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DIE PROVINSIE NOORD-KAAP

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OKTOBER 1994

No. 18

General Notice

GENERAL NOTICE 1 OF 1994

PUBLICATION OF THE NORTHERN CAPE BILL ON
THE PROMOTION OF YOUTH AFFAIRS, 1994

It is notified for general information and comment that the above-mentioned Bill is hereby published in terms of Rule 127 (2) of the Rules of Procedure of the Northern Cape Legislature.

Any comments or remarks must be submitted to the Acting Secretary, Northern Cape Legislature, Private Bag X5016, Kimberley, to reach him not later than 25 October 1994.

G. M. MASHOPE,
Acting Secretary: Northern Cape Legislature.

Algemene Kennisgewing

ALGEMENE KENNISGEWING 1 VAN 1994

PUBLIKASIE VAN DIE NOORD-KAAPSE WETS-
ONTWERP OP DIE BEVORDERING VAN JEUG-
AANGELEENTHEDE, 1994

Dit word vir algemene kennisname en kommentaar bekendgemaak dat bestaande Wetsontwerp hierby gepubliseer word in terme van Reël 127 (2) van die Reëls van Prosedure van die Noord-Kaapse Wetgewer.

Enige kommentaar of opmerkings moet gestuur word aan die Waarnemende Sekretaris, Noord-Kaapse Wetgewer, Privaatsak X5016, Kimberley, om hom nie later as 25 Oktober 1994 te bereik nie.

G. M. MASHOPE,
Waarnemende Sekretaris: Noord-Kaapse Wet-
gewer.

BILL

To provide for the establishment and constitution of a Youth Commission; the establishment of Area Committees; to define the powers and functions of the various bodies; to provide for development programmes for youth; to provide for the registration of programmes; and to provide for incidental matters.

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

Definitions

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

“Commission” means the Commission established in section 2 of the Act;

“competent body” means a body, group, society or association of persons, institution, establishment, federation, partnership, company, movement, club, trust or organisation irrespective of the fact whether it is with or without legal personality or whether it is established or registered under an act or not;

“Gazette” means the Provincial Gazette of the Province;

“Province” means the Northern Cape Province established by section 125 of the Constitution of South Africa, 1993 (Act No. 200 of 1993);

“responsible Member” means the member of the Executive Council responsible for the administration of Youth affairs;

“youth” means a person between the ages of 14 and 25 years and “Youth” has a corresponding meaning.

Establishment and constitution of Commission

2. (1) There is hereby established a Commission to be known as the Northern Cape Provincial Youth Commission, which Commission shall exercise such powers as may be conferred, and perform such functions as may be imposed upon it by or under this Act or any other Act.

(2) (a) The Commission shall consist of so many members, but not exceeding fourteen persons, as the Premier may from time to time determine by notice in the *Gazette*.

(b) The members of the Commission shall be appointed by the Premier from—

- (i) youth selected from a nomination list put forward by the Youth of the Province; and
- (ii) experts who, in his or her opinion, have expert or special knowledge or experience of youth issues and who are able to make a meaningful contribution to the combating of problems faced by the Youth.

(3) Members of the Commission shall be called commissioners.

WETSONTWERP

Om voorsiening te maak vir die instelling van en samestelling van 'n Jeugkommissie; die instelling van gebiedskomitees; om die bevoegdhede en werksaamhede van die verskillende instellings te omskryf; om voorsiening te maak vir ontwikkelingsprogramme vir jeugdiges; vir die registrasie van programme; en om vir bykomstige aangeleenthede voorsiening te maak.

DAAR WORD BEPAAL deur die Proviniale Wetgewer van Noord-Kaap, soos volg:—

Woordomskrywings

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - “bevoegde instansie” 'n liggaam, groep of vereniging van persone, instelling, federasie, maatskappy, genootskap, beweging, klub, trust of organisasie, met of sonder regspersoonlikheid en ongeag of dit ooreenkomsdig 'n wet gestig of geregistreer is al dan nie;
 - “jeugdige” 'n persoon tussen die ouderdom van 14 en 25 jaar en “Jeug” het 'n ooreenstemmende betekenis;
 - “Koerant” die Proviniale Koerant van die Provinsie;
 - “Provinsie” die Provinsie Noord-Kaap ingestel by artikel 25 van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993);
 - “verantwoordelike Lid” die lid van die Uitvoerende Raad verantwoordelik vir die administrasie van jeugaangeleenthede.

Instelling en samestelling van Kommissie

2. (1) Daar word hierby 'n Kommissie ingestel wat die Proviniale Jeugkommissie heet en wat die bevoegdhede uitoefen daaraan verleen, en die werksaamhede verrig daaraan by of ingevolge hierdie Wet of enige ander Wet opgedra.
 - (2) (a) Die Kommissie bestaan uit die aantal lede, maar hoogstens veertien persone, wat die Premier van tyd tot tyd bepaal by kennisgewing in die *Koerant* bepaal.
 - (b) Die lede van die Kommissie word deur die Premier aangestel uit—
 - (i) jeugdiges gekies uit 'n nominasielys voorgelê deur die Jeug van die Provinsie; en
 - (ii) kundiges, wat na sy of haar oordeel, beskik oor deskundige of besondere kennis of ondervinding van jeugvraagstukke en wat 'n wesenlike bydrae kan lewer tot oplossing van probleme wat die Jeug in die gesig staar.
 - (3) Lede van die Kommissie heet Kommissarisse.

