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PROCLAMATION

BY THE

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No. R. 117, 1998

REGULATION UNDER SECTION 10 (1) OF THE PUBLIC FUNDING OF REPRESENTED POLITICAL PARTIES ACT, 1997

Under section 10 (1) of the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997), I, acting on the recommendation of a joint committee of the National Assembly and the National Council of Provinces, hereby make the regulations in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirteenth day of November, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

M. V. MOOSA

Minister of the Cabinet

SCHEDULE

PUBLIC FUNDING OF REPRESENTED POLITICAL PARTIES REGULATIONS, 1998

Definitions

1. In these regulations a word or phrase to which a meaning has been assigned in the Act has that meaning, and, unless the context otherwise indicates—

“**Act**” means the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997);

“**allocated monies**” means moneys allocated from the Fund to a political party during a particular financial year;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**equitable allocation**” means the allocation referred to in regulation 2 (2) (b);

“**proportional allocation**” means the allocation referred to in regulation 2 (2) (a).

Allocation of funding

2. (1) The total amount of funding available for allocations from the Fund during a particular financial year must be announced by the Commission by notice in the *Gazette* within two weeks of the beginning of that financial year.

(2) The allocations from the Fund to be made and paid to each of the political parties concerned are calculated by—

(a) allocating ninety (90) per cent of the total amount of funding determined in terms of subregulation (1) proportionally in accordance with regulation 3; and

- (b) allocating ten (10) per cent of the total amount of funding determined in terms of subregulation (1) equitably in accordance with regulation 4.

Proportional allocation

3. The proportional allocation is determined by dividing the amount contemplated in regulation 2 (2) (a) proportionally among the participating parties in any legislative body referred to in section 9 (3) (a) of the Act, in accordance with the number of seats awarded to each participating party in the National Assembly and the provincial legislatures jointly.

Equitable allocation

4. The equitable allocation is determined in the following manner:

- (a) The amount contemplated in regulation 2 (2) (b) must be allocated to the respective provinces in proportion to the number of members of the respective provincial legislatures as contemplated by section 105 (2) of the Constitution; and
- (b) the allocation to a particular province in terms of paragraph (a) must be divided equally among the participating parties in the legislature of that province.

Times, intervals and instalments of payments

5. (1) All allocations to which a political party is entitled as determined in terms of regulations 3 and 4, must be paid to the political party in question in four equal instalments, each within three months of the previous payment. The first instalment must be paid within four weeks of the beginning of the financial year in question.

(2) In the event of an election being called in terms of section 49 (2) or 108 (2) of the Constitution in respect of a particular legislature, any outstanding instalments still to be paid in terms of subregulation (1) to the political parties represented in that legislature during the period of 21 days referred to in section 9 (3) of the Act, must be suspended. The instalments so suspended must be distributed within two weeks of the date of election to the political parties that gain representation in the legislature concerned as a result of the election in accordance with the provisions of regulations 3 and 4, as the case may be.

Manner of payments

6. (1) A political party must provide the Commission with particulars of the party's banking account referred to in section 6 (1) of the Act, within two weeks of such a banking account being opened.

(2) Any payments to be made to a political party in terms of these regulations must be paid into the party's banking account referred to in section 6 (1) of the Act.

Separate books and records of account

7. The separate books and records of account required by section 6 (2) of the Act must be kept according to generally accepted accounting practices, and must include the following:

- (a) Records showing all transactions involving allocated moneys;
- (b) records showing all assets acquired with allocated moneys;
- (c) records showing commitments entered into in respect of allocated moneys;
- (d) a balance sheet;
- (e) an income and expenditure statement; and
- (f) a cash flow statement.

Generally descriptive categories of purposes in connection with which amounts are spent

8. (1) Financial statements prepared in relation to the Fund must show the amounts spent during a financial year in question by each political party that received allocations in accordance with these regulations in connection with purposes classifiable under the following descriptive categories:

- (a) Personnel expenditure;
- (b) accommodation;
- (c) travel expenses;
- (d) arrangement of meetings and rallies;
- (e) administration; and
- (f) promotions and publications.

