



**ORANGE FREE STATE PROVINCE**

# **PROVINCIAL GAZETTE**

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# **PROVINSIALE KOERANT**

**VAN DIE PROVINSIE ORANJE-VRYSTAAT**

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OFFICE OF THE PREMIER

KANTOOR VAN DIE PREMIER

No. 5 30 September 1994

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It is hereby notified that the Premier has assented to the following Act which is hereby published for general information:-

Hierby word bekend gemaak dat die Premier die onderstaande Wet bekragtig het, wat hierby ter algemene inligting gepubliseer word:-

No. 4 of 1994: Delegation of Functions Act, 1994

No. 4 van 1994: Wet op die Delegering van Werk-saamhede, 1994

**ACT**

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

*(English text signed by the Premier.)  
(Assented to 27 September 1994)*

**B**E IT ENACTED by the provincial legislature of the Orange Free state Province, as follows:- 5

**Definitions**

1. In this Act, unless the context otherwise indicates - 10

"department" means a department as defined in section 1 of the Provincial Service Commission Act, 1994 (Act No 3 of 1994); 15

"Constitution" means the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993); 20

"law of the Province" means an act passed by the provincial legislature of the Province or a law of which the administration has, in terms of section 135(8) of the Constitution, been assigned to a competent authority within the jurisdiction of the government of the Province; 25

"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 the purposes of the administration of the law concerned. 30

**Delegation of functions by a responsible Member**

2. (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), to an officer or employee, or officers or employees of a certain rank, in the employ of the department that he or she administers. 35

(2) A delegation referred to in subsection (1) may be withdrawn at any time by the responsible Member, and does not prevent him or her from performing the function himself or herself while the performance of such function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. 40

**Amendment and repeal of laws**

3. (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 - 50

(a) the definition of "Administrator" or "Minister", as the case may be, in that law (if there is such a definition), is deleted; 55

(b) the words "responsible Member" are substituted for the word "Administrator", or "Minister", as the case may be, wherever it appears in that law; 60

(c) the following definition is inserted in that law :

"responsible Member" means the member of the Executive Council of the Province responsible for the administration of this law."

(2) The Delegation of Powers Ordinance, 1970 (Ordinance No 4 of 1970), is hereby repealed.

**Short title and commencement**

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