

**PROMOTION OF YOUTH DEVELOPMENT ACT, (EASTERN CAPE)  
NO. 6 OF 1995**

[ASSENTED TO 16 NOVEMBER, 1995]  
[DATE OF COMMENCEMENT: 30 NOVEMBER, 1995]

*(English text signed by the Acting Premier)*

**as amended by**

Promotion of Youth Affairs Amendment Act, No. 5 of 2001

**GENERAL NOTE**

**Corrections to the Promotion of Youth Affairs Amendment Act, No. 5 of 2001, published in *Provincial Gazette No. 778 of 27 July, 2001, have been made in terms of Provincial Notice No. 34, published in Provincial Gazette No. 1032 of 11 June, 2003.***

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**ACT**

**To provide for the establishment and constitution of the Eastern Cape Youth Commission; the establishment of area committees; to define the powers and functions of the various bodies; to provide for development programmes for the youth; to provide for the registration of programmes; and to provide for incidental matters.**

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

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

“**Chief Executive Officer**” means the administrative head of the Commission;  
[Definition of “Chief Executive Officer” inserted by s. 1 of Act No. 5 of 2001.]

“**Commission**” means the Commission established by section 2;

“**Gazette**” means the *Provincial Gazette* of the Province;

“**Legislature**” means the Legislature of the Province of the Eastern Cape, as contemplated in section 125 of the Constitution;

“**Province**” means the Province of the Eastern Cape established by section 124 of the Constitution of the Republic of South Africa, 1993 (Act No 200 of 1993);

“**Premier**” means the Premier of the Province of the Eastern Cape;

“**youth**” means those persons whose ages range between 14 and 35 years, and “youth” has a corresponding meaning.

**2. Establishment and constitution of Commission.**—(1) There is hereby established a Commission to be

known as the Eastern Cape Youth Commission, which shall exercise such power as may be conferred, and perform such functions and duties as may be imposed, upon it by or under this Act or any other law.

(2) (a) The Commission shall consist of three full-time members.

(b) The members of the Commission shall be appointed by the Premier from a nomination list put forward by the youth of the Province.

(c) The Premier shall designate one member as chairperson of the Commission.

(3) The Commission shall, in respect of the exercise and performance of its powers function and duties, be accountable to the Legislature.

[S. 2 substituted by s. 2 of Act No. 5 of 2001.]

**3. Term of office of members of Commission.**—(1) A member of the Commission must be appointed for a period of 5 years subject to such conditions as the Premier may determine.

(2) A member of the Commission whose period of office has expired is eligible for re-appointment.

(3) Despite subsection (2), a person must not be appointed for more than two terms of office.

(4) The period of office of a member of the Commission may, after consultation with the youth of the province, be terminated by the Premier at any time if, in the opinion of the Premier, there are good reasons for doing so and shall be so terminated when he or she attains the age of thirty-six.

(5) If a member of the commission dies or vacates his or her office under subsection (3) or otherwise, 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 members was appointed.

[S. 3 substituted by s. 3 of Act No. 5 of 2001, corrected by P.N. No. 1032 of 2003.]

**4. Establishments of local youth development units.**—(1) The Premier—

(a) in consultation with a local authority, must establish a local youth development unit that must be located in the mayor's office of the relevant local authority; and

(b) may amend or withdraw the notice contemplated in paragraph (a), by notice in the *Provincial Gazette*.

(2) The Commission may, subject to the provisions of this Act, in consultation with the Member of the Executive Council responsible for local government, delegate to a local youth development structure some of its powers.

[S. 4 substituted by s. 4 of Act No. 5 of 2001.]

**5. Code of Conduct and meetings of Commission.**—(1) The Commission shall establish a code of conduct for the members of the Commission.

(2) The code of conduct shall include—

(a) provisions relating to the conduct of members in general; and

(b) declaration of financial interest.

[S. 5 substituted by s. 4 of Act No. 5 of 2001.]

**6. Procedures of meetings and decisions of Commission.**—(1) Meetings of the Commission must be held at times and places as determined by the Commission.

(2) The Chairperson of the Commission shall preside over meetings of the Commission, and in the absence of the chairperson he or she must delegate his or her powers as chairperson to one of the two other members of the Commission.

(3) The quorum of meetings of the Commission must be all the members and in the absence of the chairperson or any one of the two other members matters which have to be decided by the Commission must be deferred for decision when all the members of the Commission are present.

