

## NATIONAL YOUTH DEVELOPMENT AGENCY ACT 54 OF 2008

[Updated to 18 September 2024.\*\*]  
\*\*Date of last changes incorporated into this Act.

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*English text signed by the President*  
*Assented to 23 December 2008*

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*Proc 35 in G. 32200 of 30 April 2009;*  
*Proc 43 in G. 32366 of 1 July 2009;*  
*Proc 7 in G. 33004 of 5 March 2010*

### ***Amended***

National Youth Development Agency Amendment Act 11 of 2024 (G. 51164, with effect from 18 September 2024 [Proc 189 in G. 51307 of 27 September 2024]).

## **ACT**

**To provide for the establishment of the National Youth Development Agency aimed at creating and promoting co-ordination in youth development matters; to provide for the objects and functions of the Agency; to provide for the manner in which it is to be managed and governed; to provide for the regulation of its staff matters and financial affairs; to provide for the administration of the fund referred to in the Demutualisation Levy Act, 1998 by the Agency under a new name; to repeal the National Youth Commission Act, 1996; and to provide for matters connected therewith.**

### **Preamble**

**RECOGNISING** the heroic struggles of generations of the youth to bring about freedom and democracy in South Africa;

**AND SINCE** youth development is central in the reconstruction and development of South Africa;

**AND WHEREAS** the government must take reasonable measures, within its available resources, to achieve progressive development of South Africa's youth;

**AND WHEREAS** the interventions on youth development in South Africa must be implemented in a cohesive, seamless and integrated manner;

**THEREFORE** the spirit and form of the National Youth Development Agency must give resonance to youth development in South Africa.

BE IT THEREFORE ENACTED by Parliament of the Republic of South Africa, as follows:—

## **ARRANGEMENT OF SECTIONS**

1. Definitions
2. Establishment of Agency  
[S 2 item substituted by s 15(a) of Act 11 of 2024 with effect from 18 September 2024.]
3. Objects of Agency  
[S 3 item substituted by s 15(b) of Act 11 of 2024 with effect from 18 September 2024.]
4. Principles of youth development
5. Functions of Agency  
[S 5 item substituted by s 15(c) of Act 11 of 2024 with effect from 18 September 2024.]
6. Reporting by Agency  
[S 6 item substituted by s 15(d) of Act 11 of 2024 with effect from 18 September 2024.]
7. Role of organ[s] of state in supporting Agency  
[S 7 item substituted by s 15(e) of Act 11 of 2024 with effect from 18 September 2024.]
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9. Composition, appointment and conditions of service of Board  
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11. Meetings of Board
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17. Delegation and assignment
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19. Regulations
20. Judicial management and liquidation of Agency
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## 1. Definitions

In this Act, unless the context otherwise indicates—

**“Agency”** means the National Youth Development Agency established by section 2;

**“Board”** means the Board of the Agency referred to in section 8;

**“chairperson”** means a member designated as such in terms of section 9(5)(a);

[“chairperson” inserted by s 1(b) of Act 11 of 2024 with effect from 18 September 2024.]

**“Chief Executive Officer”** means a person appointed in terms of section 13(1);

[“Chief Executive Officer” inserted by s 1(b) of Act 11 of 2024 with effect from 18 September 2024.]

**“civil society organisation”** means a civil society organisation, as defined in section 1 of the National Development Agency Act, 1998 (Act No. 108 of 1998);

[“civil society organisation” inserted by s 1(b) of Act 11 of 2024 with effect from 18 September 2024.]

**“Department”** means the department responsible for youth;

[“Department” inserted by s 1(b) of Act 11 of 2024 with effect from 18 September 2024.]

**“femicide”** means the killing of a female person or any person on the basis of gender identity as identified as female, whether committed by a person within a domestic relationship, interpersonal relationship or by any other person;

[“femicide” inserted by s 1(b) of Act 11 of 2024 with effect from 18 September 2024.]

**“organ of state”** ...

[“organ of the state” omitted (interpreted as repealed) by s 1(a) of Act 11 of 2024 with effect from 18 September 2024.]

**“Integrated Youth Development Strategy”** ...

[“integrated Youth Development Agency” omitted (interpreted as repealed) by s 1(a) of Act 11 of 2024 with effect from 18 September 2024.]

