**National Assembly:**

**Question Number: 3332**

**Adv A de W Alberts (FF Plus) to ask the Minister of Transport:**

Whether, with reference to the answer to question 2271 on 28 August 2017, a provincial member of the executive committee can delegate the competencies to issue permits to permit offices and officials; if not, on what legal grounds does such member of the committee rely in order to execute the specified delegation of competencies?

**NW3807E**

**REPLY:**

Before responding to the question, I deemed it prudent to refer the honourable Alberts to the provisions of section 91(2) of the National Road Traffic Act, 1993 which provides as follows

*“91. Delegation by Minister and MEC*

*(2) The MEC concerned may –*

*(a) delegate to any other person any power conferred upon him or her by or under this Act; and*

*(b) authorise any other person to perform any duty assigned to the MEC by or under this Act,*

*and may effect such delegation or grant such authorisation subject to such conditions as he or she may deem fit*.

From my reading and interpretation of section 91(2) as outlined above, it would appear authority of the MEC goes beyond delegation by him or her of the competencies to issue permits but also include “…. any power conferred upon him or her under this Act”

Furthermore, may authorise any other person to perform any duty assigned to the MEC by or under this Act.