

NORTH WEST DELEGATION OF POWERS ACT**NO. 20 OF 1994**

[ASSENTED TO 16 NOVEMBER, 1994] [DATE OF COMMENCEMENT: 18 NOVEMBER, 1994]

(English text signed by the Premier)

ACT

To empower the Premier and Members of the Executive Council to delegate certain powers, and to provide for incidental matters.

1. Definitions.—In this Act, unless the context indicates otherwise—

"law" means any Act of the Provincial Legislature, including any proclamation issued, regulation made and enactment having the force of law, made under any such Act, and also all laws which, in terms of section 229 (1) of the Republic of South Africa Constitution Act, 1993 apply in the North West and which were assigned by the President to a competent authority within the Province under section 235 (8) of the said Constitution Act;

"Member of the Executive Council" means any Member of the Executive Council of the Provincial Legislature elected in accordance with the provisions of the Republic of South Africa Constitution Act, 1993 and includes the Premier acting as a Member of the Executive Province;

"Premier" means the person who, in accordance with the provisions of the Republic of South Africa Constitution Act, 1993, has been elected as Premier of the North West Provincial Legislature and has taken an oath of office, and includes the acting Premier under the said Constitution Act.

2. Delegation of powers by Premier to certain persons, hereby authorised.—Subject to the provisions of section 5, the Premier may generally or specifically delegate any power, whether express or implied, conferred on him or her by any law promulgated and of force in the North West before or after the commencement of this Act, to—

(a) any Member of the Executive Council; or

(b) any head or acting head of a Provincial Department as contemplated by the North West Provincial Service Commission Act, 1994.

3. Delegation of powers by responsible Members of the Province to certain persons, hereby authorised.—Subject to the provisions of section 5, a Member of the Executive Council may generally or specifically delegate or further delegate (as the case may be) any power, whether express or implied, conferred on him or her—

(a) by any law promulgated and of force in the North West before or after the commencement of this Act; or

(b) by virtue of a delegation by the Premier under section 2, unless the further delegation of such power is expressly prohibited by the Premier,

to any person mentioned in section 2 (b).

4. Withdrawal of delegation and right of delegation to exercise powers despite delegation.—(1) Any delegation under this Act may at any time be withdrawn by the person having effected such delegation.

(2) The delegation of any power under section 2 or 3 shall not preclude the Premier or Member of the Executive Council concerned (as the case may be) from exercising such power himself or herself, provided the person to whom such power had been delegated, has not in any particular case already started exercising such powers.

5. Powers which may not be delegated.—The provisions of sections 2 and 3 shall not enable the Premier or any Member of the Executive Council to delegate any power conferred on him or her by any law to issue proclamations and to make regulations, nor does it entitle the Premier to delegate any power which, in terms of the Republic of South Africa Constitution Act, 1993, is to be exercised by the Premier as head of the Province.

6. Repeal of laws.—The Bophuthatswana Delegation of Powers Act, 1980 (Act 38 of 1980) is hereby repealed.

7. Short title and date of commencement.—This Act shall be called the North West Delegation of Powers Act, 1994.