(2) The information required for the purposes of subregulation (1) must be furnished to the Commission by the accounting officer referred to in section 6 (1) of the Act within three months after the end of the financial year in question.

Prescribed percentage of allocations that may be carried over

9. Moneys carried forward to the next financial year as contemplated in section 9 (1) of the Act may not amount to more than fifty per cent of the moneys received from the Fund during the financial year in question.

Short title

10. These regulations are called the Public Funding of Represented Political Parties Regulations, 1998.

PROKLAMASIE

VAN DIE

PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA**No. R. 117, 1998****REGULASIES KRAGTENS ARTIKEL 10 (1) VAN DIE WET OP DIE OPENBARE BEFONDSING VAN VERTEENWOORDIGDE POLITIEKE PARTYE, 1997 (WET No. 103 VAN 1997)**

Kragtens artikel 10 (1) van die Wet op die Openbare Befondsing van Verteenwoordigde Politieke Partye, 1997 (Wet No. 20 van 1997), vaardig ek hierby, handelende op aanbeveling van 'n gesamentlike komitee van die Nasionale Vergadering en die Nasionale Raad van Provinsies, die regulasies in die Bylae uit.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Dertiende dag van November Eenduisend Negehoenderd Agt-en-Negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

M. V. MOOSA

Minister van die Kabinet

BYLAE**REGULASIES OOR DIE OPENBARE BEFONDSING VAN VERTEENWOORDIGDE POLITIEKE PARTYE, 1998****Woordomskrywings**

1. In hierdie regulasies het 'n woord of uitdrukking waaraan 'n betekenis in die Wet toegeken is daardie betekenis, en tensy uit die samehang anders blyk, beteken—

“Wet” die Wet op die Openbare Befondsing van Verteenwoordigde Politieke Partye, 1997 (Wet No. 103 van 1997);

“toegekeende geld” geld wat vanuit die Fonds aan 'n politieke party gedurende 'n besondere boekjaar toegeken is;

“Grondwet” die Constitution of the Republic of South Africa, 1996;

“billikheids toewysing” die toekenning bedoel in regulasie 2 (2) (b);

“proporsionele toekenning” die toekenning bedoel in regulasie 2 (2) (a).

Toekenning van befondsing

2. (1) Die totale bedrag van befondsing wat beskikbaar is vir toekennings vanuit die Fonds gedurende 'n besondere boekjaar word deur die Kommissie by kennisgewing in die *Staatskoerant* binne twee weke vanaf die begin van daardie boekjaar bepaal.

(2) Die toekennings vanuit die Fonds wat aan elk van die betrokke politieke partye gedoen en betaal staan te word, word bereken deur—

(a) negentig (90) persent van die totale bedrag van befondsing wat ingevolge subregulasie (1) bepaal word proporsioneel ooreenkomstig regulasie 3 toe te ken; en

(b) tien (10) persent van die totale bedrag van befondsing wat ingevolge subregulasie (1) bepaal word billikerwys ooreenkomstig regulasie 4 toe te ken.

Proporsionele toekenning

3. Die proporsionele toekenning word bepaal deur die bedrag beoog in regulasie 2 (2) (a) proporsioneel tussen die meedoenende partye in enige wetgewende liggaam in artikel 9 (3) (a) van die Wet bedoel te verdeel ooreenkomstig die getal setels wat aan elke meedoenende party in die Nasionale Vergadering en die provinsiale wetgewers gesamentlik toegeken is.

Billikheidstoekenning

4. Die billikheidstoekenning word op die volgende wyse bepaal:

(a) Die bedrag beoog in regulasie 2 (2) (b) word aan die onderskeie provinsies toegeken in verhouding tot die getal lede van die onderskeie provinsiale wetgewers soos beoog in artikel 105 (2) van die Grondwet.

