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REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Price 20c Prys

Overseas 30c Oorsee

POST FREE—POSVRY

OL. 156]

CAPE TOWN, 30 JUNE 1978

[No. 6099

KAAPSTAD, 30 JUNIE 1978

DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 1356.

30 June 1978.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 107 of 1978: Fund-raising Act, 1978.

No. 1356.

30 Junie 1978.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 107 van 1978: Wet op Fondsinsameling, 1978.

WET

Om voorsiening te maak vir beheer oor die insameling van bydraes van die publiek; die aanstelling van 'n Direkteur van Fondsinsameling; die instelling van 'n Rampnoodlenigingsfonds, 'n Suid-Afrikaanse Weermagfonds en 'n Vlugtelinge-noodlenigingsfonds; die verklaring van sekere rampspoedige gebeurtenisse tot rampe; en ander aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 20 Junie 1978.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing.

1. (1) In hierdie Wet, tensy uit die samehang anders blyk, beteken—
 - (i) „appèlkomitee” ’n appèlkomitee ingevolge artikel 10 (1) aangestel; (i) 5
 - (ii) „appellant” iemand wat ’n appèl ingevolge artikel 10 (1) aanteken; (ii)
 - (iii) „bestuur” die komitee of ander liggaam van ’n 10 organisasie aangewys of aangestel by of ingevolge die konstitusie van bedoelde organisasie en waardeur die sake van die organisasie bestuur word; (xviii)
 - (iv) „bydraes” roerende of onroerende goed, met inbegrip van geld of enigets wat gewissel of in geld omgesit kan word, wat nie ter nakoming van ’n regtens afdwingbare verpligting (uitgesonderd ’n donasie of skenking) oorgedra word nie en waarvan die blote oordrag nie ’n reg op die een of ander teenprestasie (uitgesonderd ’n teenprestasie met betrekking tot ’n kompetisie, wedstryd, spel, skema, reëling of stelsel in verband waarmee die een of ander prys gewen kan word) verleen nie; (xi)
 - (v) „Direkteur” die Direkteur van Fondsinsameling kragtens artikel 3 aangestel; (xii) 25
 - (vi) „finansiële state” die finansiële state in artikel 12 (1) vermeld; (xiii)
 - (vii) „fondsinsamelingsorganisasie” ’n organisasie ten opsigte waarvan ’n magtiging ingevolge artikel 4 verleen is; (xiv) 30
 - (viii) „gemagtigde organisasie” ’n organisasie waaraan ’n spesiale magtiging ingevolge artikel 21 verleen is; (iii)
 - (ix) „gemagtigde persoon” ’n persoon aan wie ’n spesiale magtiging ingevolge artikel 21 verleen is; (iv)
 - (x) „geregistreerde tak” ’n tak geregistreer ingevolge 35 artikel 5 (1); (xxiii)
 - (xi) „gewaarmerkte afskrif” ’n afskrif wat deur ’n kommissaris van ede gesertifiseer is ’n ware afskrif van die oorspronklike dokument te wees; (viii)

FUND-RAISING ACT, 1978.

Act No. 107, 1978

ACT

To provide for control of the collection of contributions from the public; the appointment of a Director of Fund-raising; the establishment of a Disaster Relief Fund, a South African Defence Force Fund and a Refugee Relief Fund; the declaration of certain disastrous events as disasters; and other matters connected therewith.

(English text signed by the State President.)

(Assented to 20 June 1978.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

- 1.** (1) In this Act, unless the context otherwise indicates— Definitions.
- 5 (i) "appeal committee" means an appeal committee appointed in terms of section 10 (1); (i)
- (ii) "appellant" means any person noting an appeal in terms of section 10 (1); (ii)
- 10 (iii) "authorized organization" means any organization to which a special authority has been granted in terms of section 21; (viii)
- (iv) "authorized person" means any person to whom a special authority has been granted in terms of section 21; (ix)
- 15 (v) "authority" means an authority granted in terms of section 4; (xvii)
- (vi) "board" means a board established in terms of section 17; (xxi)
- 20 (vii) "branch" means a group or association of persons carrying out the functions or carrying on the activities of a fund-raising organization within a particular area and which is managed in terms of a constitution by a committee consisting of not fewer than five persons; (xxvii)
- 25 (viii) "certified copy" means a copy certified by a commissioner of oaths to be a true copy of the original document; (xi)
- (ix) "collect", in relation to contributions, means in any manner whatsoever soliciting, accepting, collecting or obtaining contributions from the public or attempting so to collect or obtain; (xiv)
- 30 (x) "constitution" means the written provisions in terms of which an organization is constituted and managed; (xvi)
- (xi) "contributions" means movable or immovable goods, including money or anything that can be exchanged for or converted into money, which is not transferred in fulfilment of a legally enforceable obligation (except a donation or gift) and the mere transfer of which does not confer the right to claim any consideration (except any consideration in relation to any competition, contest, game, scheme, arrangement or system in connection with which any prize may be won); (iv)
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- 40

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WET OP FONDSINSAMELING, 1978.

- (xii) „hierdie Wet” ook die regulasies; (xxxi)
- (xiii) „houer” iemand aan wie of ’n organisasie waaraan ’n tydelike magtiging ingevolge artikel 6 verleen is; (xv)
- (xiv) „insamel”, met betrekking tot bydraes, bydraes op enige wyse hoegenaamd van die publiek vra, ontvang, insamel of verkry of poog om aldus in te samel of te verkry; (ix) 5
- (xv) „inspekteur” ’n inspekteur kragtens artikel 30 aangestel; (xvi)
- (xvi) „konstitusie” die geskrewe bepalings ingevolge waar- van ’n organisasie saamgestel en bestuur word; (x) 10
- (xvii) „magtiging” ’n magtiging ingevolge artikel 4 verleen; (v)
- (xviii) „Minister” die Minister van Volkswelsyn en Pensioene en, by die toepassing van Hoofstuk II, ook die Minister van Verdediging vir sover daardie Hoofstuk met betrekking tot die Suid-Afrikaanse Weermagfonds van toepassing is; (xix) 15
- (xix) „organisasie” ook ’n liggaam, groep of vereniging van persone, ’n instelling, federasie, genootskap, beweging, trust of fonds, met of sonder regs persoonlikheid en ongeag of dit ooreenkomstig ’n wet gestig of geregistreer is al dan nie en, by die toepassing van artikel 30, ook ’n fondsinsamelingsorganisasie en ’n gemagtigde organisasie; (xx) 25
- (xx) „plaaslike owerheid” ’n instelling of liggaam bedoel in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), en ook ’n in artikel 2 van die Wet op die Administrasie van Bantoesake, 1971 (Wet No. 45 van 1971), bedoelde Bantoesake-administrasieraad; (xvii) 30
- (xxi) „raad” ’n raad ingevolge artikel 17 aangestel; (vi)
- (xxii) „registrasiesertifikaat” ’n registrasiesertifikaat ingevolge artikel 5 uitgereik; (xxiv)
- (xxiii) „regulasies” die regulasies kragtens artikel 36 uitgevaardig; (xxv) 35
- (xxiv) „Sekretaris” die Sekretaris van Volkswelsyn en Pensioene en, by die toepassing van Hoofstuk II, ook die Hoof van die Suid-Afrikaanse Weermag vir sover daardie Hoofstuk met betrekking tot die Suid-Afrikaanse Weermagfonds van toepassing is; (xxvii) 40
- (xxv) „spesiale magtiging” ’n spesiale magtiging kragtens artikel 21 verleen; (xxviii)
- (xxvi) „spesiale vergunning”, met betrekking tot ’n fondsinsamelingsorganisasie, geregistreerde tak of houer, ’n spesiale vergunning in artikel 7 (2) vermeld en, met betrekking tot ’n raad, gemagtigde organisasie of gemagtigde persoon, ’n spesiale vergunning in artikel 23 vermeld; (xxix) 45
- (xxvii) „tak” ’n groep of vereniging van persone wat die werksaamhede of bedrywighede of ’n gedeelte van die werksaamhede of bedrywighede van ’n fondsinsamelingsorganisasie binne ’n bepaalde gebied verrig of voortsit en ingevolge ’n konstitusie deur ’n komitee bestaande uit minstens vyf persone bestuur word; (vii) 55
- (xxviii) „tydelike magtiging” ’n magtiging kragtens artikel 6 verleen; (xxx)
- (xxix) „vergoeding” ’n bedrag geld of enigiets wat gewissel of in geld omgesit kan word, maar nie ook die salaris of loon wat betaal word deur ’n fondsinsamelingsorganisasie of geregistreerde tak aan enigiemand in sy diens wat nie vir eie rekening sake doen nie; (xxvi) 60
- (xxx) „vergunning”, met betrekking tot ’n fondsinsamelingsorganisasie, geregistreerde tak of houer, ’n vergunning in artikel 7 (1) vermeld en, met betrekking tot ’n raad, gemagtigde organisasie of gemagtigde persoon, ’n vergunning in artikel 21 vermeld; (xxi) 65
- (xxxi) „voorgeskrif” of „voorgeskrewe” by regulasie voorgeskryf of voorgeskrewe. (xxii)

(2) By die toepassing van hierdie Wet, word bydraes wat van ’n persoon of organisasie wat buite die Republiek is, gevra, ontvang of verkry is, geag van die publiek in die Republiek ingesamel te wees.

FUND-RAISING ACT, 1978.

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- (xii) "Director" means the Director of Fund-raising appointed under section 3; (v)
- (xiii) "financial statements" means the financial statements mentioned in section 12 (1); (vi)
- 5 (xiv) "fund-raising organization" means any organization in respect of which an authority has been granted in terms of section 4; (vii)
- (xv) "holder" means any person to whom or organization to which a temporary authority has been granted in terms of section 6; (xiii)
- 10 (xvi) "inspector" means an inspector appointed under section 30; (xv)
- (xvii) "local authority" means any institution or body referred to in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), and also a Bantu Affairs Administration Board referred to in section 2 of the Administration of Bantu Affairs Act, 1971 (Act No. 45 of 1971); (xx)
- 15 (xviii) "management" means the committee or other body of an organization designated or appointed by or in terms of the constitution of the said organization and by which the affairs of such organization are managed; (iii)
- 20 (xix) "Minister" means the Minister of Social Welfare and Pensions and, for the purposes of Chapter II, includes the Minister of Defence in so far as that Chapter applies in relation to the South African Defence Force Fund; (xviii)
- 25 (xx) "organization" includes any body, group or association of persons, any institution, federation, society, movement, trust or fund, incorporated or unincorporated, and whether or not it has been established or registered in accordance with any law and, for the purposes of section 30, includes a fund-raising organization and an authorized organization; (xix)
- 30 (xxi) "permission", in relation to a fund-raising organization, registered branch or holder, means a permission referred to in section 7 (1) and, in relation to a board, an authorized organization or an authorized person, means a permission referred to in section 21; (xxx)
- 35 (xxii) "prescribed" means prescribed by regulation; (xxxi)
- 40 (xxiii) "registered branch" means any branch registered under section 5 (1); (x)
- (xxiv) "registration certificate" means any registration certificate issued under section 5; (xxii)
- 45 (xxv) "regulations" means the regulations made under section 36; (xxiii)
- (xxvi) "remuneration" means an amount of money or anything which can be exchanged for or converted into money, but does not include the salary or wages paid by a fund-raising organization or registered branch to any person in its employment who does not carry on business for his own account; (xxix)
- 50 (xxvii) "Secretary" means the Secretary for Social Welfare and Pensions and, for the purposes of Chapter II, includes the Head of the South African Defence Force in so far as that Chapter applies in relation to the South African Defence Force Fund; (xxiv)
- 55 (xxviii) "special authority" means any special authority granted under section 21; (xxv)
- 60 (xxix) "special permission", in relation to a fund-raising organization, registered branch or holder, means a special permission referred to in section 7 (2) and, in relation to a board, an authorized organization or an authorized person, means a special permission referred to in section 23; (xxvi)
- 65 (xxx) "temporary authority" means any authority granted under section 6; (xxviii)
- (xxxi) "this Act" includes the regulations. (xii)

(2) For the purposes of this Act, any contributions solicited, accepted or obtained from any person or organization being outside the Republic, shall be deemed to have been collected from the public in the Republic.