[S. 6 substituted by s. 4 of Act No. 5 of 2001.]

**7. Powers and functions of Commission.**—(1) The powers and functions of the Commission shall, in addition to those assigned to it under section 2, be to—

- (a) conduct research on the socio-economic conditions and needs of the youth of the Province, and for that purpose to establish and maintain a database thereon;
- (b) make proposals to the Premier, the provincial departments and other competent bodies with regard to any matter contemplated in paragraph (a);
- (c) investigate and to consider, with the approval, or on the direction, of the Premier, 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, 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) plan and prepare a programme for provincial departments with a view to the future youth development or provision of youth services or facilities which are likely to be necessary to satisfy the needs and address the issues referred to in paragraph (a), (b) or (c), and to recommend the order of priority which such services or facilities shall be accorded;
- (e) encourage, promote and co-ordinate the rendering of youth services by competent governmental and non-governmental bodies in the Province and to stimulate the development of such services in a manner calculated to ensure an efficient, purposeful and fully co-ordinated service for the Province;
- (f) evaluate and monitor youth development plans and programmes generally and matters relating thereto;
- (g) regulate implementation of the youth development plans and programmes referred to in paragraph (f);
- (h) consult and liaise with similar local, provincial, national or international departments or bodies on any issues relating to youth affairs or the rendering or provision of services or facilities:
- (i) ensure co-operation between itself and local youth development units;
- (j) advise the Premier in respect of—
  - (i) the general policy in respect of youth affairs;
  - (ii) any existing or proposed legislation impacting on youth.

(2) The Commission may arrange discussions and conferences in connection with any matters which relate to its powers, functions and duties.

(3) The Commission shall report in writing annually in respect of its activities to the Legislature.

(4) The Commission may, subject to the provisions this Act and to any other law, determine such management systems and structures as it deems necessary for the internal management needs thereof.

[S. 7 substituted by s. 4 of Act No. 5 of 2001.]

**8. Appointment of Committees.**—(1) The Commission must establish an audit committee in terms of section 51 (1) of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

(2) The Commission may establish such committees as the Commission deems necessary to carry out its mandate.

(3) The Commission shall have power to appoint or co-opt persons outside the Commission as members of the committees contemplated in subsections (1) and (2).

[S. 8 substituted by s. 4 of Act No. 5 of 2001.]

**9. Administration of Commission.**—(1) The administrative functions of the Commission and the committees thereof shall be performed by officers in the service of the Province designated thereto by the Director-General: Eastern Cape Provincial Administration in consultation with the Commission or, by officers appointed by the Commission on such conditions as it may determine subject to the approval of the Premier.

(2) The chief executive officer shall be the head of administration of the Commission.

[S. 9 substituted by s. 5 of Act No. 5 of 2001.]

**10. Delegation of powers.**— The Premier may delegate to the departmental head of the Office of the Premier any power conferred upon him or her by this Act, except the powers referred to in sections 2, 7 and 13.

[S. 10 substituted by s. 6 of Act No. 5 of 2001.]

**11. Allowances payable to members and finances.**—(1) There shall be paid to any member of the Commission or a committee thereof, while he or she is engaged with work connected to the business of the Commission or such committee, such remuneration or fees and travelling and subsistence allowances as may be determined by the Premier, in consultation with the Member of the Executive Council responsible for financial matters.

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

[S. 11 substituted by s. 7 of Act No. 5 of 2001.]

**12. Financial aid for programmes.**—(1) The Premier may, in consultation with the Member of the Executive Council responsible for financial matters, 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 Premier.

**13. Regulations.**—The Premier may make regulations with regard to—

- (a) any form required for the administration of the provisions this Act;
- (b) the records and registers to be kept by the Commission and other bodies, and the returns and reports which shall be furnished;
- (c) the circumstances under which, the purposes for which, and the conditions subject to which, the expenditure referred to in sections 11 and 12 shall be paid, and the manner in which any moneys paid thereunder shall be accounted for;
- (d) the functions which may be performed by the committee;  
[Para. (d) substituted by s. 8 of Act No. 5 of 2001.]
- (e) any other matter which is required to be, or may be, prescribed under any provision of this Act, or which the Premier considers necessary or expedient to prescribe in order to achieve the objects of this Act.

**14. Short title.**—This Act is called the Promotion of Youth Development Act, 1995 (Eastern Cape).

[S. 14 substituted by s. 9 of Act No. 5 of 2001.]

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