Establishment of areas

3. The responsible Member may by notice in the *Gazette*—
 - (a) establish areas, each of which shall consist of one or more magisterial districts, and determine the name by which such an area shall be known;
 - (b) increase or decrease the limits of any area or alter the name by which it is known or abolish any area or incorporate any area with any other area;
 - (c) amend or withdraw any notice issued under this section.

Preparation of nomination lists

4. (1) The responsible member shall, for purposes of section 2(2), by such public notice as he or she may deem fit, request the nomination college of the Province to submit to him or her the names of persons who are competent and willing to serve on the Commission.

(2) (a) The nomination college of Province shall consist of organised youth groups.

(b) Each youth group referred to in paragraph (a) may nominate not more than five persons to be considered for appointment to the Commission and each name thus submitted shall be placed on the nomination list for the Province.

(3) (a) Nomination lists shall be revised by the Commission every twelve months as from the date of the notice referred to in subsection (1) and the Commission may on such revision recommend to the responsible Member that the name of any person who is no longer available or competent to serve on the Commission be removed from the list, and submit to the responsible Member at the same time the name of any other person in substitution of the name so removed.

(b) A nomination college may submit to the Commission the names of competent persons to replace persons whose names are removed in terms of paragraph (a).

(4) Nomination lists shall, subject to the provisions of subsection (3), remain valid for a period of two years as from the date of the notice envisaged in subsection (1), or for such shorter period as the responsible Member may determine, after which fresh lists shall be prepared.

Term of office of members of Commission

5. (1) A member of the Commission shall be appointed for a period of two years subject to such conditions as the responsible Member may determine.

(2) A member of the Commission whose period of office has expired shall be eligible for reappointment for a period not exceeding one year.

(3) The period of office of a member of the Commission may be terminated by the Premier at any time if, in the opinion of the Premier, there are good reasons for doing so.

(4) If a member of a Commission dies or vacates his or her office, the Premier shall, with due regard to the provisions of this Act, appoint any other person to hold office for the unexpired portion of the period for which such member was appointed.

Instelling van gebiede

- 3.** Die verantwoordelike Lid kan by kennisgewing in die *Koerant*—
- gebiede instel, elkeen waarvan uit een of meer landdrosdistrikte bestaan, en die naam bepaal waaronder 'n gebied bekend staan;
 - die grense van 'n gebied uitbrei of inperk of die naam verander waaronder dit bekend staan of 'n gebied afskaf of 'n gebied by 'n ander gebied inlyf;
 - 'n kennisgewing ingevolge hierdie artikel wysig of intrek.

Voorbereiding van nominasielyste

4. (1) Die verantwoordelike Lid moet, vir doeleindes van artikel 2(2), by die openbare kennisgewing wat hy of sy goedvind, die benoemingskollege van die Provinse versoek om aan hom of haar name van persone voor te lê wat bevoeg en bereid is om in die Kommissie te dien.

(2) (a) Die benoemingskollege vir Provinse bestaan uit georganiseerde jeuggroepe.

(b) Elke jeuggroep in paragraaf (a) bedoel, kan die name voorlê van hoogstens vyf persone en elke naam aldus voorgelê, word op die nominasielys vir die Provinse geplaas.

(3) (a) Nominasielyste word elke twaalf maande vanaf die datum van die kennisgewing in subartikel (2) bedoel deur die Kommissie hersien en die Kommissie kan by sodanige hersiening by die verantwoordelike Lid aanbeveel dat die naam van iemand wat nie meer beskikbaar of bevoeg is om in die Kommissie te dien nie, van die lys verwijder word, en die naam van enige ander persoon ter vervanging van 'n aldus verwijderde naam aan die verantwoordelike Lid voorlê.

(b) 'n Benoemingskollege kan die name van bevoegde persone aan die Kommissie voorlê om persone te vervang wie se name ingevolge paragraaf (a) verwijder word.

(4) Nominasielyste bly, behoudens die bepalings van subartikel (3), van krag vir 'n tydperk van twee jaar vanaf datum in subartikel (1) bedoel, of vir so 'n korter tydperk as wat die verantwoordelike Lid kan bepaal, waarna nuwe lyste opgestel word.

Ampstermyn van lede van Kommissie

5. (1) 'n Lid van die Kommissie word aangestel vir 'n termyn van hoogstens twee jaar op die voorwaardes wat die verantwoordelike Lid bepaal.

(2) 'n Lid van die Kommissie wie se ampstermyn verstryk het, kan heraangestel word vir 'n maksimum termyn van een jaar.

(3) Die ampstermyn van 'n lid van die Kommissie kan te eniger tyd beëindig word deur die Premier, indien na die oordeel van die Premier, goeie redes daarvoor bestaan.

(4) Indien 'n lid van die Kommissie te sterwe kom of sy of haar amp ontruim voor die verstryking van die termyn waarvoor hy of sy aangestel is, stel die Premier 'n ander persoon aan om die amp te beklee vir die onverstreke gedeelte van die termyn waarvoor so 'n lid aangestel was.