Wet No. 107, 1978

WET OP FONDSINSAMELING, 1978.

HOOFSTUK I

INSAMELING VAN BYDRAES DEUR FONDSINSAMELINGSORGANISASIES, ANDER ORGANISASIES EN PERSONE

Verbod op
ongemagtigde
insameling van
bydraes.

2. Niemand mag bydraes insamel nie, tensy hy ingevolge hierdie Wet daartoe gemagtig is en tensy die insameling ooreenkomstig die bepalings van hierdie Wet geskied. 5

Aanstelling van
Direkteur van
Fondsinsameling.

3. (1) Die Minister stel, behoudens die wetsbepalings met betrekking tot die staatsdiens, 'n Direkteur van Fondsinsameling aan, wat die bevoegdhede en werksaamhede wat by hierdie Wet aan hom verleen of opgedra word, uitoefen of verrig. 10

(2) Die Direkteur kan, benewens die ander bevoegdhede en werksaamhede wat by hierdie Wet aan hom verleen of opgedra word, in die algemeen of in 'n bepaalde geval die stappe doen wat hy nodig of wenslik ag om die insameling van bydraes te reël of te koördineer. 15

(3) Die Direkteur is onderworpe aan die administratiewe beheer van die Sekretaris.

Magtiging aan
organisasies om
bydraes in te samel.

4. (1) (a) Die Direkteur kan behoudens die bepalings van hierdie Wet, op aansoek op die voorgeskrewe wyse gedoen deur die bestuur van 'n organisasie wat bydraes wil insamel, 'n skriftelike magtiging aan sodanige organisasie verleen om, onderworpe aan die voorgeskrewe voorwaardes en die ander voorwaardes in bedoelde magtiging vermeld, in 'n aldus vermeld gebied bydraes vir die aldus vermeld doeleindes in te samel. 20 25

(b) 'n Organisasie wat om sodanige magtiging aansoek wil doen, moet 'n kennisgewing wat die voorgeskrewe besonderhede bevat, op die voorgeskrewe wyse laat publiseer. 30

(c) So 'n aansoek moet van bewys van sodanige publikasie vergesel gaan.

(2) Enige persoon of groep persone kan binne die voorgeskrewe tydperk en op die voorgeskrewe wyse by die Direkteur beswaar teen die toestaan van so 'n aansoek aanteken. 35

(3) Die Direkteur kan die betrokke organisasie aansê om die verdere inligting met betrekking tot sy aansoek wat die Direkteur nodig of dienstig ag, te verstrek, en kan die aansoek laat ondersoek en die verdere inligting wat hy vir die oorweging van die aansoek nodig ag, inwin. 40

(4) Geen magtiging word ingevolge hierdie artikel verleen nie aan 'n organisasie—

(a) wat versuim het om enige magtiging of vergunning wat hy ingevolge die bepalings van 'n ander wet nodig het om sy bedrywighede voort te sit, te verkry; 45

(b) wat, volgens sy konstitusie of aansoek, beoog om bydraes teen vergoeding vir of namens 'n ander organisasie of persoon in te samel.

(5) Behoudens die bepalings van artikel 7 (3) verleen geen magtiging ingevolge hierdie artikel aan die organisasie waaraan dit verleen is die reg om bydraes teen vergoeding vir of namens 'n ander organisasie of persoon in te samel nie. 50

(6) 'n Magtiging ingevolge hierdie artikel verleen, bly van krag vir die tydperk waarvoor dit verleen is of totdat dit ingevolge hierdie Wet ingetrek word. 55

Takke van
fondsinsamelings-
organisasies.

5. (1) Die Direkteur kan, op aansoek van 'n fondsinsamelingsorganisasie op die voorgeskrewe wyse gedoen, 'n tak van bedoelde fondsinsamelingsorganisasie registreer en 'n registrasiesertifikaat wat die voorgeskrewe besonderhede bevat, ten opsigte van bedoelde tak uitreik. 60

(2) Geen tak word ingevolge subartikel (1) geregistreer ten opsigte van 'n ander doelstelling as 'n doelstelling ten opsigte waarvan die fondsinsamelingsorganisasie waarvan dit 'n tak is ingevolge artikel 4 gemagtig is om bydraes in te samel, of ten opsigte van 'n ander gebied as die gebied ten opsigte waarvan bedoelde fondsinsamelingsorganisasie aldus gemagtig is nie. 65

FUND-RAISING ACT, 1978.

Act No. 107, 1978

CHAPTER I

COLLECTION OF CONTRIBUTIONS BY FUND-RAISING ORGANIZATIONS, OTHER ORGANIZATIONS AND PERSONS

2. No person shall collect contributions unless he is authorized thereto in terms of this Act and unless the collection takes place in accordance with the provisions of this Act. Unauthorized collection of contributions prohibited.
3. (1) The Minister shall, subject to the laws governing the public service, appoint a Director of Fund-raising, who shall exercise such powers and perform such functions as may be conferred or imposed upon him by this Act. Appointment of Director of Fund-raising.
- (2) The Director may, in addition to the other powers and functions conferred or imposed upon him by this Act, generally or in any specified case take such steps as he may deem necessary or desirable to regulate or to co-ordinate the collection of contributions.
- (3) The Director shall be subject to the administrative control of the Secretary.
4. (1) (a) The Director may, subject to the provisions of this Act, on application made in the prescribed manner by the management of an organization intending to collect contributions, grant a written authority to such organization to collect, subject to the prescribed conditions and such other conditions as may be specified in the authority, in the area so specified, contributions for the purposes so specified. Authority to organizations to collect contributions.
- (b) Any organization intending to apply for such authority shall cause to be published in the prescribed manner a notice containing the prescribed information.
- (c) Any such application shall be accompanied by proof of such publication.
- (2) Any person or group of persons may, within the prescribed period and in the prescribed manner, lodge with the Director an objection against the granting of such application.
- (3) The Director may direct the organization concerned to furnish such further information in respect of its application as the Director may deem necessary or expedient, and may cause the application to be investigated and may obtain such further information as he may deem necessary for the consideration of the application.
- (4) No authority shall be granted in terms of this section to any organization—
- (a) which has failed to obtain any authority or permission required by it in terms of the provisions of any other law to carry on its activities;
- (b) which, according to its constitution or application, intends collecting contributions for remuneration for or on behalf of any other organization or person.
- (5) Subject to the provisions of section 7 (3), no authority granted in terms of this section shall confer on the organization to which it has been granted the right to collect contributions for remuneration for or on behalf of any other organization or person.
- (6) Any authority granted in terms of this section shall remain in force for the period for which it has been granted or until it is withdrawn in terms of this Act.
5. (1) The Director may, on the application of a fund-raising organization made in the prescribed manner, register a branch of such fund-raising organization and may issue a registration certificate containing the prescribed particulars in respect of such branch. Branches of fund-raising organizations.
- (2) No branch shall be registered in terms of subsection (1) in respect of any object other than an object in respect of which the fund-raising organization of which it is a branch is in terms of section 4 authorized to collect contributions, or in respect of any area other than the area in respect of which such fund-raising organization has been so authorized.

Wet No. 107, 1978

WET OP FONDSINSAMELING, 1978.

(3) Behoudens die bepalinge van hierdie Wet is 'n geregistreerde tak gemagtig om tydens die geldigheid van die registrasiesertifikaat ten opsigte van hom ingevolge subartikel (1) uitgereik, in die gebied en vir die doelstellings in die registrasiesertifikaat vermeld bydraes in te samel.

(4) 'n Registrasiesertifikaat ingevolge subartikel (1) uitgereik, word deur die betrokke geregistreerde tak in bewaring gehou.

(5) Die Direkteur—

(a) moet, op versoek van die betrokke fondsinsamelingsorganisasie of by bewys tot sy genoeë dat 'n geregistreerde tak opgehou het om 'n tak van 'n bepaalde fondsinsamelingsorganisasie te wees;

(b) kan, na ondersoek op die voorgeskrewe wyse, om enige rede op grond waarvan 'n magtiging van 'n fondsinsamelingsorganisasie ingetrek kan word, nadat hy aan die betrokke fondsinsamelingsorganisasie en geregistreerde tak 'n geleentheid verleen het om skriftelik redes daarteen aan te voer,

die registrasiesertifikaat van die betrokke geregistreerde tak intrek.

(6) Die registrasiesertifikaat van 'n tak verval indien die magtiging wat verleen is aan die fondsinsamelingsorganisasie waarvan dit 'n tak is, verval.

(7) Die registrasiesertifikaat van 'n geregistreerde tak wat ingevolge hierdie Wet verval het of ingetrek is, moet deur die persoon in wie se besit of onder wie se beheer dit is aan die Direkteur teruggestuur word binne sewe dae nadat bedoelde persoon van die verval of intrekking te wete kom.

Tydlike magtiging om bydraes in te samel.

6. (1) Die Direkteur kan op die aansoek op die voorgeskrewe wyse van enige organisasie of persoon wat bydraes in spoedeisende of tydelike omstandighede wil insamel, 'n skriftelike magtiging aan bedoelde persoon of organisasie verleen om, onderworpe aan die voorgeskrewe en die ander voorwaardes in die magtiging vermeld, in die gebied en gedurende die tydperk aldus vermeld bydraes vir die aldus vermelde doeleindes in te samel.

(2) 'n Tydelike magtiging word vir 'n tydperk van hoogstens negentig dae verleen, maar kan van tyd tot tyd verleng word vir die verdere tydperk of tydperke wat altesaam negentig dae nie oorskry nie en wat die Direkteur bepaal.

(3) Die bepalinge van artikel 4 (3) is *mutatis mutandis* van toepassing op 'n aansoek in subartikel (1) bedoel.

(4) Geen tydelike magtiging word ingevolge hierdie artikel verleen aan 'n organisasie of persoon wat beoog om bydraes teen vergoeding vir of namens 'n ander organisasie of persoon in te samel nie en, behoudens die bepalinge van artikel 7 (3), verleen geen sodanige magtiging aan die houer daarvan die reg om bydraes aldus in te samel nie.

Insameling van bydraes vir of namens fondsinsamelingsorganisasie, geregistreerde tak of houer.

7. (1) Iemand wat bydraes vir of namens 'n fondsinsamelingsorganisasie, geregistreerde tak of houer insamel, moet 'n geskrif in sy besit hê waarin die vergunning deur daardie organisasie, tak of houer aan daardie persoon verleen om bydraes aldus in te samel, uiteengesit word.

(2) Iemand wat bydraes vir of namens 'n fondsinsamelingsorganisasie, geregistreerde tak of houer teen vergoeding insamel, moet 'n geskrif in sy besit hê waarin die spesiale vergunning deur daardie organisasie, tak of houer aan daardie persoon verleen om bydraes aldus teen vergoeding in te samel, uiteengesit word.

(3) Geen fondsinsamelingsorganisasie, geregistreerde tak of houer verleen 'n spesiale vergunning aan iemand nie tensy sodanige organisasie, tak of houer en so iemand 'n ooreenkoms vir daardie doel aangegaan het en tensy die ooreenkoms op skrif gestel is en 'n afskrif daarvan aan die Direkteur verstrek is.

