

Northern Cape, South Africa

## Northern Cape Use of Official Languages Act, 2013

Act 5 of 2013

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## Northern Cape Use of Official Languages Act, 2013

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# Northern Cape South Africa

## Northern Cape Use of Official Languages Act, 2013

### Act 5 of 2013

Published in Northern Cape Provincial Gazette 1784 on 5 March 2014

**Assented to on 20 February 2014**

**Commenced on 1 April 2014 by Northern Cape Use of Official Languages Act, 2013: Commencement**

*[This is the version of this document from 5 March 2014 and includes any amendments published up to 4 April 2024.]*

(English text signed by the Premier)

## ACT

**To provide for the regulation and monitoring of the use of official languages by Provincial Government for government purposes; to require the adoption of a provincial language policy by the Executive Council; to provide for the establishment and functions of a provincial language unit; to provide for monitoring of and reporting on use of official languages by Provincial Government; and to provide for matters connected therewith.**

WHEREAS the use of the Republic's official languages must be promoted and pursued in accordance with the Constitution;

AND WHEREAS section 6 of the Constitution provides for 11 official languages of South Africa; recognises the diminished use and status of indigenous languages and requires the State to take practical and positive measures to elevate the status and advance the use of indigenous languages;

AND WHEREAS the Constitution requires all official languages to enjoy parity of esteem and be treated equitably;

AND WHEREAS section 6(4) of the Constitution provides that each Provincial Government must regulate and monitor its use of official languages by legislative and other measures,

BE IT THEREFORE ENACTED by the Northern Cape Provincial Legislature as follows:-

### 1. Definitions

In this Act, unless the context indicates otherwise —

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Department**” means the provincial Department of Sport, Arts and Culture;

“**Executive Council**” means the Executive Council of the Province contemplated in section 132 of the Constitution;

“**government purposes**” include legislation and matters referred to in section 4(2)(c);

“**language official**” means a language official appointed in terms of section 7;

“**official language**” means an official language contemplated in section 6(1) of the Constitution;

“**Premier**” means the Premier of the Northern Cape Province elected in terms of section 128 of the Constitution;

“**prescribe**” means prescribe by regulations;

**“Province”** means the Province of the Northern Cape established by section 103(1)(g) of the [Constitution](#);

**“provincial department”** means a Northern Cape provincial department listed in Schedule 2 to the Public Service Act, 1994 ([Proclamation No. 103 of 1994](#)), including the Office of the Premier listed in Schedule 1 of that Act;

**“Provincial Government”** means all Northern Cape provincial departments and provincial public entities;

**“provincial language committee”** means the provincial language committee established for the Province in terms of section 8(8) of the Pan South African Language Board Act, 1995 ([Act No. 59 of 1995](#));

**“provincial language unit”** means the provincial language unit established in terms of [section 5](#);

**“provincial public entity”** means a provincial public entity defined in section 1, listed in Schedule 3 to the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)) and designated to a provincial department in terms of that Act;

**“responsible Member”** means the Member of the Executive Council responsible for language matters; and

**“this Act”** includes any regulations made in terms of this Act.

## 2. Objects of Act

The objects of this Act are —

- (a) to regulate and monitor the use of official languages for government purposes by the Provincial Government;
- (b) to promote parity, esteem and equitable treatment of official languages of the Province; and
- (c) to promote good language management by Provincial Government for efficient public service administration and to meet the needs of the inhabitants of the Province.

## 3. Application of Act

- (1) This Act applies to all —
  - (a) provincial departments; and
  - (b) provincial public entities.
- (2) This Act takes precedence over any inconsistent provision of any other provincial law on the use of official languages by Provincial Government.

## 4. Language policy for the Provincial Government

- (1) The Executive Council must, pursuant to section 125(2)(d) of the [Constitution](#), adopt a language policy regarding the Provincial Government’s use of official languages for government purposes within 18 months of the commencement of this Act.
- (2) A language policy adopted in terms of subsection (1) must -
  - (a) comply with the provisions of section 6(3)(a) of the [Constitution](#);
  - (b) identify at least 4 official languages that the Provincial Government will use for government purposes;
  - (c) stipulate how official languages will be used, amongst other things, in effectively communicating with the public, official notices, government publications and inter- and intra-departmental communications;

- (d) describe how the Provincial Government will effectively communicate with members of the public whose language of choice is —
    - (i) not an official language contemplated in paragraph (b);
    - (ii) South African sign language; or
    - (iii) the Khoi, Nama and San languages;
  - (e) describe how members of the public can access the language policy;
  - (f) provide a complaints mechanism to enable members of the public to lodge complaints regarding the use of official languages by the Provincial Government;
  - (g) provide for any other matter that the responsible Member may prescribe; and
  - (h) be proclaimed by the Premier in the *Provincial Gazette* before it becomes operational.
- (3) In identifying at least 4 official languages as contemplated in subsection (2)(b), the Provincial Government must take into account its obligation to take practical and positive measures to elevate the status and advance the use of indigenous languages of historically diminished use and status in accordance with section 6(2) of the [Constitution](#).
- (4) A language policy adopted in terms of subsection (1), binds and must be enforced by —
- (a) the responsible Member;
  - (b) all provincial departments; and
  - (c) all provincial public entities.
- (5) The Provincial Government must —
- (a) ensure that a copy of its language policy is available on request to members of the public at all its offices; and
  - (b) display at all its offices a summary of its language policy in such manner and place that it can be read by the public.

