

Northern Cape, South Africa

## Northern Cape Delegation of Functions Act, 1994

Act 4 of 1994

Legislation as at 12 September 1994

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## Northern Cape Delegation of Functions Act, 1994

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# Northern Cape South Africa

## Northern Cape Delegation of Functions Act, 1994

### Act 4 of 1994

Published in Northern Cape Provincial Gazette 13 on 12 September 1994

**Assented to on 2 September 1994**

**Commenced on 17 June 1994**

*[This is the version of this document from 12 September 1994  
and includes any amendments published up to 4 April 2024.]*

(English text signed by the Premier)

## ACT

**To provide for the delegation of the performance of functions by a responsible Member, and matters connected therewith.**

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

### 1. Definitions

In this Act, unless the context otherwise indicates—

“**department**” means a department as set out in the Schedule to the Northern Cape Exchequer Act, 1994 ([Act No. 1 of 1994](#));

“**Constitution**” means the Constitution of the Republic of South Africa, 1993 ([Act No. 200 of 1993](#));

“**law of the Province**” means an Act passed by the Legislature of the Province or a law of which the administration has, in terms of section 235(8) of the Constitution, been assigned to a competent authority within the jurisdiction of the government of the Province;

“**responsible Member**” means the member of the Executive Council of the Province (excluding the Premier) whom the Premier has designated in terms of section 235(6)(c)(ii) of the Constitution as the competent authority for purposes of the administration of the law concerned.

### 2. Delegation of functions by a responsible Member

- (1) Where a law of the Province does not expressly provide for the delegation of functions by a responsible Member, the responsible Member concerned may delegate any function he or she is authorised to perform by or under that law (excluding the power to make or approve regulations or to promulgate proclamations or notices), to an officer or employee, or officers or employees of a certain rank, in the employ of the department that he or she administers.
- (2) A delegation referred to in subsection (1) may be withdrawn at any time by the responsible Member, and does not prevent him or her from performing the function himself or herself while the performance of such function is delegated.

### 3. Construction and repeal of laws

- (1) When the Premier designates the administration of a law to a member of the Executive Council of the Province in terms of section 235(6)(c)(ii) of the Constitution, any reference to the expression

“Administrator” or “Minister” in that law, wherever it occurs, is construed as a reference to the member of the Executive Council to whom the Premier has assigned the administration of that law.

- (2) The Delegation of Powers Ordinance, 1965 ([Ordinance No. 13 of 1965](#)), is hereby repealed.

#### **4. Short title and commencement**

This Act shall be called the Northern Cape Delegation of Functions Act, 1994, and shall be deemed to have come into operation on 17 June 1994.