**“financial year”** means the period from 1 April in any year to 31 March in the next year;

**“gender-based violence”** means violence associated with gender, which includes physical, sexual, domestic, emotional, economic, or psychological abuse or threats of such acts of abuse in public or private life;

[“gender-based violence” inserted by s 1(c) of Act 11 of 2024 with effect from 18 September 2024.]

**“Integrated Youth Development Strategy”** means the strategy developed to ensure implementation of the National Youth Policy;

[“Integrated Youth Development Strategy” inserted by s 1(c) of Act 11 of 2024 with effect from 18 September 2024.]

**“members”** means members of the Board appointed in terms of section 9;

**“Minister”** means the Minister responsible for youth;

[“Minister” inserted by s 1(d) of Act 11 of 2024 with effect from 18 September 2024.]

**“National Youth Policy”** means the cross-sectoral policy aimed at effecting positive youth development outcomes amongst young people at local, provincial and national spheres of government;

[“National Youth Policy” inserted by s 1(d) of Act 11 of 2024 with effect from 18 September 2024.]

**“non-executive director”** means a member of the Board of Directors who is not part of the executive team of the Agency;

[“non-executive director” inserted by s 1(d) of Act 11 of 2024 with effect from 18 September 2024.]

**“organ of state”** has the meaning assigned in section 239 of the Constitution of the Republic of South Africa, 1996;

[“organ of state” inserted by s 1(d) of Act 11 of 2024 with effect from 18 September 2024.]

**“prescribed”** means prescribed by regulation in terms of section 19;

**“Public Finance Management Act”** means the Public Finance Management Act, 1999 (Act 1 of 1999);

**“regulation”** means any regulation made in terms of section 19;

**“this Act”** includes any regulation promulgated in terms of this Act;

**“Umsobomvu Fund”** means the Umsobomvu Fund as referred to in the Demutualisation Levy Act, 1998 (Act 50 of 1998);

**“Umsobomvu Youth Fund”** means the section 21 company established in 2001 and funded from proceeds of the Demutualisation Levy Act, 1998; and

**“youth”** means persons between the ages of 14 and 35;

**“youth development programmes”** means interventions outlined in the National Youth Policy targeting youth, which seek to improve their lives by meeting their basic physical, developmental and social needs and helping them build their competencies needed to become successful adults.

[“youth development programmes” inserted by s 1(e) of Act 11 of 2024 with effect from 18 September 2024.]

## **2. Establishment of Agency**

- (1) A juristic person to be known as the National Youth Development Agency is hereby established.
- (2) The Agency is a national public entity as listed in Part A of Schedule 3 of the Public Finance Management Act.

[S 2(2) substituted by s 2 of Act 11 of 2024 with effect from 18 September 2024.]

## **3. Objects of Agency**

- (1) The objects of the Agency are to—
  - (a) initiate, design, coordinate, monitor, and evaluate youth development programmes at provincial and local levels;
  - (b) establish annual youth development priorities and report to the Minister on implementation;
  - (c) lobby organs of state, the private sector and civil society organisations towards implementation of the national youth development priorities;
  - (d) broadly promote the interests of the youth, particularly youth who fall within the designated groups contemplated in the Employment Equity Act, 1998 (Act No. 55 of 1998);
  - (e) contribute to development of the National Youth Policy and an Integrated Youth Development Strategy for South Africa; and
  - (f) develop guidelines for implementation of the Integrated Youth Development Strategy; and
  - (g) promote a uniform approach in youth development across organs of state, the private sector and civil society.
  - (h) ...

[S 3(1)(h) omitted when substituted by s 3 of Act 11 of 2024 with effect from 18 September 2024.]

(i) ...

[S 3(1)(i) omitted when substituted by s 3 of Act 11 of 2024 with effect from 18 September 2024.]

[S 3(1) substituted by s 3 of Act 11 of 2024 with effect from 18 September 2024.]

- (2) Nothing contained in this Act precludes the Agency from directly implementing any programme or intervention aimed at advancing its objects in terms of this Act.