Meetings and procedural measures

6. (1) The Premier shall appoint one of the members of the Commission, as president and the members of the Commission shall elect another member as deputy-president by secret ballot.

(2) The president shall preside at the meetings of the Commission and its Executive Committee, whilst the deputy-president shall preside at such meetings in his or her absence.

(3) The Commission shall, subject to the regulations issued under section 20, determine its own procedures.

(4) The Commission determine the frequency of its meetings, and the times and venues thereof subject to the availability of funds.

Powers and functions of Commission

7. (1) The powers and functions of the Commission shall be—

- (a) to determine of its own accord or at the request of the responsible Member the existing or future needs of the Youth in the Province;
- (b) to investigate the needs and youth issues which exist in the Province and to consider, plan and propose measures for the solution thereof;
- (c) to investigate and to consider, with the approval of or on the direction of the responsible Member, any complaints, representations or recommendations received by the Commission as to the nature, extent and adequacy of the services provided for and in relation to the needs or issues pertaining to the Youth, and to recommend to any interested person, competent body or department of state or provincial department measures for the improvement of such services which it considers inadequate or for the solution of any problems occurring in regard to such services;
- (d) to plan and prepare a programme with a view to the future development or provision of services or facilities which are likely to be necessary to satisfy the needs and address the issues referred to in paragraph (b), and to recommend the order of priority which such services or facilities shall be accorded;
- (e) to encourage, promote and co-ordinate the rendering of services by competent bodies in the Province and to stimulate the development of such services in a manner calculated to ensure an efficient, purposeful and fully co-ordinate service for the Province;
- (f) to regulate the registration of youth programmes and matters relating thereto;
- (g) to consult and liaise with similar bodies on any issues relating to youth affairs or the rendering or providing of services or facilities;
- (h) to advise the responsible Member in respect of—
 - (i) the general policy in respect of youth affairs;
 - (ii) the measures generally necessary for the promotion of youth affairs;

Vergaderings en procedure-maatreëls

6. (1) Die Premier wys een van die lede van die Kommissie as president aan en die lede van die Kommissie verkies 'n ander lid as adjunk-president by wyse van geslote stembrief.

(2) Die president sit voor by vergaderings van die Kommissie en Uitvoerende Kommittee en in sy of haar afwesigheid sit die adjunk-president voor.

(3) Die Kommissie bepaal, behoudens die regulasies gemaak in terme van artikel 20, sy eie procedures.

(4) Die Kommissie bepaal die gereeldheid van vergaderings, vergaderye en plekke onderhewig aan die beskikbaarheid van fondse.

Bevoegdhede en werksaamhede van Kommissie

7. (1) Die bevoegdhede en werksaamhede van die Kommissie is—

- (a) om uit eie beweging of op versoek van die verantwoordelike Lid bestaande of toekomstige behoeftes van die Jeug in die Provincie te bepaal;
- (b) om die behoeftes en vraagstukke wat in die Provinisie voorkom, te ondersoek en maatreëls vir die oplossing daarvan te oorweeg, te beplan en voor te stel;
- (c) om met die goedkeuring van die verantwoordelike Lid of indien deur hom of haar daartoe gelas, klagtes, vertoe of aanbevelings deur die Kommissie ontvang aangaande die aard, omvang en toereikendheid van die dienste wat vir en met betrekking tot die behoeftes en vraagstukke van die Jeug verskaf word te ondersoek en te oorweeg, en om by enige belanghebbende persoon, bevoegde instansie of Staats- of Proviniale Department maatreëls aan te beveel vir die verbetering van sodanige dienste wat die Kommissie onvoldoende ag of vir die oplossing van probleme wat in die verband met sodanige dienste voorkom;
- (d) om met die oog op die toekomstige ontwikkeling of voorsiening van dienste of geriewe wat waarskynlik nodig sal wees om te voorsien in die behoeftes in paragraaf (b) bedoel, 'n program te beplan en op te stel en om die voorkeurorde aan te beveel waarin dienste of geriewe toegestaan behoort te word;
- (e) om die lewering van dienste deur bevoegde Instansies in die Provinisie aan te moedig, te bevorder en te koördineer en om die ontwikkeling van sodanige dienste aan te spoor op 'n wyse wat bereken is om 'n doeltreffende, doelgerigte en volledige gekoördineerde diens vir die Provinisie te verseker;
- (f) om die registrasie van programme en aangeleenthede wat daar mee in verband staan te reël;
- (g) om met soortgelyke liggome oorleg te pleeg oor enige aangeleenthed met betrekking tot jeugaangeleenthede of die lewering of voorsiening van dienste of geriewe;
- (h) om die verantwoordelike Lid van advies te dien met betrekking tot—
 - (i) die algemene beleid aangaande jeugaangeleenthede;
 - (ii) die maatreëls wat in die algemeen nodig is om vraagstukke te bekamp of te voorkom of wat in die besonder nodig is vir die bestendiging of bevordering van jeugaangeleenthede;

- (iii) the measures which ought to be taken in order to improve services rendered to the Youth of the Province;
- (iv) any research which should be undertaken in connection with any issue.