(4) Enige sodanige ooreenkoms moet die voorgeskrewe besonderhede bevat.

(5) Iemand wat bydraes uit hoofde van 'n spesiale vergunning insamel, moet, in een van die amptelike tale van die Republiek, die persoon van wie hy die bydraes insamel of probeer insamel,

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(3) Subject to the provisions of this Act, any registered branch shall be authorized to collect contributions from the public during the validity of the registration certificate, issued in respect of it in terms of subsection (1), in the area and for the purposes set out in 5 the registration certificate.

(4) A registration certificate issued in terms of subsection (1) shall be kept in custody by the registered branch concerned.

(5) The Director—

10 (a) shall, at the request of the fund-raising organization concerned or when it is proved to his satisfaction that a registered branch has ceased to be a branch of a particular fund-raising organization;

15 (b) may, after investigation in the prescribed manner, for any reason on the ground of which an authority granted to a fund-raising organization may be withdrawn, after affording the fund-raising organization and registered branch in question an opportunity of advancing reasons in writing against it,

20 withdraw the registration certificate of the registered branch in question.

(6) The registration certificate of a branch shall lapse if the authority granted to the fund-raising organization of which it is a branch, lapses.

25 (7) The registration certificate of a registered branch which has lapsed or has been withdrawn in terms of this Act, shall be returned to the Director by any person in whose possession or under whose control it is, within seven days after such person becomes aware of the lapsing or withdrawal thereof.

30 6. (1) The Director may, on the application in the prescribed manner of any organization or person intending to collect contributions in urgent or temporary circumstances, grant a written authority to such person or organization to collect, subject to the prescribed conditions and the other conditions stated in the authority, in the area so stated, contributions for the purposes so 35 stated.

Temporary authority to collect contributions.

(2) A temporary authority shall be granted for a period not exceeding ninety days, but may be extended from time to time for a further period or periods, not exceeding ninety days in the aggregate, as may be determined by the Director.

40 (3) The provisions of section 4 (3) shall *mutatis mutandis* apply to an application referred to in subsection (1).

(4) No temporary authority shall be granted in terms of this section to any organization or person intending to collect contributions for remuneration for or on behalf of any other 45 organization or person and, subject to the provisions of section 7 (3), no such authority shall confer on the holder thereof the right so to collect contributions.

50 7. (1) Any person who collects contributions for or on behalf of any fund-raising organization, registered branch or holder shall have in his possession a writing setting out the permission granted by that organization, branch or holder to such person so to collect contributions.

Collection of contributions for or on behalf of fund-raising organization, registered branch or holder.

(2) Any person who for remuneration collects contributions for or on behalf of any fund-raising organization, registered branch or 55 holder shall have in his possession a writing setting out the special permission granted by that organization, branch or holder to such person so to collect contributions for remuneration.

(3) No fund-raising organization, registered branch or holder shall grant a special permission to any person unless such 60 organization, branch or holder and such person have entered into an agreement for that purpose and unless such agreement has been reduced to writing and a copy thereof has been furnished to the Director.

(4) Any such agreement shall contain the prescribed particulars.

65 (5) Any person who collects contributions by virtue of a special permission, shall, in one of the official languages of the Republic, inform the person from whom he collects or attempts to collect

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asook enige persoon wat daarby teenwoordig is, meedeel dat die insameling teen vergoeding geskied, en moet, op versoek van daardie persoon of daardie ander persoon, onmiddellik en op die voorgeskrewe wyse die voorgeskrewe besonderhede van die in subartikel (3) bedoelde ooreenkoms verstrek aan die persoon wat daardie versoek rig. 5

(6) Niemand wat teen vergoeding bydraes vir of ten behoeve van 'n fondsinsamelingsorganisasie, geregistreerde tak of houer insamel, mag vir die doeleindes van sodanige insameling 'n advertensie, kennisgewing of geskrif publiseer of onder lede van 10 die publiek versprei nie, tensy dit—

- (a) duidelik en in 'n opvallende plek vermeld dat die insameling teen vergoeding geskied;
- (b) die plekke waar en die tye waartydens gewaarmerkte afskrifte van die ooreenkoms in subartikel (3) bedoel ter 15 insae van die publiek beskikbaar sal wees, vermeld;
- (c) die voorgeskrewe besonderhede ten opsigte van die persoon aan wie die spesiale vergunning verleen is, bevat.

(7) 'n Vergunning of spesiale vergunning wat 'n vergunning heet 20 te wees vir die insameling van bydraes waarvan die insameling kragtens artikel 29 verbied is, is nietig.

(8) Iemand wat bydraes vir of namens 'n fondsinsamelingsorganisasie, geregistreerde tak of houer insamel, of voorgee om dit te doen, moet op versoek van die Direkteur of iemand deur die 25 Direkteur of die betrokke plaaslike owerheid daartoe gemagtig, of van 'n lid van 'n polisiemag wat by wet ingestel is, of van iemand van wie hy bydraes insamel, die vergunning of spesiale vergunning verleen deur die betrokke organisasie, tak of houer, toon.

(9) (a) Die fondsinsamelingsorganisasie, geregistreerde tak of 30 houer wat 'n vergunning of spesiale vergunning aan iemand verleen het, kan te eniger tyd, en moet, indien die Direkteur om gegronde redes aldus gelas, sodanige vergunning of spesiale vergunning by skriftelike kennisgewing aan so iemand intrek. 35

(b) 'n Vergunning of spesiale vergunning wat aldus ingetrek is, moet binne sewe dae na die intrekking aan die fondsinsamelingsorganisasie, geregistreerde tak of houer wat dit verleen het, terugbesorg word deur die persoon 40 aan wie dit verleen is.

(10) 'n Vergunning of spesiale vergunning verval—

- (a) by die verstryking van die tydperk waarvoor dit verleen is of by die verloop van 'n tydperk van een jaar bereken vanaf die datum van verlening daarvan, watter tydperk ook al die kortste is; 45
- (b) indien dit ingevolge subartikel (9) ingetrek word;
- (c) indien die magtiging of tydelike magtiging wat verleen is aan die fondsinsamelingsorganisasie of houer wat die vergunning of spesiale vergunning verleen het, verval of ingevolge hierdie Wet ingetrek word; 50
- (d) indien die registrasiesertifikaat van die geregistreerde tak wat dit verleen het ingevolge hierdie Wet verval of ingetrek word.

(11) Die bepalinge van hierdie artikel is nie van toepassing nie ten opsigte van enige persoon wat 'n fondinsamelingsorganisasie, 55 geregistreerde tak of houer—

- (a) op 'n bepaalde perseel behulpsaam is met die insameling van bydraes in verband met 'n basaar, verkoping, kompetisie, vermaaklikheid, vertoning of ander geleentheid op bedoelde perseel, en wat onder die regstreekse 60 beheer staan van die persoon wat in besit is van 'n vergunning wat deur bedoelde organisasie, tak of houer verleen is;
- (b) behulpsaam is met 'n straatkollekte of ander kollekte in 'n openbare plek wat ooreenkomstig die verordeninge of 65 voorskrifte van die betrokke plaaslike owerheid gehou word of wat onder beheer staan van iemand wat in besit is van 'n vergunning wat deur bedoelde organisasie, tak of houer verleen is.

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contributions, as well as any other person who is present thereat, that the collection is for remuneration, and shall, at the request of such person or such other person, immediately and in the prescribed manner furnish the person who makes such request with the prescribed particulars of the agreement referred to in subsection (3).

(6) No person who for remuneration collects contributions for or on behalf of any fund-raising organization, registered branch or holder, shall for the purposes of such collection publish or distribute among the members of the public any advertisement, notice or writing, unless it—

- (a) states clearly and in a prominent position that the collection is for remuneration;
- (b) states the places at which and the periods during which certified copies of the agreement referred to in section (3) will lie for inspection by the public;
- (c) contains the prescribed particulars in respect of the person to whom the special permission has been granted.

(7) A permission or special permission purporting to be a permission for the collection of contributions the collection of which is prohibited under section 29, shall be invalid.

(8) Any person who collects or purports to collect contributions for or on behalf of a fund-raising organization, registered branch or holder shall, at the request of the Director or any person authorized thereto by the Director or the local authority concerned, or of a member of a police force established by law, or of any person from whom he collects contributions, produce the permission or special permission granted by the organization, branch or holder in question.

(9) (a) The fund-raising organization, registered branch or holder which or who has granted a permission or special permission to any person, may at any time, and shall, if the Director for good reasons so directs, by written notice to such person withdraw such permission or special permission.

(b) A permission or special permission which has been so withdrawn shall within seven days after the withdrawal be returned by the person to whom it was granted to the fund-raising organization, registered branch or holder by which or by whom it was granted.

(10) A permission or special permission shall lapse—
(a) on the expiry of the period for which it was granted or on the expiry of a period of one year reckoned from the date of issue thereof, whichever is the shorter period;
(b) if it is withdrawn in terms of subsection (9);
(c) if the authority or temporary authority granted to the fund-raising organization or holder which or who has granted the permission or special permission, lapses or is withdrawn in terms of this Act;
(d) if the registration certificate of the registered branch which has granted it, lapses or is withdrawn in terms of this Act.

(11) The provisions of this section shall not apply in respect of any person who assists a fund-raising organization, registered branch or holder—

- (a) with the collection of contributions on particular premises in connection with any bazaar, sale, competition, entertainment, exhibition or other function on such premises, and which is under the direct control of the person in possession of a permission granted by such organization, branch or holder;
- (b) with a street collection or other collection in a public place which is conducted in accordance with the by-laws or directions of the local authority in question or which is under control of any person who is in possession of a permission granted by such organization, branch or holder.

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Wysiging of
intrekking van
magtiging of
tydelike magtiging.

8. (1) Die Direkteur kan te eniger tyd 'n magtiging of tydelike magtiging wysig ten einde 'n fout wat daarin voorkom, te verbeter en kan, op versoek van die organisasie of persoon aan wie 'n magtiging of tydelike magtiging verleen is, 'n voorwaarde daarvan verander, vervang of intrek of 'n voorwaarde daarby voeg en kan, na voltooiing van 'n ondersoek gehou op die voorgeskrewe wyse, so 'n magtiging of tydelike magtiging, na goeddunke en om enige ander rede as die voormelde redes, wysig, of kan sodanige magtiging of tydelike magtiging deur 'n nuwe magtiging of tydelike magtiging vervang.

(2) Indien 'n organisasie of persoon aan wie 'n magtiging of tydelike magtiging verleen is, weier of versuim om op die skriftelike versoek van die Direkteur sodanige magtiging of tydelike magtiging binne 'n tydperk van veertien dae na so 'n versoek aan die Direkteur terug te stuur vir wysiging daarvan soos beoog in subartikel (1), kan die Direkteur sodanige magtiging of tydelike magtiging sonder kennisgewing intrek.