#### **4. Principles of youth development**

Youth development interventions and programmes must be guided by the following principles—

- (a) recognition of the manner in which youth has been affected by the imbalances of the past and the need to redress these imbalances through more equitable policies, programmes and the allocation of resources;
- (b) promotion of equal opportunity and equal treatment of youth and the promotion of a gender-inclusive approach to the development of youth, where the social influences of gender, disability, the impact of sexism and the particular circumstances of young women are recognised;
- (c) creation of an environment which supports the continued development and learning of youth;
- (d) promotion of youth's participation in—
  - (i) democratic processes;
  - (ii) community and civic decision-making; and
  - (iii) development at all levels;
- (e) recognition of youth development as an important mandate;
- (f) responsiveness to the needs, aspirations and challenges of youth in a realistic and participatory manner;
- (g) recognition of the importance of cultural and spiritual diversity as a basis for youth development;
- (h) promotion of the value of sustainability in order to ensure that the needs of youth are met without compromising the ability of future generations to meet their own needs;

- (i) recognition in youth development initiatives of the peculiar needs of rural youth; and
- (j) transparency, accountability and accessibility.

## **5. Functions of Agency**

- (1) The Agency must, in order to achieve its objects—
  - (a) establish competencies and capabilities in its operations including the following functional areas:
    - (i) national youth service;
    - (ii) economic transformation, job creation and entrepreneurial support;
    - (iii) research and development;
    - (iv) governance, skills development and training;
    - (v) youth advisory and information services;
    - (vi) national youth fund; and
    - (vii) management of interventions needed to assist the youth to find employment;  
[\[S 5\(1\)\(a\) substituted by s 4\(a\) of Act 11 of 2024 with effect from 18 September 2024.\]](#)
  - (b) establish offices of the Agency at provincial and local levels and appoint the necessary personnel to those offices.
- (2) The Agency may, in order to achieve its objects—
  - (a) ...  
[\[S 5\(2\)\(a\) deleted by s 4\(b\) of Act 11 of 2024 with effect from 18 September 2024.\]](#)
  - (b) consider such recommendations, suggestions and requests concerning youth affairs as it may receive from any source; or
  - (c) conduct or cause to be conducted such research as it may deem necessary.
- (3) The Agency must manage and administer Umsobomvu Fund.

- (4) The Agency must, for purposes of subsection (3) and within its available resources, amongst others—
- (a) provide youth advisory and information services including information on the products and services of the Agency;
  - (b) provide career guidance services in collaboration with relevant partners;
  - (c) provide skills training to youth including personal development and life skills;
  - (d) contribute to the development of youth policy in the country;
  - (e) support youth work, education and training;
  - (f) provide funding in the prescribed manner and capacity building to small, micro and medium enterprises, youth owned cooperatives, individual youth, youth serving and youth led organisations that advance the Agency's mandate;
  - (g) support and mentor young entrepreneurs;
  - (h) design and implement youth employment programmes, including developing a database of unemployed youth and employment opportunities;
  - (i) assist in promoting healthy lifestyles amongst the youth;
  - (j) assist in designing and implementing programmes that reduce risky behaviour;
  - (k) assist in promoting mental health amongst the youth;
  - (l) coordinate and implement the national youth service;
  - (m) assist in developing norms and standards, as well as implementation guidelines;
  - (n) assist by providing technical support in legislation and strategy development; and
  - (o) conduct research that impacts on youth.

[S 5(4) substituted by s 4(c) of Act 11 of 2024 with effect from 18 September 2024.]

- (5) The Agency must perform any other function as determined by the Minister.

[S 5(5) added by s 4(d) of Act 11 of 2024 with effect from 18 September 2024.]



## **6. Reporting by Agency**

- (1) The Agency must, at least once every two years, in the prescribed manner, prepare and submit to the Minister a report on the status of youth in the Republic.
- (2) The Agency must—
  - (a) in accordance with the Public Finance Management Act, submit to the Minister a report on the financial status of the Agency; and
  - (b) supply the Minister with information in connection with the activities of the Agency, upon written request of the Minister.
- (3) The Minister must table the reports contemplated in subsections (1) and (2) in Parliament within 90 days of receipt thereof.
- (4) The Agency must, by notice in the Gazette, publish the reports contemplated in subsections (1) and (2) within a reasonable time after they have been tabled in Parliament.

[S 6 substituted by s 5 of Act 11 of 2024 with effect from 18 September 2024.]

## **7. Role of organs of state in supporting Agency**

Subject to the Intergovernmental Relations Framework Act, 2005 (Act No. 13 of 2005), organs of state must assist the Agency as may reasonably be required for the effective exercise of its powers and the performance of its functions.

[S 7 substituted by s 6 of Act 11 of 2024 with effect from 18 September 2024.]

