

- (c) use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person.

### **Transfer of functions**

137. The Premier by proclamation may transfer to a member of the Executive Council—
- (a) the administration of any legislation entrusted to another member; or
  - (b) any power or function entrusted by legislation to another member.

### **Temporary assignment of functions**

138. The Premier of a province may assign to a member of the Executive Council any power or function of another member who is absent from office or is unable to exercise that power or perform that function.

### **Provincial intervention in local government**

139. (1) When a municipality cannot or does not fulfil an executive obligation in terms of the Constitution or legislation, the relevant provincial executive may intervene by taking any appropriate steps to ensure fulfilment of that obligation, including—
- (a) issuing a directive to the Municipal Council, describing the extent of the failure to fulfil its obligations and stating any steps required to meet its obligations;
  - (b) assuming responsibility for the relevant obligation in that municipality to the extent necessary to —
    - (i) maintain essential national standards or meet established minimum standards for the rendering of a service;
    - (ii) prevent that Municipal Council from taking unreasonable action that is prejudicial to the interests of another municipality or to the province as a whole; or
    - (iii) maintain economic unity; or
  - (c) dissolving the Municipal Council and appointing an administrator until a newly elected Municipal Council has been declared elected, if exceptional circumstances warrant such a step.
- (2) If a provincial executive intervenes in a municipality in terms of subsection (1)(b)—
- (a) it must submit a written notice of the intervention to—
    - (i) the Cabinet member responsible for local government affairs; and
    - (ii) the relevant provincial legislature and the National Council of Provinces, within 14 days after the intervention began;