## 5. Establishment of provincial language unit

The responsible Member must —

- (a) establish a provincial language unit in the Department; and
- (b) ensure that the provincial language unit is provided with human resources, administrative resources and other resources necessary for its effective functioning.

## 6. Functions of provincial language unit

The provincial language unit must —

- (a) advise the responsible Member on policy and strategy —
  - (i) to regulate and monitor the use of official languages by Provincial Government for government purposes;
  - (ii) to promote parity of esteem and equitable treatment of the official languages of the Republic;
  - (iii) to promote good language management within the Provincial Government; and
  - (iv) regarding the functions of language officials contemplated in [section 7](#);

- (b) liaise with and promote the general co-ordination of language officials contemplated in [section 7](#); and
- (c) perform any other function that the responsible Member may prescribe.

## **7. Appointment of language officials in provincial departments**

Every provincial department must appoint or designate a language official for that department.

## **8. Functions of language officials in provincial departments**

A language official must -

- (a) advise the head of the provincial department on the implementation of the language policy for the provincial department;
- (b) monitor and assess the use of official languages by the provincial department concerned;
- (c) monitor and assess compliance by the provincial department with the language policy;
- (d) compile and submit, through the head of the provincial department concerned, a report to the responsible Member in terms of [section 9](#);
- (e) promote parity of esteem and equitable treatment of official languages of the Republic within the provincial department concerned;
- (f) promote good language management by the provincial department and all provincial public entities designated to that provincial department in terms of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)); and
- (g) perform any other functions that the responsible Member may prescribe.

## **9. Monitoring, enforcing and reporting on use of official languages**

- (1) The responsible Member must monitor and enforce the use of official languages by the Provincial Government for government purposes.
- (2) The head of a provincial department must monitor and enforce the Provincial Government's language policy in his or her department and in any provincial public entity designated to that department in terms of the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)).
- (3) The head of every provincial department must submit a report to the responsible Member and the provincial language committee on —
  - (a) the activities of its language official;
  - (b) the implementation of its language policy;
  - (c) any complaints received regarding its use of official languages and the manner in which these complaints were dealt with; and
  - (d) any other matter that the responsible Member may prescribe.
- (4) The responsible Member may prescribe the form and content of a report to be submitted in terms of subsection (3) and the timeframes for submitting such report.
- (5) Notwithstanding the provisions of subsections (3) and (4), the responsible Member may at any time require the head of any provincial department to submit a report to the responsible Member on the department's use of official languages, within a time period determined by the responsible Member.
- (6) The responsible Member may instruct the head of a provincial department who has failed to comply with any provision of this Act to comply with the Act within a time period determined by the responsible Member.

## 10. Annual report to Provincial Legislature

The responsible Member must, each year, no later than the last day of March, table a report in the Provincial Legislature on the status and use of official languages by Provincial Government for government purposes.

## 11. Interdepartmental forum on use of official languages

- (1) The responsible Member may -
  - (a) establish an interdepartmental forum -
    - (i) to promote general coordination, cooperation and consultation between provincial departments on the use of official languages for government purposes;
    - (ii) to coordinate, align and monitor the implementation of the provincial language policy; and
    - (iii) to perform any other function that the responsible Member may prescribe;
  - (b) in respect of such forum —
    - (i) determine its composition;
    - (ii) determine its terms of reference;
    - (iii) convene its meetings; and
    - (iv) determine any other matter necessary for its effective functioning.
- (2) The responsible Member is the chairperson of the interdepartmental forum established in terms of subsection (1).

## 12. Regulations

- (1) The responsible Member may, with the approval of the Executive Council, make regulations, not inconsistent with the provisions of this Act, regarding —
  - (a) the form and content of the language policy;
  - (b) timeframes for appointing a language official;
  - (c) the form and content of a report contemplated in [section 9](#);
  - (d) any matter which in terms of this Act is required or permitted to be prescribed; and
  - (e) any matter in respect of which the responsible Member deems it necessary or expedient to make regulations in order to achieve the objects of this Act.
- (2) Before making regulations in terms of this Act, the responsible Member must —
  - (a) publish the proposed regulations in the *Provincial Gazette* for public comment;
  - (b) grant a period of at least 30 days for written representations to the responsible Member on the proposed regulations; and
  - (c) consider any such written representations received.

## 13. Short title and commencement

This Act is called the Northern Cape Use of Official Languages Act, 2013, and comes into operation on a date fixed by the Premier by proclamation in the *Provincial Gazette*.