(2) The Commission may, with the approval of the responsible Member, arrange discussions and conferences in connection with any matters which relate to its functions.

(3) The Commission shall report to the Responsible Member on its activities annually or in respect of such other periods as the responsible Member may determine.

Appointment of Executive Committee

8. (1) The Commission shall appoint from its number an Executive Committee which shall consist of the President, the Deputy-President and three other members of the Commission.

(2) The Executive Committee shall be responsible for the day to day management of the affairs of the Committee.

Appointment of Area Committees

9. (a) Subject to the provisions of this Act, the Commission may, with the approval of the responsible Member, appoint an Area Committee for any area determined by the Commission in terms of section 3 to perform within such area such functions of the Commission, other than the functions referred to in subsection 7(1)(f) and (g), as the Commission may assign to it, and to advise the Commission on the provision of services and facilities for such area.

(b) An Area Committee shall consist of not more than seven members.

(c) The Area Committee shall elect a chairperson and vice-chairperson by secret ballot.

(d) An Area Committee shall be appointed for such period as determined by the Commission.

(e) The appointment of a member of an Area Committee may for good reasons be terminated by the Commission.

(f) The Area Committee shall, subject to the regulations issued under section 20, determine its own procedures.

Secretariat

10. The administrative functions of the Commission, the Executive Committee and an Area Committee shall be performed by officers in the service of the Province designated thereto by the Director-General: Northern Cape Provincial Administration.

Working programmes

11. (1) The Commission shall, as soon as practicable after the commencement of this section, and thereafter at the prescribed times or whenever it deems it necessary or is requested thereto by the responsible Member—

- (a) determine the existing and future needs of the Youth of the Province or any part thereof, and for this purpose investigate and consider any representations received in this connection;
- (b) plan and prepare in the prescribed manner a programme, and make a recommendation, referred to in section 7(1)(d), for the purpose of providing in any needs determine in terms of paragraph (a) of this subsection.

- (iii) die maatreëls wat getref behoort te word ten einde dienste aan die Jeug van die Provinse te verbeter;
- (iv) enige navorsing wat in verband met enige vraagstukke onderneem behoort te word.

(2) Die Kommissie kan, met die goedkeuring van die verantwoordelike Lid samesprekings en konferensies reël in verband met enige aangeleentheid wat op sy werksaamhede betrekking het.

(3) Die Kommissie moet jaarliks of ten opsigte van die ander tye wat die verantwoordelike Lid bepaal, oor sy werksaamhede aan die verantwoordelike Lid verslag doen.

Aanstelling van 'n Uitvoerende Komitee

8. (1) Die Kommissie stel 'n Uitvoerende Komitee aan wat bestaan uit die president, die adjunk-president en drie ander lede van die Kommissie.

(2) Die Uitvoerende Komitee is verantwoordelik vir die dag tot dag bestuur van die sake van die Kommissie.

Aanstelling van Gebiedskomitees

9. (a) Behoudens die bepalings van hierdie Wet, kan die Kommissie, met die goedkeuring van die verantwoordelike Lid, vir enige gebied binne die Provinse deur die Kommissie bepaal, 'n Gebiedskomitee aanstel om daarin die werksaamhede van die Kommissie, behalwe die werksaamhede in subartikel 7(1)(f) en (g) bedoel, te verrig wat deur die Kommissie daaraan opgedra is, en om die Kommissie van advies oor dienste en geriewe vir die bedoelde gebied te dien.

(b) 'n Gebiedskomitee bestaan uit hoogstens sewe lede.

(c) 'n Gebiedskomitee verkies 'n voorsitter en vise-voorsitter per geslotte stembrief.

(d) 'n Gebiedskomitee word aangestel vir die termyn wat die Kommissie bepaal.

(e) Die aanstelling van 'n lid van 'n Gebiedskomitee kan te eniger tyd deur die Kommissie om goeie redes beïndig word.

(f) 'n Gebiedskomitee bepaal, behoudens die regulasies uitgereik ingevolge artikel 20, sy eie procedures.

Sekretariaat

10. Die administratiewe werksaamhede van die Kommissie, Uitvoerende Komitee en 'n Gebiedskomitee word verrig deur beamptes in die diens van die Provinse wat deur die Direkteur-generaal: Noord-Kaapse Administrasie daartoe aangewys is.

Werksprogramme

11. (1) Die Kommissie moet so spoedig doenlik na die inwerkingtreding van hierdie artikel en daarna op die voorgeskrewe tye of wanneer dit dit nodig ag of wanneer deur die verantwoordelike Lid daartoe versoek—

- (a) die bestaande en toekomstige behoeftes van die Jeug van die Provinse of gedeelte daarvan bepaal, en te dien einde enige vertoe in dié verband ontvang, ondersoek en oorweeg;
- (b) die program in artikel 7(1)(d) bedoel, beplan en op die voorgeskrewe wyse opstel, en die in daardie artikel bedoelde aanbeveling doen ten einde te voorsien in die behoeftes ingevolge paraagraaf (a) van hierdie subartikel bepaal.