## **8. Governance responsibilities of Board**

The control and management of the affairs of the Agency is managed by the Board, and the Board must—

- (a) within 12 months of this section coming into operation, determine—
  - (i) a strategic plan;
  - (ii) an operational plan;
  - (iii) a succession plan; and
  - (iv) an Agency charter that outlines the rights and responsibilities of the Agency including a governance checklist;

- (b) monitor and evaluate compliance by the Agency with this Act and any other functions that the Minister may determine; and
- (c) manage the financial and other resources in accordance with the Public Finance Management Act and any other applicable law

[S 8 substituted by s 7 of Act 11 of 2024 with effect from 18 September 2024.]

## **9. Composition, appointment and conditions of service of Board**

[S 9 heading substituted by s 8(a) of Act 11 of 2024 with effect from 18 September 2024.]

### **(1) The Board consists of—**

- (a) seven members, two of whom are executive directors appointed by the President on recommendation of the National Assembly;
- (aA) two *ex-officio* members, without voting rights, designated by the Minister from the Department and acting in an advisory capacity; and
- (b) the Chief Executive Officer, who is an *ex-officio* member of the Board without voting rights.

[S 9(1) substituted by s 8(b) of Act 11 of 2024 with effect from 18 September 2024.]

### **(2) ...**

[S 9(2) deleted by s 8(c) of Act 11 of 2024 with effect from 18 September 2024.]

### **(3) Members must be appointed in a manner ensuring—**

- (a) participation by youth in the nomination process;
- (b) transparency and openness; and
- (c) that a short-list of candidates for appointment is published.

### **(4) Members must broadly reflect the demographics and geographical spread of the Republic and must—**

- (a) be a South African Citizen between the ages of 18 and 35 years;
- (b) have relevant knowledge, expertise, experience or qualifications in youth development, social development, financial field, legal field or any other field considered necessary for advancement of the Agency's mandate;
- (c) be allowed to finish their term of office, if they turn 35 years whilst in office; and

- (d) be committed to advance the vision, mission, goal, objectives, values and principles as enunciated in the National Youth Policy

[S 9(4) substituted by s 8(d) of Act 11 of 2024 with effect from 18 September 2024.]

(5)

- (a) The President must designate one of the members as the chairperson and another member as a deputy chairperson and both are executive directors referred to in subsection (1)(a).

[S 9(5)(a) substituted by s 8(e) of Act 11 of 2024 with effect from 18 September 2024.]

- (b) Members who are not executive directors serve on a part-time basis.

- (6) Members hold office for a term of three years and may not be reappointed for more than two terms.

[S 9(6) substituted by s 8(f) of Act 11 of 2024 with effect from 18 September 2024.]

(7)

- (a) The deputy chairperson must, when the chairperson is absent or unable to perform his or her duties, act in his or her stead and when so acting, perform any function of the chairperson.

[S 9(7)(a), formerly 9(7), renumbered by s 8(g) of Act 11 of 2024 with effect from 18 September 2024.]

- (b) Should both the chairperson and deputy chairperson not be able to fulfil their responsibilities, the Minister may appoint any of the members contemplated in subsection (1)(a) to temporarily act as chairperson or deputy chairperson for a period not exceeding six months.

[S 9(7)(b) added by s 8(g) of Act 11 of 2024 with effect from 18 September 2024.]

- (8) The President must publish the appointment of a member in the *Government Gazette*.

- (9) ...

[S 9(9) deleted by s 8(h) of Act 11 of 2024 with effect from 18 September 2024.]

- (10) The conditions of service of members are determined by the Minister in consultation with the Minister of Finance.

[S 9(10) substituted by s 8(i) of Act 11 of 2024 with effect from 18 September 2024.]

- (11) Members who are employed by an organ of state are not entitled to remuneration, but must be reimbursed for out-of-pocket expenses by the Agency.

[S 9(11) substituted by s 8(j) of Act 11 of 2024 with effect from 18 September 2024.]

## **10. Disqualification, removal from office, resignation of members and filling vacancy during term**

[S 10 heading substituted by s 9(a) of Act 11 of 2024 with effect from 18 September 2024.]

- (1) A person may not be appointed or continue to serve as a member if he or she—

- (a) is an unrehabilitated insolvent;
- (b) has been—
  - (i) convicted of any criminal offence and sentenced to imprisonment without the option of a fine; or
  - (ii) convicted and fined more than the prescribed amount, for theft, fraud, forgery, perjury, an offence in connection with the promotion, formation or management of a company, any violation of the Public Finance Management Act or any offence involving dishonesty; or
  - (iii) convicted of a gender-based violence and femicide-related offence;
- (c) has been removed from an office of trust as a result of improper conduct, including sexual harassment, corruption, theft or fraud;
- (d) has been declared to be of unsound mind by a court;
- (e) is placed under curatorship; or
- (f) fails to submit his or her annual financial disclosure in the prescribed form and manner without good cause on more than one occasion.