(3) Die Direkteur kan op versoek van die organisasie waaraan of persoon aan wie 'n magtiging of tydelike magtiging verleen is, bedoelde magtiging of tydelike magtiging intrek en kan, na 'n ondersoek op die voorgeskrewe wyse, indien hy oortuig is dat—

(a) bedoelde organisasie of persoon geweier of versuim het om aan enige bepaling of voorwaarde van so 'n magtiging of tydelike magtiging of aan 'n opdrag, versoek of eis van die Direkteur of 'n inspekteur ingevolge die bepalings van hierdie Wet aan hom gegee of gerig of gestel, te voldoen of om enige voorgeskrewe opgaawe of staat binne die voorgeskrewe tydperk by die Direkteur in te dien of die bepalings van artikel 11 oortree het;

(b) bedoelde organisasie of persoon in of in verband met enige aansoek ingevolge hierdie Wet of enige opgaawe of staat wat hy ingevolge hierdie Wet moet verstrek of indien, opsetlik 'n valse of misleidende verklaring gedoen het of valse of misleidende inligting verstrek het;

(c) bedoelde organisasie of persoon of 'n persoon aan wie bedoelde organisasie of persoon 'n vergunning of spesiale vergunning ingevolge hierdie Wet verleen het, in stryd met 'n bepaling van hierdie Wet opgetree of versuim het om aan so 'n bepaling te voldoen;

(d) bedoelde organisasie sy konstitusie in stryd met 'n bepaling van hierdie Wet gewysig het, of wettiglik ontbind is of vir 'n tydperk van minstens een jaar nie ter bevordering van sy doelstellings opgetree het nie;

(e) enige magtiging of reg wat bedoelde organisasie in gevolge of uit hoofde van die bepalings van 'n ander wet verkry het om sy werksaamhede te verrig of voort te sit, verval het of ingevolge bedoelde wet ingetrek is; of

(f) 'n voorwaarde kragtens subartikel (4) nie nagekom is nie,

bedoelde magtiging of tydelike magtiging intrek.

(4) Die Direkteur kan in plaas van 'n magtiging of tydelike magtiging weens 'n rede in paragraaf (a), (b), (c) of (d) van subartikel (3) bedoel, in te trek, die magtiging of tydelike magtiging, behalwe in die geval van 'n organisasie wat wettiglik ontbind is, opskort vir die tydperk en op die voorwaardes wat hy goedvind.

(5) (a) Behoudens die bepalings van paragraaf (b) tree die wysiging, opskorting of intrekking van 'n magtiging of tydelike magtiging ingevolge hierdie artikel in werking met ingang van die datum waarop 'n skriftelike kennisgewing van sodanige wysiging, opskorting of intrekking deur die Direkteur per aangetekende pos aan die organisasie waaraan of persoon aan wie die magtiging of tydelike magtiging verleen is, beteken word.

(b) Indien die betekening van die kennisgewing in paragraaf (a) bedoel in 'n bepaalde geval na die oordeel van die Direkteur onuitvoerbaar is, kan hy 'n voorgeskrewe kennisgewing van die betrokke wysiging, opskorting of intrekking in die *Staatskoerant* laat publiseer, en

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8. (1) The Director may at any time amend an authority or temporary authority in order to correct any error therein and may, at the request of the organization or person to whom an authority or temporary authority has been granted, amend, replace or withdraw any condition therein or add any condition thereto and may, upon completion of an investigation conducted in the prescribed manner, in his discretion and for any reason other than the afore-mentioned reasons, amend such authority or temporary authority or may replace such authority or temporary authority with a new authority or temporary authority.

Amendment or withdrawal of authority or temporary authority.

(2) If any organization or person to which or to whom an authority or temporary authority has been granted, refuses or fails at the written request of the Director to return such authority or temporary authority to the Director within a period of fourteen days after such a request, for amendment thereof as contemplated by subsection (1), the Director may, without notice, withdraw such authority or temporary authority.

(3) The Director may at the request of the organization or person to which or to whom an authority or temporary authority has been granted, withdraw such authority or temporary authority and may, after an enquiry in the prescribed manner, withdraw such authority or temporary authority, if he is satisfied that—

(a) such organization or person has refused or failed to comply with any provision or condition of such authority or temporary authority or with any direction, request or demand of the Director or an inspector given or addressed or made to him in terms of this Act, or to submit to the Director any prescribed return or statement within the prescribed period or has contravened the provisions of section 11;

(b) such organization or person has wilfully made a false or misleading statement or furnished false or misleading information in or in connection with any application in terms of this Act or a return or statement which he has to furnish or submit in terms of this Act;

(c) such organization or person or a person to whom the said organization or person has granted a permission or special permission in terms of this Act, has acted in contravention of a provision of this Act or has failed to comply with such a provision;

(d) such organization has amended its constitution in contravention of a provision of this Act, or has been lawfully dissolved or has not acted in furtherance of its objects for a period of not less than one year;

(e) any authority or right which such organization has acquired under or by virtue of the provisions of any other law to perform or carry on its activities, has lapsed or has been withdrawn in terms of such law; or

(f) any condition under subsection (4) has not been complied with.

(4) The Director may, in lieu of withdrawing any authority or temporary authority for any reason referred to in paragraph (a), (b), (c) or (d) of subsection (3), suspend, except in the case of an organization which has been lawfully dissolved, such authority or temporary authority for such period and on such conditions as he may deem fit.

(5) (a) Subject to the provisions of paragraph (b), the amendment, suspension or withdrawal of any authority or temporary authority in terms of this section shall come into operation with effect from the date on which a written notice of such amendment, suspension or withdrawal is served by the Director by registered post on the organization to which or person to whom such authority or temporary authority has been granted.

(b) If in the opinion of the Director it is in any particular case impracticable to serve the notice referred to in paragraph (a), he may cause a prescribed notice of the amendment, suspension or withdrawal in question to be published in the *Gazette*, and such amendment, suspen-

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sodanige wysiging, opskorting of intrekking word geag in werking te getree het op die datum waarop bedoelde kennisgewing aldus gepubliseer is.

- (c) Indien appèl ingevolge artikel 10 aangeteken word teen die wysiging, opskorting of intrekking van 'n magtiging ingevolge hierdie artikel, tree sodanige wysiging, opskorting of intrekking, ondanks die bepalings van paragraaf (a), nie aldus in werking nie, tensy die wysiging, opskorting of intrekking op appèl bekragtig word of voortsetting van die appèl gestaak word.

Direkteur moet redes verstrek.

9. Indien die Direkteur 'n aansoek ingevolge artikel 4, 5 of 6 van die hand wys of 'n magtiging, tydelike magtiging of registrasiesertifikaat ingevolge artikel 8 (3) of (4) of artikel 5 (5) intrek of opskort, moet hy op versoek van die organisasie of persoon wat die aansoek gedoen het of waaraan of aan wie die magtiging, tydelike magtiging of registrasiesertifikaat verleen is, sy redes vir die weiering van die aansoek of vir sodanige intrekking of opskorting, na gelang van die geval, skriftelik aan sodanige organisasie of persoon verstrek.

Appèl teen beslissing van Direkteur.

10. (1) 'n Fondsinsamelingsorganisasie of ander organisasie wat hom deur die beslissing van die Direkteur met betrekking tot die afwysing van 'n aansoek ingevolge artikel 4 of 5 of die wysiging, opskorting of intrekking van 'n magtiging of registrasiesertifikaat of die intrekking van 'n vergunning of spesiale vergunning veronreg voel, kan op die voorgeskrewe wyse teen daardie beslissing appelleer na 'n appèlkomitee wat vir die bepaalde geval deur die Minister saamgestel word.

(2) So 'n appèlkomitee bestaan uit—

- (a) 'n landdros met minstens 10 jaar ondervinding as landdros, wat die voorsitter is; en
(b) twee persone wat na die oordeel van die Minister ondervinding en kennis van die werksaamhede van fondsinsamelingsorganisasies het en wat geen regstreekse belang by die sake van die appellant het of nie in diens van die appellant of die Staat is nie.

(3) Die appellant kan self (in die geval van 'n houer) of deur 'n lid van sy bestuur of deur 'n advokaat of prokureur voor die appèlkomitee verskyn, of kan skriftelik verklarings of argumente ter stawing van sy appèl voorlê.

(4) Die prosedure wat gevolg moet word met betrekking tot die aantekening en voortsetting van 'n appèl ingevolge hierdie artikel, word voorgeskryf.

(5) Die appèlkomitee kan die beslissing van die Direkteur bekragtig of tersyde stel of kan dié ander beslissing gee wat die Direkteur na die oordeel van die appèlkomitee behoort te gee, en kan die Direkteur gelas om enigiets te doen wat nodig is om aan die beslissing van die appèlkomitee gevolg te gee.

(6) Aan iemand wat ingevolge subartikel (2) (b) op die appèlkomitee aangestel word, kan die vergoeding en toelaes betaal word wat die Minister in oorleg met die Minister van Finansies bepaal.

Bydraes mag slegs vir gemagtigde doelstellings aangewend word.

11. (1) Geen bydrae wat ingevolge 'n magtiging, tydelike magtiging, vergunning of spesiale vergunning ingesamel is, mag sonder die skriftelike toestemming van die Direkteur vir 'n ander doel as 'n doelstelling in die magtiging, tydelike magtiging, vergunning of spesiale vergunning vermeld, aangewend word nie.

(2) By die toepassing van subartikel (1) word enige uitgawe wat redelikerwys aangegaan word in verband met 'n doelstelling in daardie subartikel bedoel, geag ten opsigte van daardie doelstelling aangegaan te wees.

Rekenskap van geldelike bedrywighede.

12. (1) Elke fondsinsamelingsorganisasie, geregistreerde tak of houer moet, in een van die amptelike tale van die Republiek, die voorgeskrewe aantekeninge hou van al die geld deur hom ontvang en bestee en van al sy bates en laste en van al die finansiële transaksies deur hom aangegaan en moet die voorgeskrewe verslae, opgawes en finansiële state op die voorgeskrewe tye aan die Direkteur verstrek.

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- sion or withdrawal shall be deemed to have come into operation on the date on which such notice has been so published.
- (c) If an appeal is noted in terms of section 10 against the amendment, suspension or withdrawal of an authority in terms of this section, such amendment, suspension or withdrawal shall, notwithstanding the provisions of paragraph (a), not so come into operation, unless the amendment, suspension, or withdrawal is confirmed on appeal or the prosecution of the appeal is abandoned.
9. If the Director refuses an application in terms of section 4, 5 or 6 or withdraws or suspends an authority, temporary authority or registration certificate in terms of section 8 (3) or (4) or section 5 (5), he shall, at the request of the organization which or person who has made the application or to which or to whom the authority, temporary authority or registration certificate has been granted, furnish in writing to such organization or person his reasons for the refusal of the application or for such withdrawal or suspension, as the case may be. Director to furnish reasons.
10. (1) Any fund-raising organization or other organization, feeling aggrieved at a decision of the Director relating to the rejection of an application in terms of section 4 or 5 or the amendment, suspension or withdrawal of an authority or registration certificate or the withdrawal of a permission or special permission, may in the prescribed manner appeal against that decision to an appeal committee appointed by the Minister for the particular case. Appeal against decision of Director.
- (2) Such appeal committee shall consist of—
- (a) a magistrate with not less than ten years' experience as a magistrate, who shall be the chairman; and
- (b) two persons who, in the opinion of the Minister, have experience and knowledge of the activities of fund-raising organizations and who have no direct interest in the affairs of the appellant or are not in the service of the appellant or the State.
- (3) The appellant may appear before the appeal committee in person (in the case of a holder) or through a member of its management or through a counsel or an attorney, or may submit statements or arguments in writing in support of its appeal.
- (4) The procedure to be followed in connection with the noting and prosecution of an appeal in terms of this section shall be prescribed.
- (5) The appeal committee may confirm or set aside the decision of the Director or may give such other decision as in its opinion ought to have been given by the Director, and may direct the Director to do everything necessary to give effect to the decision of the appeal committee.
- (6) Any person who is appointed to an appeal committee in terms of subsection (2) (b), may be paid such remuneration and allowances as may be determined by the Minister in consultation with the Minister of Finance.
11. (1) No contribution collected in terms of any authority, temporary authority, permission or special permission, may without the written consent of the Director be used for any object other than an object referred to in the authority, temporary authority, permission or special permission. Contributions may be used for authorized objects only.
- (2) For the purposes of subsection (1), any expenditure reasonably incurred in connection with an object referred to in that subsection, shall be deemed to have been incurred in respect of such object.
12. (1) Every fund-raising organization, registered branch or holder shall, in one of the official languages of the Republic, keep the prescribed records of all the moneys received and expended by it or him and of all its or his assets and liabilities and of all financial transactions entered into by it or him and shall furnish the Director with the prescribed reports, returns and financial statements at the prescribed times. Accounting of financial activities.