(2) The Commission shall as soon as possible furnish any competent body which, or any person who, to the knowledge of the Commission, has a substantial and direct interest in the rendering or provision of any service or facility referred to in a programme prepared by the Commission, or from which or from whom any representations have been received in connection with such service or facility, with the particulars which have been included in such a programme with regard to such service or facility.

(3) Every programme prepared by the Commission shall, together with any representations received in connection therewith and any comment which the Commission may desire to make thereon be submitted for consideration and approval to the responsible Member.

(4) The Commission may at any time prior to such submission amend any programme prepared by it.

(5) (a) The responsible Member may approve or reject, or partly approve and partly reject, any programme submitted to him or her or refer it back to the Commission for further investigation or consideration or such other action as he or she may deem fit.

(b) If the responsible Member approves or partly approves a programme, he or she may impose such conditions in connection with the implementation of the programme or any part thereof as he or she may deem fit.

(6) If at any time after the approval of a programme, it is in the opinion of the responsible Member necessary or desirable to amend or reconsider the programme, he or she may refer it back to the Commission concerned for amendment or reconsideration.

Registration of programmes

12. (1) Subject to the provisions of this Act, the Commission may, on the application of a competent body which is contemplating the rendering of services in the Province and if it is satisfied that such services will provide in the needs of the Youth of the Province and that such competent body will probably be capable of complying with the prescribed requirements, register the programme subject to those conditions and issue a programme registration certificate containing the prescribed particulars to such competent body.

(2) The Commission with which an application under subsection (1) is lodged, may require the competent body concerned to furnish such further information with reference to the application of a programme as the Commission may consider necessary or expedient, and may cause the application to be investigated in order to obtain such further information relating to the application as may be necessary.

Amendment, suspension or withdrawal of programme registration certificate

13. (1) The Commission may at any time amend any programme registration certificate in order to correct any error therein and may at the request of any competent body to which such a programme registration certificate has been issued, vary, substitute or withdraw any condition attached thereto or add any condition thereto, and may, after enquiry into the matter, at its discretion, amend such programme or substitute therefor a fresh programme registration certificate.

(2) Die Kommissie moet so gou doenlik aan enige bevoegde instansie of persoon, wat na die wete van die Kommissie 'n wesentlike en regstreekse belang het by die lewering of voorsiening van dienste of geriewe vermeld in 'n program deur die Kommissie opgestel, of van wie enige vertoë in verband met sodanige diens of gerief ontvang is, die besonderhede verstrek wat in sodanige program met betrekking tot sodanige diens of gerief vervat is.

(3) Iedere program deur die Kommissie opgestel, tesame met enige vertoë wat daaromtrent ontvang is en enige kommentaar wat die Kommissie daaromtrent wil lewer, word aan die verantwoordelike Lid vir oorweging en goedkeuring voorgelê.

(4) Die Kommissie kan 'n program deur dit opgestel te eniger tyd voor sodanige voorlegging wysig.

(5) (a) Die verantwoordelike Lid kan 'n program wat aan hom of haar voorgelê is, goedkeur of awys of gedeeltelik goedkeur of gedeeltelik awys of dit na die Kommissie terugverwys vir die verdere ondersoek of oorweging of sodanige ander optrede as wat hy of sy goedvind.

(b) Indien die verantwoordelike Lid 'n program goedkeur of gedeeltelik goedkeur, kan hy of sy die voorwaardes oplê met betrekking tot die uitvoering van die program of enige gedeelte daarvan wat hy of sy goedvind.

(6) Indien dit te eniger tyd na die goedkeuring van 'n program na die oordeel van die verantwoordelike Lid, nodig of wenslik is om die program te wysig of te heroorweeg, kan hy of sy dit na die betrokke Kommissie vir wysiging of heroorweging terugverwys.

Registrasie van programme

12. (1) Behoudens die bepalings van hierdie Wet, kan die Kommissie, op aansoek van 'n bevoegde instansie wat beoog om diens in die Provinsie te lewer en indien dit oortuig is dat bedoelde dienste in die behoeftes van die Jeug van die Provinsie sal voorsien en dat sodanige bevoegde instansie waarskynlik instaat sal wees om te voldoen aan die voorgeskerwe vereistes, 'n program registreer en 'n programregistrasiesertifikaat, wat die voorgeskrewe besonderhede bevat, aan sodanige bevoegde instansie uitreik.

(2) Die Kommissie by wie 'n aansoek ingevalgelyke subartikel (1) ingedien word, kan die betrokke bevoegde instansie aansê om die verdere inligting met betrekking tot die aansoek wat die Kommissie nodig of dienstig ag te verstrek, en kan die aansoek laat ondersoek of self die program besoek ten einde die verdere inligting in te win wat ten opsigte van die aansoek nodig mag wees.

Wysiging, opskorting of intrekking van programregistrasiesertifikaat

13. (1) Die Kommissie kan te eniger tyd 'n programregistrasiesertifikaat wysig ten einde 'n fout wat daarin voorkom te verbeter en kan op versoek van die bevoegde instansie aan wie 'n programregistrasiesertifikaat uitgereik is, 'n voorwaarde wat daaraan verbonde is, verander, vervang of intrek of 'n voorwaarde daarby voeg, en kan, na ondersoek op die voorgeskrewe wyse, so 'n programregistrasiesertifikaat, na goedgunke, om 'n ander rede as die voormalde redes, wysig of deur 'n nuwe programregistrasiesertifikaat vervang.

