

**PROCLAMATION**  
*by the*  
**President of the Republic of South Africa**

**No. 44, 2009**

**TRANSFER OF ADMINISTRATION AND POWERS AND FUNCTIONS  
ENTRUSTED BY LEGISLATION TO CERTAIN CABINET MEMBERS IN TERMS  
OF SECTION 97 OF THE CONSTITUTION**

In terms of section 97 of the Constitution of the Republic of South Africa, 1996, I hereby transfer the administration and powers and functions entrusted by the specified legislation, and all amendments thereto, to the specified Cabinet member as set out in the Schedule in English and isiZulu with effect from the date of publication of this Proclamation in the *Gazette*.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 22nd day of June, Two Thousand and Nine.



**President**

By Order of the President-in-Cabinet:



**Minister of the Cabinet**

### SCHEDULE

1. The administration and the powers and functions entrusted by the legislation, mentioned in column 1 of the tables in paragraphs 1.1 to 1.14 below, to a Cabinet member mentioned in column 2 of the tables, immediately before the President assumed office on 9 May 2009, is transferred to the Cabinet member mentioned in column 3 of the tables.

#### 1.1 AGRICULTURE RELATED LEGISLATION:

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
Performing Animals Protection Act, 1935 (Act No. 24 of 1935)	Minister of Agriculture and Land Affairs	Minister of Agriculture, Forestry and Fisheries
Animals Protection Act, 1962 (Act No. 71 of 1962)	Minister of Agriculture and Land Affairs	Minister of Agriculture, Forestry and Fisheries
Perishable Products Export Control Act, 1983 (Act No. 9 of 1983)	Minister of Agriculture and Land Affairs	Minister of Agriculture, Forestry and Fisheries

#### 1.2 BASIC EDUCATION RELATED LEGISLATION:

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
National Education Policy Act, 1996 (Act No. 27 of 1996)	Minister of Education	Minister of Basic Education, except the administration and the powers and functions transferred to the Minister of Higher Education and Training as set out in paragraph 1.7 below
South African Schools Act, 1996 (Act No. 84 of 1996)	Minister of Education	Minister of Basic Education
Employment of Educators Act, 1998 (Act No. 76 of 1998)	Minister of Education	Minister of Basic Education, except the administration and the powers and functions transferred to the Minister of Higher Education and Training as set out in

		paragraph 1.7 below
South African Council for Educators Act, 2000 (Act No. 31 of 2000)	Minister of Education	Minister of Basic Education, except the administration and the powers and functions transferred to the Minister of Higher Education and Training as set out in paragraph 1.7 below
General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)	Minister of Education	Minister of Basic Education, except the administration and the powers and functions transferred to the Minister of Higher Education and Training as set out in paragraph 1.7 below

### 1.3 ENERGY RELATED LEGISLATION:

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
Central Energy Fund Act, 1977 (Act No. 38 of 1977)	Minister of Minerals and Energy	Minister of Energy
Petroleum Products Act, 1977 (Act No. 120 of 1977)	Minister of Minerals and Energy	Minister of Energy
Abolition of the National Energy Council Act, 1991 (Act No. 95 of 1991)	Minister of Minerals and Energy	Minister of Energy
Nuclear Energy Act, 1993 (Act No. 131 of 1993)	Minister of Minerals and Energy	Minister of Energy
Nuclear Energy Act, 1999 (Act No. 46 of 1999)	Minister of Minerals and Energy	Minister of Energy
National Nuclear Regulator Act, 1999 (Act No. 47 of 1999)	Minister of Minerals and Energy	Minister of Energy
Gas Act, 2001 (Act No. 48 of 2001)	Minister of Minerals and Energy	Minister of Energy
Gas Regulator Levies Act, 2002 (Act No. 75 of 2002)	Minister of Minerals and Energy	Minister of Energy
Petroleum Pipelines Act, 2003 (Act No. 60 of 2003)	Minister of Minerals and Energy	Minister of Energy

2003)		
Petroleum Pipelines Levies Act, 2004 (Act No. 28 of 2004)	Minister of Minerals and Energy	Minister of Energy
National Energy Regulator Act, 2004 (Act No. 40 of 2004)	Minister of Minerals and Energy	Minister of Energy
Electricity Regulation Act, 2006 (Act No. 4 of 2006)	Minister of Minerals and Energy	Minister of Energy
National Energy Act, 2008 (Act No. 34 of 2008)	Minister of Minerals and Energy	Minister of Energy

