

Short Learning Programme Course Outline: Delegation of Powers in Local Government Training duration - 8 contact hours

Purpose of short learning programme (SLP)

This 1-day short learning programme offers councillors a brief overview of the requirements for valid and lawful delegation and its operation in the municipal environment and explains the principle of legality with regard to the exercise of public power in order to ensure that municipalities comply with the law.

***Admission/entrance requirements:**

- A National Senior Certificate (NSC)
- A National Certificate (Vocational) Level 4 (NCV4) or
- An appropriate Further Education and Training Certificate or equivalent.
- Good reading and writing skills at NQF level 4 is recommended.

* Please note that the Entrance Requirements are only applicable, if the student chooses to be assessed.

Attendance requirements

Kindly note students are required to remain in class for the duration of the course.

Course outline

Constitutional imperative

- Authority for the exercise of public power
- Legality

Delegation of powers

- The meaning of delegation
- The need for delegation
- Competent authority and authority to delegate
- What may be delegated?
- To whom powers may be delegated

The principles of law underlying delegation

- The common law
- Discretion
- Withdrawal of delegation
- Delegator's control
- Referral to delegator
- Expectation to exercise delegated power of duty
- Delegatee's incapacity
- The delegator is not denuded of the power to exercise a delegated power
- Sub-delegation

Other statutory provisions

- Statutory compliance
- Must be in writing
- Conditions precedent
- Review of decisions taken in consequence of delegation
- Appeals

Consequences of unauthorised delegation

- Judicial review
- Financial loss
- Disciplinary proceedings

General

- Functus officio
- Other areas confused with delegation
 - Organisational delegation
 - Master / servant relationship
 - Mandate
 - Ministerial acts
 - Corporate acts
- Liability for acts or omissions of delegate

Assessment practice (Optional)

- Students need to obtain a 50% pass mark overall in order to be issued with a Nelson Mandela University Certificate of Compliance.

Training delivery

- Training can take place at the Nelson Mandela University's Bird Street campus in PE or on-site.

Contact details

For further information and to request quotations, please contact:

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