[S 10(1) substituted by s 9(b) of Act 11 of 2024 with effect from 18 September 2024.]

- (2) The President may, on recommendation by the National Assembly, remove a member from office if the member—

- (a) is found guilty of misconduct;
- (b) is unable to perform his or her duties efficiently;
- (c) is absent from three consecutive meetings of the Board without permission of the Board or good cause; or
- (d) is disqualified as contemplated in subsection (1).

[S 10(2) substituted by s 9(c) of Act 11 of 2024 with effect from 18 September 2024.]

- (3) A member may resign by giving 30 days' notice in writing to the Chairperson of the Board.

- (4) The President, on recommendation by the Minister, may suspend a member from office any time after the start of the proceedings for the removal of a member on any of the grounds contemplated in subsection (2).

[S 10(4) substituted by s 9(d) of Act 11 of 2024 with effect from 18 September 2024.]

- (5) A vacancy in the Board occurs if a member—

- (a) is subject to a disqualification contemplated in subsection (1);
- (b) is removed from office in terms of subsection (2);
- (c) resigns from office; or
- (d) dies.

[S 10(5) added by s 9(e) of Act 11 of 2024 with effect from 18 September 2024.]

- (6) When a vacancy arises as contemplated in subsection (5), the President, on the recommendation of the Minister, may appoint a person from the recent list of persons recommended by the National Assembly in terms of section 9(1)(a).

[S 10(6) added by s 9(e) of Act 11 of 2024 with effect from 18 September 2024.]

- (7) A person appointed in terms of subsection (6) holds office for the unexpired portion of the term of the member he or she replaces.

[S 10(7) added by s 9(e) of Act 11 of 2024 with effect from 18 September 2024.]

- (8) Where the Board is no longer quorate due to vacancies resulting from mass resignations or there are unanticipated delays in filling the vacancies of the Board, the Minister shall—

- (a) make a recommendation to the President to dissolve the Board;
- (b) manage the appointment process of an interim Board in the prescribed manner; and
- (c) recommend candidates to the President for appointment to the interim Board.

[S 10(8) added by s 9(e) of Act 11 of 2024 with effect from 18 September 2024.]

- (9) The President must designate one of the members of the interim Board as the chairperson and another member as the deputy chairperson, both of whom shall be executive members of the interim Board.

[S 10(9) added by s 9(e) of Act 11 of 2024 with effect from 18 September 2024.]

- (10) The interim Board shall perform the functions of the Board until a new Board is appointed.

[S 10(10) added by s 9(e) of Act 11 of 2024 with effect from 18 September 2024.]

- (11) A majority of Board members constitutes a quorum at a Board meeting.

[S 10(11) added by s 9(e) of Act 11 of 2024 with effect from 18 September 2024.]

## **11. Meetings of Board**

- (1) The Board must meet at least four times a year at such times and places as the Chairperson may determine.
- (2) The Chairperson may, on two days' notice, call a special meeting of the Board, which must be held at such time and place as he or she may direct.
- (3) A decision of the Board must be taken by resolution of the majority of the members present, and in the event of an equality of votes, the person presiding at the meeting in question has a casting vote in addition to his or her deliberative vote.
- (4) A *quorum* is constituted by four members, which must include the Chairperson or the Deputy Chairperson.
- (5) A member must act impartially, in good faith and without fear, favour or prejudice and is subject only to the Constitution and law.
- (6) If a member has, in relation to a matter to be considered at a meeting of the Board, any interest which precludes that member from acting in a fair, unbiased and proper manner, the member may not—
- (a) participate in that meeting of the Board; or
  - (b) be present at the venue where the meeting is held.
- (7) If, during the course of any proceedings of the Board, there is reason to believe that a member has any interest contemplated in subsection (6), that member must immediately disclose the nature of his or her interest and leave the meeting in question so as to enable the remaining members to discuss the matter and determine whether that member may be allowed to participate in the proceedings.
- (7A) If a Board member fails to disclose any interest as required by subsection (7) and where he or she is present at the venue where the meeting of the Board is held or in any manner whatsoever participates in the proceedings of the Board, the relevant proceedings of the Board shall be null and void.