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(2) Behoudens die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), moet sodanige finansiële state geouditeer word deur 'n rekenmeester en ouditeur ingevolge daardie Wet geregistreer.

(3) Die verslae, opgawes en finansiële state van 'n fondsinsamelingsorganisasie, geregistreerde tak of houer lê ter insae van die publiek op die plekke en gedurende die tye en na sodanige kennisgewing as wat voorgeskryf word.

(4) Die Direkteur kan na goeddunke aan 'n fondsinsamelingsorganisasie, geregistreerde tak of houer 'n sertifikaat verleen waarby hy bedoelde fondsinsamelingsorganisasie, geregistreerde tak of houer vir die tydperk en op die voorwaardes en in die mate in die sertifikaat vermeld, vrystel van enige van die bepalings van hierdie Wet met betrekking tot die verstrekking van enige verslae, opgawes of finansiële state, en kan sodanige sertifikaat te eniger tyd by kennisgewing aan die betrokke fondsinsamelingsorganisasie, geregistreerde tak of houer na goeddunke intrek of wysig.

Prosedure by verval of intrekking van magtiging of registrasiesertifikaat, by ontbinding van organisasies of takke of by staking deur houer van sy bedrywighede.

13. (1) Indien 'n magtiging of tydelike magtiging of 'n registrasiesertifikaat ingevolge hierdie Wet verval of ingetrek word, of indien 'n fondsinsamelingsorganisasie of geregistreerde tak volgens die bepalings van sy konstitusie of ingevolge hierdie Wet ontbind word, of indien sodanige organisasie of tak of houer sy bedrywighede staak, moet die bestuur van bedoelde organisasie of tak of die betrokke houer binne die voorgeskrewe tydperk—

(a) die voorgeskrewe opgawes, state en likwidasië-en-distribusiërekening en die inligting wat die Direkteur aanvra, aan hom voorlê;

(b) oor die aantekeninge en stukke van bedoelde fondsinsamelingsorganisasie of geregistreerde tak of houer beskik op die wyse wat die Direkteur bepaal.

(2) Die likwidasië-en-distribusiërekening bedoel in subartikel (1) (a) moet, in die geval van 'n fondsinsamelingsorganisasie, sover doenlik uitvoering gee aan die bepalings van die konstitusie van bedoelde organisasie vir sover dit op die beskikking van die organisasie se bates by die ontbinding van die organisasie betrekking het.

(3) Die likwidasië-en-distribusiërekening in subartikel (1) (a) bedoel, lê ter insae soos voorgeskryf.

(4) (a) Indien 'n tydelike magtiging ingevolge hierdie Wet ingetrek word of indien daar 'n oorskot aan geld of sekuriteite bestaan nadat die doel verwesenlik is waarvoor die tydelike magtiging verleen is, word daar oor enige bydrae wat ingevolge so 'n magtiging ingesamel is en die oorskot beskik soos deur die Minister bepaal.

(b) By die beskikking oor enige bydrae of oorskot ingevolge paragraaf (a), moet die doelstellings ten opsigte waarvan die tydelike magtiging verleen is, in ag geneem word.

Ontbinding van fondsinsamelingsorganisasie, en geregistreerde tak.

14. (1) Indien 'n fondsinsamelingsorganisasie of geregistreerde tak sy bedrywighede staak of 'n magtiging of registrasiesertifikaat wat aan hom verleen is, ingetrek is of verval het, en sy bestuur nie ooreenkomstig sy konstitusie saamgestel is of kan word sodat die fondsinsamelingsorganisasie of geregistreerde tak ontbind kan word nie, kan die Direkteur die fondsinsamelingsorganisasie of geregistreerde tak ontbind, en vir dié doel word die Direkteur beklee met al die bevoegdhede van so 'n bestuur en moet hy ooreenkomstig die konstitusie van bedoelde fondsinsamelingsorganisasie of geregistreerde tak oor die bates van die fondsinsamelingsorganisasie of geregistreerde tak beskik.

(2) Indien sodanige beskikking oor die bates van die betrokke fondsinsamelingsorganisasie nie prakties uitvoerbaar is nie, moet die Direkteur daarvoor beskik soos die Minister bepaal.

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(2) Subject to the provisions of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), such financial statements shall be audited by an accountant and auditor registered in terms of that Act.

5 (3) The reports, returns and financial statements of a fund-raising organization, registered branch or holder shall lie for inspection by the public at such places and during such periods and after such notice as may be prescribed.

(4) The Director may in his discretion grant to a fund-raising
10 organization, registered branch or holder a certificate exempting such fund-raising organization, registered branch or holder for the period and on the conditions and to the extent mentioned in such certificate from any provisions of this Act relating to the furnishing of reports, returns or financial statements and may in
15 his discretion, withdraw or amend such certificate at any time by notice to such fund-raising organization, registered branch or holder.

13. (1) If any authority or temporary authority or registration certificate lapses or is withdrawn in terms of this Act or if a
20 fund-raising organization or registered branch is dissolved in terms of the provisions of its constitution or in terms of this Act or if such organization or branch or any holder discontinues its or his activities the management of such organization or branch or the holder concerned shall, within the prescribed period—

25 (a) submit to the Director the prescribed returns, statements, liquidation and distribution account and such information as the Director may demand;

(b) dispose of the records and documents of such fund-raising organization or registered branch or holder in
30 such manner as the Director may determine.

(2) The liquidation and distribution account referred to in subsection (1) (a) shall, in the case of a fund-raising organization, give effect as far as possible to the provisions of the constitution of such organization in so far as it relates to the disposal of the
35 assets of the organization on the dissolution of the organization.

(3) The liquidation and distribution account referred to in subsection (1) (a) shall lie for inspection as prescribed.

(4) (a) If a temporary authority is withdrawn in terms of this Act or if any surplus moneys or securities remain after the object for which the temporary authority has been granted, has been achieved, any contributions collected in terms of such authority and the surplus shall be disposed of in the manner determined by the Minister.
40

(b) In the disposal of any contribution or surplus in terms of paragraph (a), the objects in respect of which the temporary authority was granted, shall be taken into consideration.
45

14. (1) If a fund-raising organization or registered branch discontinues its activities or if an authority or registration
50 certificate granted to it has been withdrawn or has lapsed and the management thereof is not or cannot be so constituted in accordance with its constitution that the fund-raising organization or registered branch may be dissolved, the Director may dissolve such fund-raising organization or registered branch, and for this
55 purpose the Director shall have all the powers of such management and shall in accordance with the constitution of such fund-raising organization or registered branch dispose of the assets of such fund-raising organization or registered branch.

(2) If such disposal of the assets of the fund-raising organization concerned is not practicable, the Director shall dispose thereof in such manner as the Minister may determine.
60

Procedure on lapsing or withdrawal of authority or registration certificate, on dissolution of organizations or branches or on discontinuance by holder of his activities.

Dissolution of fund-raising organization and registered branch.

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HOOFSTUK II

RAMPNOODLENIGINGSFONDS, SUID-AFRIKAANSE WEERMAGFONDS
EN VLUGTELINGE-NOODLENIGINGSFONDS

Woordoms krywing.

- 15.** In hierdie Hoofstuk, tensy uit die samehang anders blyk, beteken— 5
- „aktiewe diens” „diens ter verdediging van die Republiek” soos omskryf in artikel 1 van die Verdedigingswet, 1957 (Wet No. 44 van 1957);
- „Fonds” ’n fonds in artikel 16 bedoel;
- „heelydse lid” ’n lid van ’n raad wat ingevolge artikel 10 17 (3) op ’n heelydse grondslag aangestel word; en
- „ramp” ’n ramp in artikel 26 bedoel.

Instelling van Rampnoodlenigingsfonds, Suid-Afrikaanse Weermagfonds en Vlughtelinge-noodlenigingsfonds.

- 16.** Daar word hierby ingestel—
- (a) ’n fonds met die naam die Rampnoodlenigingsfonds; 15
- (b) ’n fonds met die naam die Suid-Afrikaanse Weermagfonds; en
- (c) ’n fonds met die naam die Vlughtelinge-noodlenigingsfonds.

Bestuur van Fonds.

- 17.** (1) Elke Fonds word bestuur deur ’n raad wat deur die 20 Minister aangestel word.
- (2) ’n Raad bedoel in subartikel (1) is ’n regspersoon.
- (3) ’n Raad bestaan uit hoogstens vyftien lede, van wie minstens die helfte op ’n heelydse grondslag aangestel moet word. 25
- (4) Minstens die helfte van die lede van so ’n raad moet persone wees wat nie beamptes in die staatsdiens is nie.
- (5) (a) ’n Heelydse lid van ’n raad beklee sy amp vir die tydperk, maar hoogstens vyf jaar, wat die Minister tydens die aanstelling bepaal. 30
- (b) ’n Ander lid van ’n raad beklee sy amp vir die tydperk wat die Minister tydens sy aanstelling bepaal.
- (6) ’n Lid van ’n raad wie se ampstermyn verstryk het, kan weer aangestel word.
- (7) Die Minister kan die ampstermyn van ’n lid beëindig 35 indien na sy oordeel daar gegronde redes bestaan om dit te doen.
- (8) Geen besluit van ’n raad of handeling op gesag van ’n raad verrig, is ongeldig nie bloot vanweë ’n vakature in die raad of omdat ’n persoon wat nie ’n lid van die raad is nie by die sitting van die betrokke raad aanwesig was toe die besluit geneem of die 40 handeling gemagtig was.
- (9) Die Minister wys ’n heelydse lid van ’n raad as die voorsitter van daardie raad en ’n ander sodanige lid as adjunk-voorsitter van daardie raad aan.
- (10) Die kworum vir en prosedure by ’n vergadering van ’n 45 raad word voorgeskryf.
- (11) Aan ’n lid wat nie ’n beampte in die Staatsdiens is nie, word die toelaes uit die betrokke Fonds betaal wat die Minister met die instemming van die Minister van Finansies bepaal.

Oogmerke van rade.

