which are likely to be necessary to satisfy the needs and address the issues

referred to in paragraph (a), (b) or (c), and to recommend the order of priority which such services or facilities shall be accorded;

- (e) encourage, promote and co-ordinate the rendering of services by competent bodies in the Province and to stimulate the development of such services in a manner calculated to ensure an efficient, purposeful and fully co-ordinated service for the Province;
 - (f) regulate and monitor youth programmes generally and matters relating thereto;
 - (g) consult and liaise with similar local, provincial, national or international departments or bodies on any issues relating to youth affairs or the rendering or provision of services or facilities;
 - (h) advise the Premier in respect of—
 - (i) the general policy in respect of youth affairs;
 - (ii) the measures generally necessary for the promotion of youth affairs;
 - (iii) the measures which ought to be taken in order to improve services rendered to the youth of the Province;
 - (iv) any research which should be undertaken in connection with any issue;
 - (v) any existing or proposed legislation governing or relating to youth matters.
- (2) The Commission may, in consultation with the Premier, arrange discussions and conferences in connection with any matters which relate to its powers, functions and duties.
- (3) The Commission shall report in writing annually to the Premier in respect of its activities and such report shall thereafter be submitted to the Legislature.

6. Appointment of Management Committee

- (1) The Commission shall appoint from amongst their number a Management Committee which shall consist of the chairperson, deputy chairperson and 3 other members of the Commission.
- (2) The Management Committee shall be responsible for the day to day management of the affairs of the Commission.
- (3) The Commission may delegate any of its powers to the Management Committee on such conditions as shall be specified.

7. Establishment of areas

The Premier may, for the purposes of this Act and by notice in the *Provincial Gazette*—

- (a) establish areas, each of which shall consist of one or more magisterial districts, and determine the names by which such areas shall be known;
- (b) increase or decrease the limits of any area or alter the name by which it is known or abolish any area or incorporate any area into any other area;
- (c) amend or withdraw any notice issued under this section.

8. Appointment of area committees

- (1) Subject to the provisions of this Act, the Commission may, with the approval of the Premier, appoint an area committee for any area determined by the Premier in terms of [section 7](#) to perform within such area such functions as the Commission may assign to it, and to advise the Commission on the provision of services and facilities for such area.

- (2) An area committee shall—
 - (a) consist of not more than 7 members;
 - (b) elect a chairperson and deputy chairperson;
 - (c) be appointed for such period as may be determined by the Commission.
- (3) The appointment of a member of an area committee may for good reasons be terminated by the Commission.
- (4) The area committee shall, subject to the regulations issued under [section 13](#), determine its own procedures.

9. Secretariat and accounting responsibilities

- (1) The administrative functions of the Commission, the Management Committee and an area committee shall be performed by officers in the service of the Province designated thereto by the Director-General: Eastern Cape Provincial Administration or, subject to [section 11](#) (4), by officers appointed by the Commission on such conditions as it may determine subject to the approval of the Premier.
- (2) The Commission shall designate one of its officers as an accounting officer.

10. Delegation of powers

- (1) The Premier may delegate to the departmental head of the Premier's Office any power conferred upon him by this Act, except the powers referred to in sections [2](#), [7](#) and [13](#).
- (2) The departmental head referred to in subsection (1) may, with the approval of the Premier, authorise any other officer in his or her department, who is a director, or occupies a post above the rank of a director, to exercise any power conferred upon him or her in terms of this Act.

11. Allowances payable to members and finances

- (1) There shall be paid to any member of the Commission or the Management Committee or an area committee, who is not in the full-time service of the State, while he or she is engaged with work connected to the business of the Commission or such Committee, such remuneration or fees and travelling and subsistence allowances as may be determined by the Premier, in consultation with the Member of the Executive Council responsible for financial matters.
- (2) The expenditure incurred by the Commission, executive committee or an area committee in the performance of its functions shall be defrayed from moneys appropriated for that purpose by the Legislature.
- (3) The Premier shall establish a Youth Development and Empowerment Fund which shall be administered by the Commission and into which donations received from any source shall be deposited.
- (4) The Premier, in consultation with the Member of the Executive Council responsible for financial matters, shall prescribe the rules which shall govern the control of the Fund and the utilisation, and accounting in respect, of moneys in the Fund and other assets.

12. Financial aid for programmes

- (1) The Premier may, in consultation with the Member of the Executive Council responsible for financial matters, and on such conditions as he or she may deem fit, make grants to registered programmes out of moneys appropriated for that purpose.
- (2) A grant made in terms of subsection (1) shall be subject to the conditions determined by the Premier.

13. Regulations

The Premier may make regulations with regard to—

- (a) any form required for the administration of the provisions of this Act;
- (b) the records and registers to be kept by the Commission and other bodies, and the returns and reports which shall be furnished;
- (c) the circumstances under which, the purposes for which, and the conditions subject to which, the expenditure referred to in sections [11](#) and [12](#) shall be paid, and the manner in which any moneys paid thereunder shall be accounted for;
- (d) the functions which may be performed by the Management Committee and area committees;
- (e) any other matter which is required to be, or may be, prescribed under any provision of this Act, or which the Premier considers necessary or expedient to prescribe in order to achieve the objects of this Act.

14. Short title

This Act shall be called the Promotion of Youth Affairs Act, 1995 (Eastern Cape).