[S 11(7A) inserted by s 10 of Act 11 of 2024 with effect from 18 September 2024.]

- (8) The disclosure and the decision taken by the remaining members, must be recorded in the minutes of the proceedings in question.

## **12. Committees of Board**

- (1) The Board may establish Committees, including the—

(a) Executive Committee;

(b) ...

[S 12(1)(b) omitted when substituted by s 11 of Act 11 of 2024 with effect from 18 September 2024.]

(c) Human Resource and Remuneration Committee;

(d) Audit and Risk;

(e) Development Committee;

(f) Social and Ethics Committee;

(g) Information Communication Technology Committee; and

(h) any other Committee,

to assist in the performance of its functions.

[S 12(1) substituted by s 11 of Act 11 of 2024 with effect from 18 September 2024.]

- (2) The Board must determine the composition, rules and procedures of committees established in terms of this section.
- (3) The Board may invite persons who are not members of the Board to serve on any of its committees, but such persons may not be appointed as chairpersons of such committees.
- (4) The Board may dissolve or reconstitute a committee as is necessary.
- (5) Any decision taken by a committee established under this section must be ratified by the Board.

## **13. Appointment of Chief Executive Officer**

- (1) The Board must appoint a suitably qualified person as the Chief Executive Officer.

- (2) The Chief Executive Officer is an employee of the Agency and is accountable to the Board.
- (3) The Chief Executive Officer must—
  - (a) ensure that the functions of the Agency in terms of this Act are performed;
  - (b) report to the Board on the proper functioning of the Agency; and
  - (c) complete a report on the activities of the Agency for each financial year in accordance with the Public Finance Management Act and submit the report to the Board for approval.
- (4) The Chief Executive Officer holds office for an agreed term not exceeding five years and may be reappointed upon the expiry of that term of office.
- (5) If the Chief Executive Officer is unable to fulfil his or her functions, the Board must appoint an acting Chief Executive Officer to perform the functions of the Chief Executive Officer until the Chief Executive Officer resumes his or her duties or a new Chief Executive Officer is appointed.

#### **14. Employment contract and performance agreement of Chief Executive Officer**

- (1) The Board must conclude a written performance agreement with the Chief Executive Officer—
  - (a) within a reasonable time after the appointment of the Chief Executive Officer; and
  - (b) thereafter, annually within one month of the commencement of each financial year.
- (2) The performance agreement must include—
  - (a) measurable performance objectives and targets that must be met, and must provide for the time-frames within which those performance objectives and targets must be met;
  - (b) standards and procedures for evaluating performance and intervals for evaluation; and
  - (c) the consequences of substandard performance.
- (3) The employment contract of the Chief Executive Officer must incorporate in an appropriate form, section 57 of the Public Finance Management Act.

#### **15. Duties of Chief Executive Officer**

The Chief Executive Officer is responsible for, amongst others—



- (a) exercising an appropriate level of leadership for the organisation;
- (b) effectively communicating a vision, management philosophy, and business strategy to the Agency's employees;
- (c) the general and active management of the business affairs of the Agency;
- (d) the general supervision and direction of all other officials of the Agency;
- (e) developing and recommending to the Board a sound long-term strategy for the Agency that meets the needs of the Agency, government, communities, employees, and other stakeholders;
- (f) ensuring that the strategies of the Agency are effectively implemented with timely progress towards strategic objectives;
- (g) obtaining and allocating resources consistent with strategic objectives and making timely adjustments in strategies when market conditions and other forces demand a change;
- (h) carrying out a comprehensive budgeting process and monitoring the Agency's financial performance against the budget;
- (i) submitting annual reports, financial statements and financial position of the Agency to the Board; and
- (j) developing an annual strategic plan and budget in accordance with the Public Finance Management Act.

## **16. Appointment of staff**

- (1) The Chief Executive Officer must—
  - (a) in consultation with the Board, appoint executive managers of the Agency, which may include a Chief Operations Officer and a Chief Financial Officer; and
  - (b) appoint staff to assist the Agency in carrying out its functions.
- (2) The Board must in consultation with the Minister of Finance approve the remuneration, allowances, benefits and other terms and conditions of appointment of members of staff.

## **17. Delegation and assignment**

- (1) The Board may delegate any of its powers or assign any of its duties to the Chief Executive Officer or a Committee referred to in section 12.