(2) If any competent body to which a programme registration certificate has been issued, refuses or fails, after a written request by the secretary of the Commission, to return the registration certificate for the amendment thereof in terms of subsection (1) to the commission within a period of fourteen days after such request, the Commission may withdraw the programme registration certificate without further notice or may, after enquiry in the prescribed manner, withdraw the programme registration certificate if it is satisfied—

- (a) that such competent body has refused or failed to comply with any provision or condition of the programme registration certificate;
- (b) that such competent body has wilfully made a false or misleading statement, or furnished false or misleading information, in or in connection with any application in terms of this Act;
- (c) that such competent body has been lawfully dissolved or that it has not, for a period of one year, functioned in the furtherance of its objects;
- (d) that such competent body does not pursue its objects effectively or that no substantial need exists for the continuation of services rendered by it.

(3) The Commission holding an enquiry in terms of subsection (2) may direct that the management of the competent body concerned or the management of any other competent body which has applied to the Commission for programme registration in terms of this Act and which is rendering services that are essentially similar to the services rendered by such first-mentioned competent body shall appear at such enquiry.

(4) The Commission may, in lieu of withdrawing any programme registration certificate for any reason referred to in subsection (2)(a), (b) or (c), suspend, except in the case of a competent body which has been lawfully dissolved, a programme registration certificate for such period and on such conditions as it may deem fit.

(5) (a) Subject to the provisions of paragraph (b), the amendment, suspension or withdrawal of any programme registration certificate in terms of this section shall come into operation on the date on which a written notice of the amendment, suspension or withdrawal is served by the secretary of the Commission on the competent body to which the programme registration certificate was issued.

(b) If the service of the notice referred to in paragraph (a) is, in the opinion of the said secretary, not practicable in any particular case, he or she may cause such notice of the amendment, suspension or withdrawal to be published in the *Gazette*, whereupon such amendment, suspension or withdrawal shall be deemed to come into operation on the date on which the notice is so published.

Appeal against decisions of Commission

14. (1) A competent body which is aggrieved by a decision of the Commission relating to the rejection of an application under section 12 or to the amendment, suspension or withdrawal of a programme registration certificate, may, in the prescribed manner, appeal against the decision to an appeal committee constituted by the responsible Member for the particular case.

(2) Indien enige bevoegde instansie aan wie 'n programregistrasiesertifikaat uitgereik is, weier of versuim om op die skriftelike versoek van die sekretaris van die Kommissie die registrasiesertifikaat binne 'n tydperk van veertien dae na sodanige versoek aan die Kommissie terug te stuur vir die wysiging daarvan ingevolge subartikel (1), kan die Kommissie die programregistrasiesertifikaat sonder verdere kennisgewing intrek, of kan dit, na ondersoek op die voorgeskrewe wyse, die programregistrasiesertifikaat intrek indien dit oortuig is—

- (a) dat sodanige bevoegde instansie weier of versuim om aan enige bepaling of voorwaarde van die programregistrasiesertifikaat te voldoen;
- (b) dat sodanige bedoelde instansie in of in verband met enige aansoek ingevolge hierdie Wet opsetlik 'n valse of misleidende verklaring gedoen het of valse of misleidende inligting verstrek het;
- (c) dat sodanige bevoegde instansie wettig ontbind is of dat dit nie ter bevordering van sy doelstellings vir minstens 'n jaar gefunksioneer het nie; of
- (d) dat sodanige bevoegde instansie sy doelstellings nie doeltreffend voortsig nie of dat daar nie 'n wesentlike behoeftte bestaan aan die dienste wat dit lewer nie.

(3) Die Kommissie kan by 'n ondersoek ingevolge subartikel (2) gehou, gelas dat die bestuur van die betrokke bevoegde instansie by sodanige ondersoek moet verskyn of dat die bestuur van enige ander bevoegde instansie wat by die Kommissie aansoek om registrasie van 'n program ingevolge hierdie Wet en wat dienste lewer wat wesentlik ooreenstem met die dienste wat deur eersbedoelde bevoegde instansie gelewer word of wat doelstellings nastreef wat wesentlik ooreenstem met die doelstellings van eersbedoelde bevoegde instansie, voor die Kommissie moet verskyn.

(4) Die Kommissie kan, in plaas daarvan om 'n programregistrasiesertifikaat in te trek vir 'n rede in subartikel (2)(a), (b) of (c) bedoel, 'n programregistrasiesertifikaat, behalwe in die geval van 'n instansie wat wettig ontbind is, opskort vir die tydperk en op die voorwaardes wat dit goedvind.

(5) (a) Behoudens die bepalings van paragraaf (b), tree die wysiging, opskorting of intrekking van 'n programregistrasiesertifikaat ingevolge hierdie artikel in werking op die datum waarop 'n skriftelike kennisgewing van die wysiging, opskorting of intrekking deur die sekretaris van die Kommissie beteken is aan die bevoegde instansie aan wie die programregistrasiesertifikaat uitgereik was.

