

Northern Cape, South Africa

Northern Cape Gambling Act, 2008

Regulations Regarding the Chief Executive Officer, 2009

General Notice 151 of 2009

Legislation as at 9 December 2009

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and includes any amendments published up to 4 April 2024.]*

In terms of the powers vested in me by section 10(5) of the above Act, I, John Block, Member of the Executive Council of the Northern Cape Province responsible for Finance, Economic Development and Tourism, hereby make the Regulations contained in this Notice.

J Block

MEC: Finance, Economic Development and Tourism

1. Definitions

In these Regulations, unless the context otherwise indicates,-

“**Board**” means the Northern Cape Gambling Board established by section 2 of the Act;

“**chief executive officer**” means the chief executive officer of the Board appointed in terms of section 10(1) of the Act; and

“**the Act**” means the Northern Cape Gambling Act, 2008 ([Act No. 3 of 2008](#)).

2. Appointment of a chief executive officer

- (1) When the Board appoints a chief executive officer, the Board must invite, through public invitation, applications for appointment as chief executive officer of the Board, within 21 days of the publication of the said advertisement.
- (2) The chief executive officer is appointed for such period and, subject to section 10 of the Act, on such terms and conditions of service, as the Board may determine, but-
 - (a) the chief executive officer may be so appointed for a period not exceeding 5 years;
 - (b) upon the expiration of the term of office of the chief executive officer, he or she is eligible for reappointment for one further term of 5 years only;
 - (c) the chief executive officer may not undertake any other remunerative work, without the prior written consent of the Board.
- (3) The chief executive officer may, on 3 months’ written notice tendered to the Board, resign from his or her office.
- (4) Whenever the office of chief executive officer is vacant or the chief executive officer is absent or incapacitated or refuses or fails to act, the powers and functions of the chief executive officer may be exercised and performed by any person designated as the acting chief executive officer by the Board, but no such person may be the acting chief executive officer for a period exceeding 6 months in total.

- (5) While a person appointed as contemplated in subregulation (4) so acts, he or she may exercise the powers and perform the functions of the chief executive officer.

3. Removal of chief executive officer from office

- (1) The Board may remove the chief executive officer from office—
 - (a) on account of his or her improper conduct;
 - (b) for unfitness for the functions of his or her office;
 - (c) on the ground of a permanent infirmity of mind or body which renders him or her incapable of discharging the functions of his or her office or discharging them properly;
 - (d) on the ground that he or she is or has become subject to a disqualification envisaged in section 5(2) of the Act.
- (2) The Board may, in order to determine whether there exists sufficient cause for the removal of the chief executive officer from office as contemplated in subregulation (1), initiate an inquiry or investigation for that purpose.
- (3) Whenever any inquiry or investigation is initiated as contemplated in subregulation (2) is being undertaken, the Board may and with due regard to the provisions of the Labour Relations Act, 1995 ([Act No. 66 of 1995](#)), suspend the chief executive officer from his or her office pending the outcome of such an inquiry or investigation.
- (4) For the purposes of subregulation (1)(a), non-compliance by the chief executive officer with any provision of this Act or the Public Finance Management Act, 1999 ([Act No. 1 of 1999](#)), amongst other things, constitutes improper conduct.

4. Employment contract and performance agreement of chief executive officer

- (1) The appointment of the chief executive officer by the Board as contemplated in section 10(1) of the Act, becomes effective from the date of the entering into a written employment contract with the Board, which employment contract must be for the duration of his or her term of office as chief executive officer.
- (2) The employment contract contemplated in subregulation (1) must, as a minimum, contain the chief executive officer's personal particulars, term of office, conditions of service, powers, functions, responsibilities, duties, as well as his or her remuneration, allowances and benefits.
- (3) In addition to the employment contract as contemplated in subregulation (1), the chief executive officer must annually, prior to the commencement of the financial year concerned, conclude a performance agreement with the Board which performance agreement's term of operation must coincide with the financial year of the Board.
- (4) The performance agreement contemplated in subregulation (3) must, as a minimum, contain a reference to the financial year to which such performance agreement pertains, the purpose of the chief executive officer's job, the key result areas, financial and management criteria, performance guidelines and targets of such job, as well as the standards for measuring the performance of the chief executive officer, by the Board, on at least a bi-annual basis.