

**DEPARTMENT: PUBLIC ENTERPRISES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: PQ580**

**QUESTION:**

**580. Mr N F Shivambu (EFF) to ask the Minister of Public Enterprises:**

(1) What are the legal provisions upon which he relied to appoint Mr Jabu Mabuza as Interim Executive Chairman as well as Acting Chief Executive Officer (CEO) of Eskom Holdings;

(2)What are the legal provisions upon which he relied for appointing an Acting CEO at Eskom Holdings when Eskom Holdings has a Board? NW1577E

**REPLY:**

1. In terms of Clause 14.5.1 of the Eskom’s Memorandum of Incorporation (MOI), the Chairperson of the Eskom Board is appointed by the Minister of Public Enterprises (Acting Chairperson included). The latter Clause does not preclude the Minister from appointing an Executive Chairperson nor does it prescribe that the Chairperson should be an Executive or Non-Executive Director. Notwithstanding that Clause 14.5.2 of the MOI entitles the Board to designate an Acting Chairperson until the Minister appoints the Chairperson of the Board, the Minister retains exclusive powers to appoint the Chairperson of the Board.
2. Pursuant to Clause 14.3.1 of the Eskom’s Memorandum of Incorporation read with sections 1 and 63(2) of the Public Finance Management Act 1 of 1999, the Minister of Public Enterprises has exclusive powers to appoint the Chief Executive Officer (Acting CEO included).

In addition, nothing in any relevant law precludes the above.