(b) Indien die betekening van die kennisgewing in paragraaf (a) bedoel, na die oordeel van genoemde sekretaris, in 'n bepaalde geval nie prakties uitvoerbaar is nie, kan hy of sy 'n kennisgewing van die wysiging, opskorting of intrekking in die *Koerant* laat publiseer, waarop sodanige wysiging, opskorting of intrekking geag word in werking te tree op die datum waarop die kennisgewing aldus gepubliseer word.

Appèl teen beslissing van Kommissie

14. (1) 'n Bevoegde instansie wat deur die beslissing van die Kommissie met betrekking tot die afwysing van 'n programmaansoek ingevolge artikel 12 of die wysiging, opskorting of intrekking van 'n programregistrasiesertifikaat veronreg voel, kan op die voorgeskrewe wyse teen die beslissing appelleer na 'n appèlkomitee vir die bepaalde geval deur die verantwoordelike Lid saamgestel.

(2) The commencement of an amendment, a suspension or a withdrawal of a programme registration certificate shall be postponed by the noting of an appeal in terms of subsection (1) until the date on which the appeal is withdrawn or is disposed of by the appeal committee.

(3) Such appeal committee shall consist of—

- (a) a magistrate with at least four years' experience as magistrate, who shall be the Chairperson; and
- (b) two persons who are not members of the Commission and who, in the opinion of the responsible Member, have experience knowledge of the functions of the appellant and who have no direct interest in the affairs of the appellant and are not in the employ of the appellant or of the Public Service.

(4) A Member of the management of the appellant may appear before the appeal committee or it may be represented or assisted by counsel or an attorney or it may submit written submissions in support of its appeal.

(5) The procedure to be followed in connection with the noting and prosecution of an appeal lodged in terms of this section, shall be as prescribed.

(6) The appeal committee may confirm or set aside the decision of the Commission or give the decision which the Commission, in the opinion of the appeal committee, should have given, and may direct the Commission to do everything necessary to give effect to the decision of the appeal committee.

(7) A person who is appointed to an appeal committee in terms of subsection (3)(b), shall be paid such remuneration and allowances as the responsible Member may determine in consultation with the member of the Executive Council responsible for Finance.

Period of validity of programme registration certificate

15. A programme registration certificate issued under section 12 shall remain in force until withdrawn or substituted under this Act.

Reregistration of programmes

16. The Commission may, upon the application of the management of any competent body whose certificate of registration has been withdrawn under this Act, and after the expiry of a period which the Commission may deem fit, issue a fresh programme registration certificate in respect of such competent body, and the provisions of section 12 shall *mutatis mutandis* apply in relation to such an application.

Delegation of powers

17. (1) The responsible Member may delegate to the departmental head of the department to which the administration of youth affairs has been assigned, any power conferred upon the responsible Member by this Act, except for a power referred to in sections 3 and 20.

(2) The head of the department envisaged in subsection (1) may with the approval of the responsible Member authorise any other officer in his or her department to exercise any power conferred upon him or her in terms of this Act.

(2) Die inwerkingtreding van 'n wysiging, opskorting of intrekking van 'n programregistrasiesertifikaat word deur die aantekening van 'n appèl ingevolge subartikel (1) opgeskort tot die datum waarop die appèl teruggetrek of deur die appèlkomitee afgehandel word.

(3) Sodanige appèlkomitee bestaan uit—

- (a) 'n landdros met ten minste vier jaar ondervinding as landdros, wat die Voorsitter is; en
- (b) twee persone wat nie lede van die Kommissie is nie en wat, na die oordeel van die verantwoordelike Lid ondervinding en kennis het van die werksaamhede van die appellant en wat nie 'n regstreekse belang by die sake van die appellant het en nie in diens van die appellant of in die Staatsdiens is nie.

(4) Die appellant kan deur 'n lid van sy bestuur of deur 'n advokaat of prokureur voor die appèlkomitee verskyn of kan skriftelike vertoë ter stawing van sy appèl voorlê.

(5) Die prosedure vir die aantekening en deurvoering van 'n appèl ingevolge hierdie artikel is soos voorgeskryf.

(6) Die appèlkomitee kan die beslissing van die Kommissie bekrugtig of ter syde stel of die beslissing gee wat bedoelde Kommissie na die oordeel van die appèlkomitee behoort te gegee het, en kan die Kommissie gelas om alles te doen wat nodig is om aan die beslissing van die appèlkomitee gevolg te gee.

(7) Aan iemand wat ingevolge subartikel (3)(b) op die appèlkomitee aangestel word, word die vergoeding en toelaes betaal word wat die verantwoordelike Lid in oorleg met die verantwoordelike Lid van Finansies bepaal.

Termyn van geldigheid van programregistrasiesertifikaat

15. 'n Programregistrasiesertifikaat kragtens artikel 12 uitgereik bly van krag totdat dit kragtens hierdie Wet ingetrek of vervang word.

Herregistrasie van programme

16. Die Kommissie kan op aansoek van die bestuur van 'n bevoegde instansie waarvan die programregistrasiesertifikaat kragtens hierdie Wet ingetrek is, en na verloop van 'n tydperk wat die Kommissie goedvind, 'n nuwe programregistrasiesertifikaat ten opsigte van die program van sodanige bevoegde instansie uitrek, en die bepalings van artikel 12 is *mutatis mutandis* met betrekking tot so 'n aansoek van toepassing.