#### 1.4 ENVIRONMENTAL RELATED LEGISLATION:

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
Sea-Shore Act, 1935 (Act No. 21 of 1935)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Prince Edwards Islands Act, 1948 (Act No. 43 of 1948)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Atmospheric Pollution Prevention Act, 1965 (Act No. 45 of 1965)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Sea Birds and Seals Protection Act, 1973 (Act No. 46 of 1973)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
National Parks Act, 1976 (Act No. 57 of 1976)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Dumping at Sea Control Act, 1980 (Act No. 73 of 1980)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Sea Fisheries Act, 1988 (Act No. 12 of 1988)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Environment Conservation Act, 1989 (Act No. 73 of 1989)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Antarctic Treaties Act, 1996 (Act No. 60 of 1996)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Wreck and Salvage Act, 1996 (Act No. 94 of 1996)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs

1996)		
Environment Conservation Act Extension Act, 1996 (Act No. 100 of 1996)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
Marine Living Resources Act, 1998 (Act No. 18 of 1998)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs, except the administration and the powers and functions pertaining to mariculture, as defined in section 1 of the Act, which is transferred to the Minister of Agriculture, Forestry and Fisheries as set out in paragraph 1.8 below
National Environmental Management Act, 1998 (Act No. 107 of 1998)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
World Heritage Convention Act, 1999 (Act No. 49 of 1999)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
South African Weather Service Act, 2001 (Act No. 8 of 2001)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
National Environmental Management: Protected Areas Act, 2003 (Act No. 57 of 2003)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
National Environmental Management: Air Quality Act, 2004 (Act No. 39 of 2004)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
National Environmental Management: Integrated Coastal Management Act, 2008 (Act No. 24 of 2008)	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs
National Environmental Management: Waste Act, 2008 (Act No. 59 of	Minister of Environmental Affairs and Tourism	Minister of Water and Environmental Affairs

2008)		
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#### 1.5 FORESTRY RELATED LEGISLATION:

Legislation	Previous Cabinet member	New Cabinet member
Management of State Forests Act, 1992 (Act No. 128 of 1992)	Minister of Water Affairs and Forestry	Minister of Agriculture, Forestry and Fisheries
National Forests Act, 1998 (Act No. 84 of 1998)	Minister of Water Affairs and Forestry	Minister of Agriculture, Forestry and Fisheries
National Veld and Forest Fire Act, 1998 (Act No. 101 of 1998)	Minister of Water Affairs and Forestry	Minister of Agriculture, Forestry and Fisheries

#### 1.6 GENDER RELATED LEGISLATION:

Legislation	Previous Cabinet member	New Cabinet member
Commission on Gender Equality Act, 1996 (Act No. 39 of 1996)	Minister of Justice and Constitutional Development	Minister of Women, Children and People with Disabilities

#### 1.7 HIGHER EDUCATION AND TRAINING RELATED LEGISLATION:

Legislation	Previous Cabinet member	New Cabinet member
National Education Policy Act, 1996 (Act No. 27 of 1996)	Minister of Education	Minister of Higher Education and Training insofar as the administration and the powers and functions pertain to the determination of policy for-  (a) public and private centres offering adult basic education and training established as envisaged in the Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000); and

		(b) public and private colleges providing further education as envisaged in the Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006), including, but not limited to, the powers and functions entrusted by sections 2, 3, 4, 7, 8 and 11 of the National Education Policy Act
Higher Education Act, 1997 (Act No. 101 of 1997)	Minister of Education	Minister of Higher Education and Training
Employment of Educators Act, 1998 (Act No. 76 of 1998)	Minister of Education	Minister of Higher Education and Training insofar as the administration and the powers and functions pertain to an adult basic education centre, as defined in section 1 of the Act
National Student Financial Aid Scheme Act, 1999 (Act No. 56 of 1999)	Minister of Education	Minister of Higher Education and Training
South African Council for Educators Act, 2000 (Act No. 31 of 2000)	Minister of Education	Minister of Higher Education and Training insofar as the administration and the powers and functions pertain to the powers and functions of the South African Council for Educators in relation to adult learning centres, as defined in section 1 of the Act, including but not limited to the powers and functions entrusted by section 5 of the Act in relation to those centres
Adult Basic Education and Training Act, 2000 (Act No. 52 of 2000)	Minister of Education	Minister of Higher Education and Training