- 18.** Die oogmerke van— 50
- (a) die raad van die Rampnoodlenigingsfonds is om, met behoorlike inagneming van die geldelike toestand van bedoelde Fonds en die vereistes van elke geval, die hulp wat die raad billik en redelik ag, te verleen aan persone, organisasies en liggame wat skade of verlies ly wat deur 55 ’n ramp veroorsaak word;
- (b) die raad van die Suid-Afrikaanse Weermagfonds is om, met behoorlike inagneming van die geldelike toestand van bedoelde Fonds en die vereistes van elke geval, die hulp wat die raad billik en redelik ag, te verleen aan lede 60 en voormalige lede van die Suid-Afrikaanse Weermag en hul afhanklikes wat geldelike ontbering ondervind of geldelike nood ly wat regstreeks of onregstreeks ontstaan as gevolg van aktiewe diens deur sodanige lede 65 verrig, en om geriewe te voorsien vir of aan sodanige lede wat aldus diens verrig;

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CHAPTER II

DISASTER RELIEF FUND, SOUTH AFRICAN DEFENCE FORCE FUND
AND REFUGEE RELIEF FUND

15. In this Chapter, unless the context otherwise indicates— Definitions.
- 5 “active service” means “service in defence of the Republic” as defined in section 1 of the Defence Act, 1957 (Act No. 44 of 1957);
- “disaster” means a disaster referred to in section 26;
- “Fund” means a fund referred to in section 16; and
- 10 “full-time member” means a member of a board appointed on a full-time basis in terms of section 17 (3).
16. There are hereby established—
- (a) a fund to be known as the Disaster Relief Fund;
- 15 (b) a fund to be known as the South African Defence Force Fund; and
- (c) a fund to be known as the Refugee Relief Fund. Establishment of Disaster Relief Fund, South African Defence Force Fund and Refugee Relief Fund.
17. (1) Each Fund shall be managed by a board appointed by the Minister. Management of Fund.
- (2) A board referred to in subsection (1) shall be a juristic person.
- (3) A board shall consist of not more than fifteen members, of whom at least one half shall be appointed on a full-time basis.
- (4) At least half of the members of a board shall be persons who are not officers in the public service.
- 25 (5) (a) A full-time member of a board shall hold office for such period, but not exceeding five years, as the Minister may determine at the time of the appointment.
- (b) Any other member of a board shall hold office for the period determined by the Minister at the time of the appointment.
- 30 (6) A member of a board whose period of office has expired, shall be eligible for reappointment.
- (7) The Minister may terminate the period of office of any member if in his opinion there are good reasons for doing so.
- 35 (8) No resolution of a board or any action taken on the authority of a board shall be invalid by reason only of a vacancy on the board or because any person who is not a member of the board was present at the meeting of the board in question at which such resolution was taken or such action was authorized.
- (9) The Minister shall designate a full-time member of a board as chairman of that board and another such member as deputy-chairman of that board.
- 40 (10) The quorum for and procedure at meetings of a board shall be as prescribed.
- (11) A member who is not an officer of the public service shall be paid such allowances from the Fund in question as the Minister may with the concurrence of the Minister of Finance determine.
- 45
18. The objects of—
- (a) the board of the Disaster Relief Fund shall be, with due regard to the financial position of that Fund and the requirements of each case, to render to persons, organizations and bodies who or which suffer damage or loss caused by a disaster, such assistance as the board may deem fair and reasonable;
- 50
- (b) the board of the South African Defence Force Fund shall be, with due regard to the financial position of that Fund and the requirements of each case, to render such aid as the board may deem fair and reasonable to members and former members of the South African Defence Force and their dependants who suffer financial hardship or financial distress arising, directly or indirectly, out of active service performed by such members, and to provide facilities to or for such members who perform such service;
- 55
- 60
- Objects of boards.

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- (c) die raad van die Vlughtelinge-noodlenigingsfonds is om, met behoorlike inagneming van die geldelike toestand van bedoelde Fonds en die vereistes van elke geval, die hulp aan vlughtelinge te verleen wat die raad billik en redelik ag. 5

Komitees van rade.

19. (1) 'n Raad kan, hetsy uit eie geledere of andersins, op die voorgeskrewe wyse en onderworpe aan die voorgeskrewe voorwaardes en die verdere voorwaardes wat die betrokke raad bepaal, die komitees aanstel wat die raad vir die bereiking van sy oogmerke of die uitoefening of verrigting van sy bevoegdhede of werksaamhede nodig of dienstig ag. 10

(2) 'n Raad kan van enige van sy bevoegdhede of werksaamhede aan enige van sy komitees delegeer, maar word nie van so 'n bevoegdheid ontdoen nie, en kan 'n beslissing deur so 'n komitee uit hoofde van so 'n delegering wysig of intrek. 15

(3) Die werksaamhede van 'n komitee word deur die betrokke raad bepaal, en die prosedure by die vergadering van 'n komitee is soos voorgeskryf.

(4) Indien 'n raad 'n komitee aanstel, wys hy een van die lede van daardie komitee as die voorsitter daarvan aan. 20

Algemene bevoegdhede en werksaamhede van rade.

20. (1) 'n Raad kan, ten einde hom in staat te stel om sy oogmerke te bereik, bydraes insamel, en kan die insameling van bydraes vir oogmerke van die raad deur ander persone, organisasies en liggame beheer.

(2) 'n Raad kan die bevoegdhede uitoefen en moet die 25 werksaamhede verrig wat by of ingevolge hierdie Wet aan hom verleen of opgedra word, en kan die ander bevoegdhede uitoefen wat nodig of dienstig is vir of in verband staan met die bereiking van sy oogmerke.

Insameling van bydraes vir sekere oogmerke en besondere bevoegdhede van rade.

21. (1) Ondanks die bepalinge van Hoofstuk I word geen 30 bydraes vir 'n oogmerk in artikel 18 bedoel, ingesamel nie, behalwe soos in hierdie Hoofstuk bepaal.

(2) 'n Raad kan—

(a) bydraes vir die bereiking van sy oogmerke insamel;

(b) aan enige persoon of organisasie skriftelik 'n spesiale 35 magtiging verleen om gedurende die tydperk en in die gebied in sodanige magtiging vermeld en onderworpe aan die voorgeskrewe voorwaardes en die ander voorwaardes wat in sodanige magtiging bepaal word, bydraes vir die oogmerke van die betrokke raad, hetsy in 40 die algemeen of in 'n besondere geval, in te samel, en so 'n raad kan 'n aldus verleende spesiale magtiging of enige voorwaarde daarvan (uitgesonderd 'n voorgeskrewe voorwaarde) wysig of intrek, of so 'n voorwaarde deur 'n ander voorwaarde vervang; 45

(c) die ondersoek na enige aangeleentheid wat op sy oogmerke betrekking het, doen wat hy nodig ag;

(d) enige roerende goed en, met die goedkeuring van die Minister wat met die instemming van die Minister van Finansies optree, enige onroerende goed koop of op 'n 50 ander wyse verkry of besit of vervreem of verhipotekeer;

(e) roerende of onroerende goed huur of verhuur;

(f) enige ooreenkoms met betrekking tot sy oogmerke aangaan op die bedinge en voorwaardes wat hy 55 goedvind.

Finansies van rade.

22. (1) Die Fondse in artikel 16 bedoel, bestaan uit—

(a) die bydraes wat deur, vir of namens die raad van die betrokke Fonds van die publiek ingesamel word;

(b) enige gelde wat ingevolge subartikel (2) by die betrokke 60 Fonds berus;

(c) enige gelde wat deur die Parlement vir die doeleindes van die betrokke Fonds bewillig word;

(d) enige gelde wat uit enige ander bron ontvang of verkry 65 word.

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- (c) the board of the Refugee Relief Fund shall be, with due regard to the financial position of that Fund and the requirements of each case, to render such assistance to refugees as the board may deem fair and reasonable.

5 19. (1) A board may, in the prescribed manner and subject to the prescribed conditions and such further conditions as such board may determine, appoint, either from among its own members or otherwise, such committees as it deems necessary or expedient for the achievement of its objects or for the exercise or
10 performance of its powers or functions.

Committees of boards.

(2) A board may delegate any of its powers or functions to any of its committees, but shall not be divested of any power so delegated and may amend or withdraw any decision taken by such a committee by virtue of such a delegation.

15 (3) The functions of a committee shall be determined by the board in question, and the procedure at the meetings of a committee shall be as prescribed.

(4) If a board appoints a committee, it shall designate one of the members of such committee as the chairman thereof.

20 20. (1) A board may, in order to enable it to achieve its objects, collect contributions, and may control the collection of contributions by other persons, organizations and bodies for the said objects.

General powers and functions of boards.

(2) A board may exercise such powers and shall perform such
25 functions as may be conferred or imposed upon it by this Act, and may exercise such other powers as may be necessary or expedient for or incidental to the achievement of its objects.

30 21. (1) Notwithstanding anything to the contrary in Chapter I contained, no contributions shall be collected for a purpose referred to in section 18, except as provided in this Chapter.

Collection of contributions for particular purposes and particular powers of boards.

(2) A board may—

- (a) collect contributions for the achievement of its objects;
35 (b) grant a special authority in writing to any person or organization to collect during such period and in such area as may be specified in such authority and subject to the prescribed conditions and such other conditions as may be specified in such authority, contributions for the objects of the board concerned, either generally or in a particular case, and such board may vary or withdraw
40 such special authority or any condition thereof (other than a prescribed condition), or may replace any such condition with another condition;
(c) undertake such investigations into any matter relating to its objects as it may deem necessary;
45 (d) may purchase or otherwise acquire, hold, alienate or hypothecate any movable property and, with the consent of the Minister acting with the concurrence of the Minister of Finance, any immovable property;
(e) hire or let movable or immovable property;
50 (f) enter into any agreement relating to its objects on such terms and conditions as it may deem fit.

22. (1) The Funds referred to in section 16 shall consist of—

Finances of boards.

- (a) the contributions collected from the public by, for or on behalf of the board of the Fund in question;
55 (b) any moneys vested in the Fund in question in terms of subsection (2);
(c) any moneys appropriated by Parliament for the purposes of the Fund concerned;
60 (d) any amount of money received or acquired from any other source.

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(2) Die fondse wat algemeen bekend staan as—

- (a) die Nasionale Hulpfonds;
- (b) die Fonds vir Buitelandse Noodleniging;
- (c) die Nasionale Mynrampfonds;
- (d) die Sentrale Vloedrampfonds (1974); 5
- (e) die Sentrale Noodlenigingsfonds vir Vlugtelinge;
- (f) die Suid-Afrikaanse Weermagfonds,

hou vanaf die inwerkingtreding van hierdie Wet op om te bestaan, en alle bedrae waarmee so 'n fonds onmiddellik voor die inwerkingtreding gekrediteer is, berus vanaf daardie inwerking- 10 treding—

- (i) in die geval van die fondse in paragrawe (a) tot en met (d) vermeld, by die Rampnoodlenigingsfonds;
- (ii) in die geval van die fonds in paragraaf (e) bedoel, by die Vlugtelinge-noodlenigingsfonds; 15
- (iii) in die geval van die fonds in paragraaf (f) bedoel, by die Suid-Afrikaanse Weermagfonds,

en vanaf bedoelde inwerkingtreding gaan alle verpligtinge en regte, huidig sowel as toekomstend, van die onderskeie fondse in subparagrawe (i), (ii) en (iii) vermeld, op onderskeidelik die 20 Rampnoodlenigingsfonds, die Vlugtelinge-noodlenigingsfonds en die Suid-Afrikaanse Weermagfonds oor.

(3) 'n Raad wend die gelde van die Fonds ten opsigte waarvan hy aangestel is en waarmee bedoelde Fonds gekrediteer, is vir die bereiking van sy oogmerke en vir die bestryding van die onkoste 25 in verband met die verrigting van sy werksaamhede aan.

(4) 'n Raad moet al die gelde deur hom ontvang in 'n rekening stort wat hy moet open by 'n bankinstelling wat kragtens die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer is.

(5) 'n Raad moet al die gelde wat nie vir onmiddellike gebruik 30 of as 'n redelike bedryfsaldo nodig is nie, belê by die Staatskuldkommissaris of op die ander wyse wat die Minister van tyd tot tyd met die instemming van die Minister van Finansies bepaal.

(6) Die boekjaar van 'n fonds eindig op 31 Maart in elke jaar. 35

(7) 'n Raad moet die voorgeskrewe rekenings, aantekeninge en registers van al sy geldelike transaksies hou en aan die Minister die voorgeskrewe verslae en finansiële state verstrek.

(8) Die rekenings, aantekeninge, registers en finansiële state van 'n raad word deur die Ouditeur-generaal geouditeer. 40

Insameling van
bydraes vir of
namens raad,
gemagtigde
organisasie of
gemagtigde
persoon.