Delegering van bevoegdhede

17. (1) Die verantwoordelike Lid kan aan die departementshoof van die departement aan wie die administrasie van jeugaangeleenthede toegewys is 'n bevoegdheid deleger wat by hierdie Wet aan die verantwoordelike Lid verleen word, uitgesonderd 'n bevoegdheid in artikels 3 en 20 bedoel.

(2) Die departementshoof in subartikel (1) bedoel kan met die goedkeuring van die verantwoordelike Lid 'n ander beampete van sy of haar departement magtig om 'n bevoegdheid uit te oefen wat by hierdie Wet aan hom of haar verleen is.

Allowances payable to members

18. (1) There shall be paid to any member of the Commission or the Executive Committee or an Area Committee, who is not in the full-time service of the Province, while he or she is engaged with work connected to the business of the Commission or such Committee, such fees and travelling and subsistence allowances as determined by the responsible Member in consultation with the member of the Executive Council responsible for Finance.

(2) The expenditure incurred by the Commission, Executive Committee or an Area Committee in the performance of its functions shall be defrayed from moneys appropriated for that purpose by the Legislature.

Financial aid for programmes

19. (1) The responsible Member may, in consultation with the Member of the Executive Council responsible for Finance, and on such conditions as he or she may deem fit, make grants to registered programmes out of moneys appropriated for that purpose.

(2) A grant made in terms of subsection (1) shall be subject to the conditions determined by the responsible Member.

Regulations

- 20.** The responsible Member may make regulations with regard to—
- (a) the form of any application, certificate, notice, register or summons which is required to be, or may be made under this Act, and any other form required for the administration of the provisions of this Act;
 - (b) the registration of programmes;
 - (c) the records and registers to be kept by the Commission and competent bodies and the returns and reports which shall be furnished;
 - (d) the circumstances under which, the purposes for which and the conditions subject to which the expenditure referred to in sections 18 and 19 shall be paid, and the manner in which any moneys paid thereunder shall be accounted for;
 - (e) the functions which may be performed by the Executive Committee and Area Committees;
 - (f) the procedure which shall be followed in connection with the noting and consideration of an appeal in terms of section 14;
 - (g) any other matter which is required to be, or may be prescribed under any provision of this Act, or which the responsible Member considers necessary or expedient to achieve the objects of this Act.

Short title

21. This Act shall be called the Northern Cape Promotion of Youth Affairs Act, 1994.

Toelaes betaalbaar aan Iede

18. (1) Daar word aan 'n lid van die Kommissie of die Uitvoerende Komitee of 'n Gebiedskomitee, wat nie in die heetydse diens van die Staat is nie, terwyl hy of sy werk in verband met die sake van die Kommissie of sodanige Komitee verrig, die gelde en reis- en verblyftoelaes betaal wat die verantwoordelike Lid in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir Finansies bepaal.

(2) Die uitgawes deur die Kommissie, Uitvoerende Komitee of 'n Gebiedskomitee by die verrigting van sy werksaamhede aangegaan, word bestry uit gelde wat die Wetgewer vir daardie doel bewillig.

Geldelike hulp vir programme

19. (1) Die verantwoordelike Lid kan, in oorleg met die Lid van die Uitvoerende Raad verantwoordelik vir Finansies, uit gelde wat deur die Wetgewer vir die doel bewillig is, toekennings vir programme doen op die voorwaardes wat hy of sy goedvind.

(2) 'n Toekenning kragtens subartikel (1) gedoen, is onderworpe aan die voorwaardes wat die verantwoordelike Lid bepaal.

Regulasies

20. Die verantwoordelike Lid kan regulasies uitvaardig met betrekking tot—

- (a) die vorm van enige aansoek, sertifikaat, kennisgewing, register of dagvaarding wat kragtens hierdie Wet gedoen, verleen, gegee, uitgereik of gehou moet of kan word, en enige ander vorm wat by die uitvoering van die bepalings van hierdie Wet nodig is;
- (b) die registrasie van programme;
- (c) die aantekeninge en registers wat deur die Kommissie en bevoegde instansies gehou moet word, en die opgawes en verslae wat verstrek moet word;
- (d) die omstandighede waaronder, die doeleindeste waarvoor en die voorwaardes waarop die in artikels 18(1) en 19(1) bedoelde uitgawes betaal kan word, en die wyse waarop enige gelde daarkragtens betaal, verantwoord moet word;
- (e) die werksaamhede wat deur die Uitvoerende Komitees en Gebiedskomitees verrig word;
- (f) die prosedure wat in verband met die aantekening en voortsetting van 'n appèl kragtens artikel 14 gevvolg moet word;
- (g) enige ander aangeleentheid wat ingevolge 'n bepaling van hierdie Wet voorgeskryf moet of kan word of wat die verantwoordelike Lid nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

Kort titel

21. Hierdie Wet heet die Noord-Kaapse Wet op die Bevordering van Jeugaangeleenthede, 1994.

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