(b) Die toekenning aan 'n besondere provinsie ingevolge paragraaf (a) moet gelykop tussen die meedoenende partye in die wetgewer van daardie provinsie verdeel word.

Tye, tussenposes en paaielemente van betalings

5. (1) Al die toekennings waarop 'n politieke party geregtig is soos bepaal ingevolge regulasies 3 en 4, moet aan die betrokke politieke party in vier gelyke paaielemente betaal word, elkeen binne drie maande vanaf die vorige betaling. Die eerste paaielement moet binne vier weke vanaf die begin van die betrokke boekjaar betaal word.

(2) In geval van 'n verkiesing wat ingevolge artikel 49 (2) of 108 (2) van die Grondwet ten opsigte van 'n besondere wetgewer uitgeskryf word, word enige uitstaande paaielemente wat nog ingevolge subregulasie (1) betaal moet word aan die politieke partye wat in daardie wetgewer verteenwoordig is gedurende die periode van 21 dae in artikel 9 (3) van die Wet bedoel, opgeskort. Die paaielemente wat aldus opgeskort word, word ooreenkomstig regulasie 3 of 4, na gelang van die geval, uitgedeel aan die politieke partye wat verteenwoordiging in die betrokke wetgewer verkry as gevolg van die verkiesing.

Wyse van betalings

6. (1) 'n Politieke party moet die Kommissie voorsien van die besonderhede van die party se bankrekening bedoel in artikel 6 (1) van die Wet binne twee weke nadat so 'n bankrekening geopen is.

(2) 'n Betaling wat aan 'n politieke party ingevolge hierdie regulasies gemaak moet word, moet in die party se bankrekening bedoel in artikel 6 (1) van die Wet inbetaal word.

Afsonderlike rekeningboeke en rekeningkundige rekords

7. Die afsonderlike rekeningboeke en rekeningkundige rekords wat deur artikel 6 (2) van die Wet vereis word, moet ooreenkomstig algemeen aanvaarde rekeningkundige praktyk gehou word en moet die volgende insluit:

- (a) Rekords wat alle transaksies aandui waarby toegekende geld betrokke is;
- (b) rekords wat alle bates aandui wat met toegekende geld verkry is;
- (c) rekords wat verpligtinge aandui wat ten opsigte van toegekende geld aangegaan is;
- (d) 'n balansstaat;
- (e) 'n inkomste- en uitgawestaat; en
- (f) 'n kontantvloestaat.

Algemeen beskrywende kategorieë van doeleindes in verband waarmee bedrae bestee word

8. (1) Finansiële state wat met betrekking tot die Fonds opgestel word, moet die bedrae aandui wat deur elke politieke party wat toekennings ooreenkomstig hierdie regulasies ontvang het, gedurende die betrokke boekjaar bestee is in verband met doeleindes wat geklassifiseer kan word onder die volgende algemeen beskrywende kategorieë:

- (a) Personeel uitgawes;
- (b) akkommodasie;
- (c) reis uitgawes;
- (d) reëlins vir vergaderings en byeenkomste;
- (e) administrasie; en
- (f) promosies en publikasies.

(2) Die inligting wat vir doeleindes van subregulasie (1) benodig word, moet aan die Kommissie verskaf word deur die rekenpligtige beamppte bedoel in artikel 6 (1) van die Wet binne drie maande na die einde van die betrokke boekjaar.

Voorgeskrewe persentasie van toekennings wat oorgedra mag word

9. Geld wat na die volgende boekjaar oorgedra word soos beoog in artikel 9 (1) van die Wet, mag nie meer as vyftig persent bedra van die geld wat van die Fonds gedurende die betrokke boekjaar ontvang is nie.

Kort titel

10. Hierdie regulasies word die Openbare Befondsing van Verteenwoordigde Politieke Partye Regulasies, 1998, genoem.

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