23. (1) Iemand wat bydraes vir of namens 'n raad, gemagtigde organisasie of gemagtigde persoon vir 'n oogmerk van daardie raad insamel, moet 'n geskrif in sy besit hê waarin die vergunning uiteengesit word wat deur daardie raad, organisasie of persoon aan so iemand verleen is om bydraes aldus in te samel. 45

(2) Iemand wat bydraes vir of namens 'n raad, gemagtigde organisasie of gemagtigde persoon vir 'n oogmerk van daardie raad teen vergoeding insamel, moet 'n geskrif in sy besit hê waarin die spesiale vergunning uiteengesit word wat deur daardie raad, organisasie of persoon aan so iemand verleen word om bydraes aldus in te samel en wat die voorwaardes onderworpe 50 waaraan en die vergoeding waarteen die insameling geskied, vermeld.

(3) 'n Vergunning of spesiale vergunning vervall—

- (a) by die verstryking van die tydperk waarvoor dit verleen 55 is of by die verloop van 'n tydperk van een jaar bereken vanaf die datum waarop dit verleen is, watter ook al die kortste tydperk is; of
- (b) indien dit ingetrek word; of
- (c) indien die spesiale magtiging wat verleen is aan die 60 gemagtigde organisasie of die gemagtigde persoon wat die vergunning of spesiale vergunning verleen het, ingetrek word.

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- (2) The funds generally known as—
- (a) the National Relief Fund;
 - (b) the Fund for External Relief;
 - (c) the National Mine Disaster Fund;
 - 5 (d) the Central Flood Disaster Fund (1974);
 - (e) the Central Fund for Relief to Refugees;
 - (f) the South African Defence Force Fund,
- shall as from the commencement of this Act cease to exist, and all amounts credited to any such fund immediately before such
- 10 commencement, shall as from such commencement—
- (i) in the case of the funds referred to in paragraphs (a) to (d), inclusive, vest in the Disaster Relief Fund;
 - (ii) in the case of the fund referred to in paragraph (e), vest in the Refugee Relief Fund;
 - 15 (iii) in the case of the fund referred to in paragraph (f), vest in the South African Defence Force Fund,
- and as from such commencement all liabilities and rights, existing as well as accruing, of the several funds referred to in subparagraphs (i), (ii) and (iii), shall devolve upon the Disaster
- 20 Relief Fund, the Refugee Relief Fund and the South African Defence Force Fund, respectively.

(3) A board shall apply the moneys of the Fund in respect of which it has been appointed and with which such Fund has been credited, to the achievement of its objects and to the defrayal of

25 the costs in connection with the performance of its functions.

(4) A board shall deposit all the moneys received by it in an account which it shall open with a banking institution registered in terms of the Banks Act, 1965 (Act No. 23 of 1965).

(5) A board shall from time to time invest with the Public Debt

30 Commissioners or in such other manner as the Minister may, with the concurrence of the Minister of Finance, determine, all moneys which are not required for immediate use or as a reasonable working balance.

(6) The financial year of a fund shall terminate on 31 March in

35 each year.

(7) A board shall keep the prescribed accounts, records and registers of all its financial transactions, and shall furnish the Minister with the prescribed reports and financial statements.

(8) The accounts, records, registers and financial statements of a

40 board shall be audited by the Auditor-General.

23. (1) Any person who collects contributions for or on behalf of a board, an authorized organization or authorized person for an object of that board, shall have in his possession a writing in which the permission which has been granted by that board, organization or person to such person so to collect contributions is

45 set out.

Collection of contributions for or on behalf of board, authorized organization or authorized person.

(2) A person who for remuneration collects contributions for or on behalf of a board, authorized organization or authorized person for an object of that board, shall have in his possession a writing

50 in which the special permission which has been granted by that board, organization or person to such person so to collect contributions, is set out and which states the conditions subject to which and the remuneration for which the collection takes place.

(3) A permission or special permission shall lapse—

- 55 (a) on the expiry of the period for which it was granted or on the expiry of a period of one year reckoned from the date on which it was granted, whichever is the shorter period; or
- (b) if it is withdrawn; or
- 60 (c) if the special authority granted to the authorized organization or authorized person which or who granted the permission or special permission, is withdrawn.

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(4) Die bepalings van subartikels (5), (6) (a) en (c), (7), (8) en (11) van artikel 7 is *mutatis mutandis* van toepassing met betrekking tot die insameling van bydraes uit hoofde van 'n vergunning of spesiale vergunning kragtens subartikel (1) of (2) verleen.

5

Beskikking oor bates en stukke van gemagtigde persone en gemagtigde organisasies.

24. (1) Indien 'n gemagtigde organisasie sy bedrywighede staak of ingevolge die bepalings van sy konstitusie ontbind word of die spesiale magtiging wat aan hom verleen is, ingevolge hierdie Wet verval het of ingetrek is, moet die bestuur van bedoelde organisasie—

10

(a) binne die voorgeskrewe tydperk die voorgeskrewe opgawes, state, 'n likwidasië-en-distribusiërekening en die ander inligting wat die raad wat aan hom die spesiale magtiging verleen het, verlang, aan bedoelde raad voorlê;

15

(b) al die aantekeninge en stukke wat op die insameling en besteding van bydraes vir of namens bedoelde raad betrekking het en wat in sy besit of onder sy beheer is, binne die tydperk wat sodanige raad bepaal, aan bedoelde raad oorhandig;

20

(c) die bates wat in bedoelde likwidasië-en-distribusiërekening aangewys word as synde beskikbaar vir distribusie, onmiddellik aan bedoelde raad oorhandig of oordra.

(2) 'n Likwidasië-en-distribusiërekening in subartikel (1) bedoel, moet by die kantoor van die raad waaraan dit voorgelê is, vir die voorgeskrewe tydperk ter insae van die publiek lê.

25

(3) Die bepalings van subartikels (1) en (2) is *mutatis mutandis* van toepassing ten opsigte van 'n gemagtigde persoon indien sodanige persoon sy bedrywighede gestaak het of indien die spesiale magtiging wat ingevolge artikel 21 aan hom verleen is, ingevolge hierdie Wet verval het of ingetrek is.

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(4) Indien 'n gemagtigde organisasie sy bedrywighede gestaak het of indien die spesiale magtiging aan hom ingevolge hierdie Wet verleen, verval het en sy bestuur nie ooreenkomstig sy konstitusie saamgestel is of kan word sodat die gemagtigde organisasie ontbind kan word nie, kan die raad wat die spesiale magtiging aan hom verleen het, bedoelde organisasie ontbind en sonder lasbrief beslag lê op die bates, aantekeninge en stukke van bedoelde organisasie vir sover dit betrekking het of in verband staan met die insameling of besteding van bydraes vir of namens bedoelde raad, en die raad moet vervolgens 'n likwidasië-en-distribusiërekening soos in subartikel (1) (a) beoog ten opsigte van bedoelde organisasie se bates en laste laat opstel, wat soos in subartikel (2) beoog, ter insae moet lê.

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Verrigting van administratiewe werk van rade.

25. Die administratiewe werk, met inbegrip van die ontvangs en uitbetaling van geld, verbonde aan die verrigting van die werksaamhede of uitoefening van die bevoegdhede van 'n raad of van enige komitee van 'n raad, word verrig deur beamptes in die staatsdiens deur die Sekretaris aangewys en wat onder sy beheer staan.

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Verklaring van sekere gebeurtenisse tot rampe.

26. (1) Indien dit te eniger tyd na die oordeel van die Staatspresident blyk dat ernstige stoflike skade of verlies of nood ontstaan het of waarskynlik sal ontstaan as gevolg van 'n skielike en rampspoedige gebeurtenis in 'n bepaalde gebied, hetsy in die Republiek of elders, en dat die leniging van die nood van die persone wat daardeur geraak word of geraak sal word, waarskynlik deur die publiek in die algemeen of 'n bepaalde gedeelte van die publiek ondersteun sal word, kan hy sodanige gebeurtenis vir die doeleindes van hierdie Wet by proklamasie in die *Staatskoerant* tot 'n ramp verklaar.

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(2) Die Staatspresident kan te eniger tyd 'n proklamasie in subartikel (1) bedoel op dergelike wyse intrek of wysig.

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(4) The provisions of subsections (5), (6) (a) and (c), (7), (8) and (11) of section 7 shall *mutatis mutandis* apply in relation to the collection of contributions by virtue of a permission or special permission granted under subsection (1) or (2).

5 24. (1) If an authorized organization discontinues its activities or is dissolved in terms of the provisions of its constitution or if the special authority granted to it has lapsed or has been withdrawn in terms of this Act, the management of such organization shall—

Disposal of assets and documents of authorized persons and authorized organizations.

10 (a) within the prescribed period submit to the board which has granted the special authority to it the prescribed returns, statements, a liquidation and distribution account and such other information as may be required by such board;

15 (b) deliver, within the period specified by such board, to the board all the records and documents relating to the collection and disbursement of contributions for or on behalf of such board and which are in its possession or under its control;

20 (c) immediately deliver or transfer to such board the assets shown in the liquidation and distribution account as available for distribution.

(2) A liquidation and distribution account referred to in subsection (1) shall lie for inspection of the public for the prescribed period at the office of the board to which it has been submitted.

(3) The provisions of subsections (1) and (2) shall *mutatis mutandis* apply in respect of an authorized person if such person has discontinued his activities or if the special authority granted to him in terms of section 21, has lapsed or has been withdrawn in terms of this Act.

(4) If an authorized organization has discontinued its activities or if the special authority granted to it in terms of this Act has lapsed, and its management is not or cannot be so constituted in accordance with its constitution in order that the authorized organization may be dissolved, the board which granted the special authority to it may dissolve such organization and may without warrant seize the assets, records and documents of the said authorized organization in so far as they relate to or are connected with the collection or disbursement of contributions for or on behalf of such board, and the board shall thereupon cause to be prepared a liquidation and distribution account as contemplated in subsection (1) (a) in respect of assets and liabilities of such organization, which shall lie for inspection as contemplated in subsection (2).

25. The administrative work, including the receipt and disbursement of money incidental to the performance of the functions or the exercise of the powers of a board or of any committee of the board shall be performed by officers in the public service designated by the Secretary and who shall be under his control.

Performance of administrative work of boards.

26. (1) If at any time in the opinion of the State President it appears that serious material damage or loss or distress has occurred or is likely to occur as a result of a sudden or disastrous event in a particular area, whether in the Republic or elsewhere, and that the relief of the distress of the persons who are or will be affected thereby is likely to be supported by the public generally or by any particular section of the public, he may by proclamation in the *Gazette* declare such event for the purposes of this Act to be a disaster.

Declaration of certain events to be disasters.

(2) The State President may at any time in a like manner withdraw or amend any proclamation referred to in subsection (1).

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HOOFSTUK III

ALGEMENE EN AANVULLENDE BEPALINGS

Verantwoordelikheid van lede van fondsinsamelings-organisasies, geregistreerde takke en gemagtigde en ander organisasies.

Organisasies en takke moet geskrewe konstitusies hê wat aan voorgeskrewe vereistes voldoen.

Minister kan insameling van bydraes vir sekere doeleindes of op sekere wyse of deur of vir of namens sekere persone of organisasies verbied.

Inspeksie van sake van organisasies en persone wat bydraes insamel.

27. Enigiemand wat op watter wyse ook al deelneem aan die bestuur of beheer van 'n fondsinsamelingsorganisasie of geregi- 5
streerde tak of 'n gemagtigde of ander organisasie en wat wetens
enige bepaling van hierdie Wet oortree of versuim om daaraan te
voldoen, is, indien sodanige oortreding of versuim 'n misdryf
ingevolge bedoelde Wet is, aan 'n misdryf skuldig.

