

- (a) must be in terms of an agreement between the relevant Cabinet member and the Executive Council member or Municipal Council;
- (b) must be consistent with the Act of Parliament in terms of which the relevant power or function is exercised or performed; and
- (c) takes effect upon proclamation by the President.

## National intervention in provincial administration

[Heading amended by s. 2(a) the Constitution Eleventh Amendment Act of 2003.]

100. (1) When a province cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the national executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including—
- (a) issuing a directive to the provincial executive, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations; and
  - (b) assuming responsibility for the relevant obligation in that province to the extent necessary to—
    - (i) maintain essential national standards or meet established minimum standards for the rendering of a service;
    - (ii) maintain economic unity;
    - (iii) maintain national security; or
    - (iv) prevent that province from taking unreasonable action that is prejudicial to the interests of another province or to the country as a whole.

[Sub-s. (1) amended by s. 2(b) of the Constitution Eleventh Amendment Act of 2003.]

- (2) If the national executive intervenes in a province in terms of subsection (1)(b)—
- (a) it must submit a written notice of the intervention to the National Council of Provinces within 14 days after the intervention began;
  - (b) the intervention must end if the Council disapproves the intervention within 180 days after the intervention began or by the end of that period has not approved the intervention; and
  - (c) the Council must, while the intervention continues, review the intervention regularly and may make any appropriate recommendations to the national executive.

[Sub-s. (2) substituted by s. 2(c) of the Constitution Eleventh Amendment Act of 2003.]