[S 17(1) substituted by s 12 of Act 11 of 2024 with effect from 18 September 2024.]

- (2) The Chief Executive Officer may delegate any power or assign any duty conferred or imposed upon the Chief Executive Officer by or under this Act to—

(a) any other employee of the Agency with appropriate knowledge and experience; or

(b) any other person, after consulting the Board.

- (3) A delegation or assignment under subsections (1) and (2) must be in writing and—

(a) may be subject to any conditions determined by the Board or the Chief Executive Officer;

(b) does not prevent the exercise of that power or the performance of that duty by the Board or the Chief Executive Officer; and

(c) may be withdrawn or amended by the Board or the Chief Executive Officer.

- (4) A delegation by the Board of any of the powers entrusted or delegated to it in terms of the Public Finance Management Act must be in accordance with section 56 of that Act.

## **18. Funding and investments**

- (1) The funds of the Agency consist of—

(a) ...

[S 18(1)(a) deleted by s 13 of Act 11 of 2024 with effect from 18 September 2024.]

(b) money appropriated by Parliament for that purpose;

(c) interest on investments of the Agency;

(d) money lawfully received from any other source; and

(e) donations and contributions lawfully received by the Agency from any other source.

- (2) The Agency may invest any of its funds not immediately required—

- (a) subject to any investment policy that may be prescribed in terms of section 7(4) of the Public Finance Management Act; and
- (b) in such manner as may be approved by the Minister of Finance.

## **19. Regulations**

The Minister may, after consultation with the Board, make regulations regarding—

[S 19, words preceding (a), substituted by s 14 of Act 11 of 2024 with effect from 18 September 2024.]

- (a) any matter which in terms of this Act may or must be prescribed;
- (b) any action in order to promote compliance with this Act; and
- (c) any ancillary or incidental administrative or procedural matter that it is necessary to prescribe for the proper implementation or administration of this Act.

## **20. Judicial management and liquidation of Agency**

Despite the provisions of any other law, the Agency may not be placed under judicial management or in liquidation except if authorised by an Act of Parliament adopted specially for that purpose.

## **21. Transitional provisions**

- (1) In order to effect the transitional arrangements envisaged in this section, representations must made to the Minister of Finance for the dissolution of Umsobomvu Youth Fund as a section 21 company in terms of the Companies Act, 1973 (Act 61 of 1973) and the classification of the Agency as a public entity.
- (2) As soon as possible after this Act takes effect the President must, in consultation with the Minister of Finance—
  - (a) transfer the assets, rights, obligations and liabilities of Umsobomvu Youth Fund and the National Youth Commission to the Agency; and
  - (b) subject to section 197 of the Labour Relations Act, 1995 (Act 66 of 1995), transfer staff of Umsobomvu Youth Fund and the National Youth Commission to the Agency.
- (3) A person transferred to the Agency remains subject to any decisions, proceedings, rulings and directions applicable to that person immediately before the transfer date.

- (4) Any proceedings pending against such person immediately before the transfer date must be disposed of as if that person had not been transferred.
- (5) For purposes of Income Tax, 1962 (Act 58 of 1962), no change of employer must be regarded as having taken place when employment is taken up at the Agency by a person contemplated in subsection (1).
- (6) The Registrar of Deeds must make the necessary entries and endorsement for the transfer of any property in terms of subsection (1) and no office fee or any other charge is payable in respect of that entry or endorsement.
- (7) This Act does not affect the validity of any transaction, project, business deal and programmes which were already undertaken or pending by Umsobomvu Youth Fund and National Youth Commission before the fixed dated.
- (8) The operations of Umsobomvu Youth Fund and the National Youth Commission must be dealt with as if this Act had at all times been in force.
- (9) In order to implement this Act, the President must on the recommendation of Parliament appoint a task team of consultants to perform joint audits in respect of personnel, budgets, finances, information management and equipment of Umsobomvu Youth Fund and National Youth Commission.
- (10) The President must report to Parliament on the progress of the task team.

## **22. Repeal of laws**

Subject to section 21, the National Youth Commission Act, 1996 (Act 19 of 1996), and the National Youth Commission Amendment Act, 2000 (Act 19 of 2000), are hereby repealed.

## **23. Short title**

This Act is called the National Youth Development Agency Act, 2008, and comes into operation on a date to be fixed by the President by proclamation in the *Gazette*.