<p>General and Further Education and Training Quality Assurance Act, 2001 (Act No. 58 of 2001)</p>	<p>Minister of Education</p>	<p>Minister of Higher Education and Training insofar as the administration and the powers and functions pertain to the powers and functions entrusted to Umalusi, the Council for General and Further Education and Training Quality Assurance, established by section 4 of the General and Further Education and Training Quality Assurance Act in relation to-</p> <p>(a) public and private centres offering adult basic education and training as envisaged in the Adult Basic Education and Training Act, 2000; and</p> <p>(b) public and private colleges providing further education as envisaged in the Further Education and Training Colleges Act, 2006,</p> <p>including, but not limited to, the powers and functions entrusted by sections 2(b) and (c), 3, 16 to 21, 23, 26 and 28 of the General and Further Education and Training Quality Assurance Act</p>
<p>Further Education and Training Colleges Act, 2006 (Act No. 16 of 2006)</p>	<p>Minister of Education</p>	<p>Minister of Higher Education and Training</p>
<p>National Qualifications Framework Act, 2008 (Act No. 67 of 2008)</p>	<p>Minister of Education</p>	<p>Minister of Higher Education and Training</p>



**1.8 MARICULTURE (I.E. CULTURE OR HUSBANDRY OF FISH IN SEA WATER) RELATED LEGISLATION**

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
Marine Living Resources Act, 1998 (Act No. 18 of 1998)	Minister of Environmental Affairs and Tourism	Minister of Agriculture, Forestry and Fisheries insofar as the administration and the powers and functions pertain to mariculture, as defined in section 1 of the said Act, and includes the powers and functions entrusted by sections 12, 13, 18, 25, 26, 28, 77 (with respect to mariculture and other matters pertaining to any of the provisions of the said Act mentioned in this paragraph), 78, 79, 80, 81 and 83 of the said Act
<ul style="list-style-type: none"> <li>• Regulations 60 to 73 of the Regulations in terms of the Marine Living Resources Act, 1998 (promulgated under Government Notice R. 1111 of 2 September 1998)</li> <li>• Regulations 1, 5, 6 and 96 and any other provision of these Regulations insofar as it relates to the said regulations 60 to 73</li> </ul>	Minister of Environmental Affairs and Tourism	Minister of Agriculture, Forestry and Fisheries

**1.9 MINERAL RESOURCES RELATED LEGISLATION:**

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
Mining Titles Registration Act, 1967 (Act No. 16 of 1967)	Minister of Minerals and Energy	Minister of Mineral Resources

Diamonds Act, 1986 (Act No. 56 of 1986)	Minister of Minerals and Energy	Minister of Mineral Resources
Mineral Technology Act, 1989 (Act No. 30 of 1989)	Minister of Minerals and Energy	Minister of Mineral Resources
Geoscience Act, 1993 (Act No. 100 of 1993)	Minister of Minerals and Energy	Minister of Mineral Resources
Mine Health and Safety Act, 1996 (Act No. 29 of 1996)	Minister of Minerals and Energy	Minister of Mineral Resources
Abolition of Lebowa Mineral Trust Act, 2000 (Act No. 67 of 2000)	Minister of Minerals and Energy	Minister of Mineral Resources
Minerals and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002)	Minister of Minerals and Energy	Minister of Mineral Resources
Precious Metals Act, 2005 (Act No. 37 of 2005)	Minister of Minerals and Energy	Minister of Mineral Resources

#### 1.10 RURAL DEVELOPMENT AND LAND REFORM RELATED LEGISLATION:

Legislation	Previous Cabinet member	New Cabinet member
Deeds Registries Act, 1937 (Act No. 47 of 1937)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Black Authorities Act, 1951 (Act No. 68 of 1951)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Kimberley Leasehold Conversion to Freehold Act, 1961 (Act No. 40 of 1961)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
State Land Disposal Act, 1961 (Act No. 48 of 1961), insofar as it entrusts its administration and powers and functions to the Minister of Regional and Land Affairs	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Removal of Restrictions Act, 1967 (Act No. 84 of 1967)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform

Physical Planning Act, 1967 (Act No. 88 of 1967)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Professional and Technical Surveyors' Act, 1984 (Act No. 40 of 1984)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Sectional Titles Act, 1986 (Act No. 95 of 1986)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Abolition of Racially Based Land Measures Act, 1991 (Act No. 108 of 1991)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Upgrading of Land Tenure Rights Act, 1991 (Act No. 112 of 1991)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Physical Planning Act, 1991 (Act No. 125 of 1991)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Land Titles Adjustment Act, 1993 (Act No. 111 of 1993)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Distribution and Transfer of Certain State Land Act, 1993 (Act No. 119 of 1993)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Land Reform: Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
KwaZulu-Natal Ingonyama Trust Act, 1994 (Act No. 3KZ of 1994)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Restitution of Land Rights Act, 1994 (Act No. 22 of 1994)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Land Administration Act, 1995 (Act No. 2 of 1995)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Development Facilitation Act, 1995 (Act No. 67 of 1995)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform

Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Communal Property Associations Act, 1996 (Act No. 28 of 1996)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Interim Protection of Informal Land Rights Act, 1996 (Act No. 31 of 1996)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Land Survey Act, 1997 (Act No. 8 of 1997)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Extension of Security of Tenure Act, 1997 (Act No. 62 of 1997)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Transformation of Certain Rural Areas Act, 1998 (Act No. 94 of 1998)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Abolition of Certain Title Conditions Act, 1999 (Act No. 43 of 1999)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Planning Profession Act, 2002 (Act No. 36 of 2002)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Spatial Data Infrastructure Act, 2003 (Act No. 54 of 2003)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform
Communal Land Rights Act, 2004 (Act No. 11 of 2004)	Minister of Agriculture and Land Affairs	Minister of Rural Development and Land Reform

#### 1.11 STATISTICS RELATED LEGISLATION

Legislation	Previous Cabinet member	New Cabinet member
Statistics Act, 1999 (Act No. 6 of 1999)	Minister of Finance	Minister in The Presidency responsible for national planning

1.12 **TOURISM RELATED LEGISLATION:**

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
Tourism Act, 1993 (Act No. 72 of 1993)	Minister of Environmental Affairs and Tourism	Minister of Tourism

1.13 **WATER RELATED LEGISLATION:**

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
Water Services Act, 1997 (Act No. 108 of 1997)	Minister of Water Affairs and Forestry	Minister of Water and Environmental Affairs
National Water Act, 1998 (Act No. 36 of 1998)	Minister of Water Affairs and Tourism	Minister of Water and Environmental Affairs

1.14 **YOUTH RELATED LEGISLATION:**

<b>Legislation</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
National Youth Commission Act, 1996 (Act No. 19 of 1996)	Minister in The Presidency	The President

2. The administration and the powers or functions entrusted by legislation to a Cabinet member mentioned in column 1 of the table below, immediately before the President assumed office on 9 May 2009, is transferred to the Cabinet member mentioned in column 2 of the table below.

<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
Minister of Provincial and Local Government	Minister of Co-operative Governance and Traditional Affairs
Minister of Housing	Minister of Human Settlements
Minister of Foreign Affairs	Minister of International Relations and Cooperation
Minister of Safety and Security	Minister of Police
Minister for Intelligence Services	Minister of State Security

3. With respect to the departments mentioned below, the powers and functions entrusted by the Public Service Act, 1994 (promulgated under Proclamation No. 103 of 1994), mentioned in column 1 of the tables in paragraphs 3.1 and 3.2 below, to a Cabinet

member as executive authority of that department mentioned in column 2 of the tables below, immediately before the President assumed office on 9 May 2009, is transferred to the Cabinet member mentioned in column 3 of the tables below.

**3.1 GOVERNMENT COMMUNICATION AND INFORMATION SYSTEM:**

<b>Powers and functions under the Public Service Act</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
All powers and functions of the executive authority of the Department	Minister in The Presidency	Minister in The Presidency responsible for performance monitoring and evaluation

**3.2 STATISTICS SOUTH AFRICA:**

<b>Powers and functions under the Public Service Act</b>	<b>Previous Cabinet member</b>	<b>New Cabinet member</b>
All powers and functions of the executive authority of the Department, subject to the Statistics Act, 1999 (Act No. 6 of 1999)	Minister of Finance	Minister in The Presidency responsible for national planning