28. (1) Geen magtiging, tydelike magtiging of spesiale
magtiging word aan enige organisasie verleen nie en geen tak 10
word ingevolge hierdie Wet geregistreer nie, tensy dit bestuur
word volgens 'n geskrewe konstitusie wat aan die voorgeskrewe
vereistes voldoen en 'n gwaarmede afskrif van die konstitusie in
die geval van 'n gemagtigde organisasie, aan die raad wat die
spesiale magtiging verleen, of in enige ander geval, aan die Direkteur 15
besorg is.

(2) Geen wysiging van so 'n konstitusie wat op 'n voor-
geskrewe voorwaarde betrekking het, is geldig nie, tensy die
betrokke raad of die Direkteur, na gelang van die geval, skriftelik
daartoe ingestem het. 20

29. (1) Indien die Minister dit in die openbare belang ag, kan
hy, ondanks die bepalings van hierdie Wet, by kennisgewing in
die *Staatskoerant* die insameling van bydraes vir 'n doel of op 'n
wyse of deur of vir of namens 'n persoon of organisasie in die
kennisgewing vermeld, verbied. 25

(2) Geen magtiging, vergunning, registrasiesertifikaat, spesiale
magtiging, spesiale vergunning of tydelike magtiging of bydraes
word in stryd met so 'n verbod verleen of ingesamel nie.

(3) Die Minister kan te eniger tyd 'n kennisgewing in subartikel
(1) bedoel by 'n dergelike kennisgewing wysig of intrek. 30

30. (1) Behoudens die wetsbepalings met betrekking tot die
staatsdiens, kan die Direkteur met die goedkeuring van die
Sekretaris inspekteurs aanstel wat in die algemeen of in 'n
bepaalde geval die sake of enige gedeelte van die sake van enige
organisasie of persoon wat hy rede het om te vermoed bydraes 35
insamel, kan ondersoek.

(2) Indien die Direkteur dit nodig ag, kan hy met die
goedkeuring van die Sekretaris en op die voorwaardes wat die
Minister van tyd tot tyd en met die instemming van die Minister van
Finansies bepaal, iemand wat nie in die heeltidse diens van die 40
Staat is nie as inspekteur in 'n bepaalde geval aanstel of so iemand
aanstel om 'n inspekteur wat ingevolge subartikel (1) aangestel is,
behelpsaam te wees met 'n ondersoek in daardie subartikel
bedoel.

(3) Iemand wat ingevolge subartikel (2) aangestel is, het vir die 45
doel van die ondersoek ten opsigte waarvan hy aangestel is, al die
bevoegdhede en al die pligte van 'n inspekteur in subartikel (1)
bedoel.

(4) (a) Aan iemand wat as inspekteur ingevolge subartikel (1)
of (2) aangestel word, word 'n aanstellingsertifikaat 50
uitgereik wat deur die Direkteur onderteken word en
waarin vermeld word dat hy as 'n inspekteur ingevolge
hierdie artikel aangestel is.

(b) 'n Inspekteur moet op versoek die aanstellingsertifikaat
wat ingevolge paragraaf (a) aan hom voorsien is, vir 55
inspeksie toon.

(5) Die Direkteur kan—

(a) indien hy rede het om te vermoed dat 'n organisasie of
persoon 'n bepaling van hierdie Wet oortree het;

(b) indien hy dit nodig ag ten einde te bepaal of 'n 60
organisasie of persoon aan die bepalings van hierdie
Wet voldoen of daaraan onderhewig is;

(c) indien hy rede het om te vermoed dat enige onreëlma-
tigheid of ongewenste praktyk met betrekking tot die

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CHAPTER III

GENERAL AND SUPPLEMENTARY PROVISIONS

27. Any person who, in any way, participates in the management or control of a fund-raising organization or registered branch or an authorized or other organization which knowingly contravenes or fails to comply with any provision of this Act, shall be guilty of an offence if such contravention or failure is an offence in terms of the said Act.

Responsibility of members of fund-raising organizations, registered branches and authorized and other organizations.

28. (1) No authority or a temporary authority or special authority shall be granted to any organization and no branch shall be registered in terms of this Act, unless it is managed according to a written constitution which shall comply with the prescribed requirements and a certified copy of the constitution is furnished, in the case of an authorized organization, to the board granting the special authority, or in any other case, to the Director.

Organizations and branches to have written constitutions, complying with prescribed conditions.

(2) No amendment of such constitution which relates to a prescribed condition, shall be of force and effect, unless the board in question or the Director, as the case may be, has consented thereto in writing.

29. (1) If the Minister deems it to be in the public interest, he may, notwithstanding the provisions of this Act, by notice in the *Gazette* prohibit the collection of contributions for any purpose or in any manner or by or for or on behalf of any person or organization mentioned in such notice.

Minister may prohibit collection of contributions for certain purposes or in certain manner or by or for or on behalf of certain persons or organizations.

(2) No authority, permission, registration certificate, special authority, special permission or temporary authority or contributions shall be granted or collected in conflict with such a prohibition.

(3) The Minister may at any time by like notice amend or withdraw a notice referred to in subsection (1).

30. (1) Subject to the laws governing the public service, the Director may, with the approval of the Secretary, appoint inspectors who may generally or in a particular case investigate the affairs or any part of the affairs of any organization which or person who he has reason to suspect, is collecting contributions from the public.

Inspection of affairs of organizations and persons collecting contributions.

(2) If the Director deems it necessary, he may, with the approval of the Secretary, and subject to such conditions as the Minister may from time to time and in consultation with the Minister of Finance determine, appoint any person who is not in the full-time employment of the State as an inspector in any particular case or may so appoint such person to assist an inspector appointed in terms of subsection (1) with an investigation referred to in that subsection.

(3) Any person appointed in terms of subsection (2) shall, for the purpose of the investigation for which he has been appointed, have all the powers and all the duties of an inspector referred to in subsection (1).

(4) (a) Any person appointed as an inspector in terms of subsection (1) or (2) shall be furnished with a certificate of appointment signed by the Director and stating that he has been appointed as an inspector in terms of this section.

(b) An inspector shall, on request, produce for inspection the certificate of appointment furnished to him in terms of paragraph (a).

(5) The Director may—

(a) if he has reason to believe that any organization or person has contravened a provision of this Act;

(b) if he deems it necessary in order to determine whether any organization or person is complying with or is subject to the provisions of this Act;

(c) if he has reason to believe that any irregularity or undesirable practice has occurred in connection with the

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insameling of besteding van bydraes deur 'n organisasie of persoon, plaasgevind het; of

- (d) indien iemand hom daartoe versoek en hy op grond van feite wat onder eed verklaar is, oortuig is dat 'n inspeksie van die sake van 'n organisasie of persoon wat bydraes insamel of na bewering insamel, nodig of wenslik is, 5

te eniger tyd met die goedkeuring van die Minister die sake van sodanige organisasie of persoon inspekteer of laat inspekteer en kan die sake van enige ander organisasie of persoon wat met die insameling of besteding van bydraes deur of vir of namens eersbedoelde organisasie of persoon in verband staan, inspekteer of laat inspekteer. 10

(6) Die Direkteur of 'n inspekteur wat 'n inspeksie van die sake van 'n organisasie of persoon ingevolge hierdie artikel uitvoer— 15

- (a) kan te eniger tyd met die goedkeuring van die Minister en sonder voorafgaande kennisgewing enige perseel van bedoelde organisasie of persoon betree en sonder 'n lasbrief daardie perseel na geld, sekuriteite, aantekeninge, rekenings of dokumente deursoek en die voorlegging aan hom van enige of alle sekuriteite, aantekeninge, rekenings of dokumente van bedoelde organisasie of persoon, eis; 20

- (b) kan enige of alle sodanige sekuriteite, aantekeninge, rekenings of dokumente ondersoek en uittreksels daaruit of afskrifte daarvan maak of laat maak of sodanige sekuriteite, aantekeninge, rekenings of dokumente vir ondersoek deur hom of vir die maak van enige uittreksel daaruit of afskrif daarvan van die perseel van bedoelde organisasie of persoon verwyder of kan beslag daarop lê indien dit na sy oordeel bewys van die pleeg van enige misdryf of onreëlmatigheid mag lewer; 25

- (c) kan van bedoelde organisasie of persoon die verduidelikings van enige inskrywings in bedoelde aantekeninge, rekenings of dokumente vra wat hy nodig ag; 35

- (d) kan enige persoon wat 'n lid is van bedoelde organisasie of van die bestuur daarvan of enigiemand wat 'n werknemer, ouditeur, rekenmeester of verteenwoordiger van bedoelde organisasie of persoon is of was, onder eed of bevestiging ondervra met betrekking tot sy sake en bedrywighede vir sover dit met die insameling en besteding van bydraes in verband staan en kan vir die doel van die ondervraging so 'n persoon die eed oplê of van hom 'n bevestiging aanneem. 40

(7) 'n Persoon wat ingevolge subartikel (6) (d) ondervra word, 45 is geregtig om sy regsverteenvoordiger by die ondervraging teenwoordig te hê.

(8) 'n Persoon wat ingevolge subartikel (6) (a) daartoe versoek word, moet onverwyld enige sekuriteit, aantekening, rekening of dokument in daardie subartikel bedoel wat in sy besit of onder sy beheer of wat vir hom toeganklik is, aan die Direkteur of inspekteur oorhandig en moet aan die Direkteur of inspekteur die inligting met betrekking tot die sake of bedrywighede, sekuriteite, aantekeninge, rekenings of dokumente van die betrokke organisasie of persoon waaroor hy beskik op versoek van die Direkteur of inspekteur verstrek. 50

(9) 'n Organisasie of persoon of sy wettige verteenwoordiger is geregtig om gedurende kantoorure enige van sy sekuriteite, aantekeninge, rekenings of dokumente waarop ingevolge subartikel (6) (b) beslag gelê is, onder die toesig wat die Direkteur of 'n inspekteur mag bepaal, te ondersoek en inskrywings daarin of uittreksels daaruit te maak. 55

(10) (a) Die Direkteur of 'n inspekteur wat 'n inspeksie ingevolge hierdie artikel uitvoer, moet 'n volledige verslag oor die inspeksie opstel en 'n verslag wat deur 'n inspekteur opgestel word, moet aan die Direkteur voorgelê word. 60

- (b) Die Direkteur moet 'n afskrif van 'n verslag in paragraaf (a) bedoel, aan die betrokke organisasie of persoon stuur. 65

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- collection or disposal of contributions by any organization or person; or
- (d) if requested thereto by any person and if he is satisfied on the ground of facts declared under oath that an inspection of the affairs of any organization which or person who is collecting or allegedly collecting contributions, is necessary or desirable,
- at any time with the approval of the Minister inspect or cause the affairs of such organization or person to be inspected, or may inspect or cause to be inspected the affairs of any other organization or person connected with the collection or disbursement of contributions by or for or on behalf of the first-mentioned organization or person.
- (6) The Director or an inspector who carries out an inspection of the affairs of an organization or person in terms of this section—
- (a) may at any time with the approval of the Minister and without prior notice enter any premises of the said organization or person and, without a warrant, search such premises for money, securities, records, accounts or documents and demand the delivery to him of any or all of the securities, records, accounts or documents of such organization or person;
- (b) may examine any or all of such securities, records, accounts or documents and make or cause to be made extracts therefrom or copies thereof or, after he has issued a receipt therefor, remove from the premises of the said organization or person such securities, records, accounts or documents for examination by him or for the making of any extract or copy thereof, or may seize them if, in his opinion, they may provide proof of the commission of any offence or irregularity;
- (c) may demand from the said organization or person any such explanations of any entry in the said records, accounts or documents as he may deem necessary;
- (d) may interrogate under oath or affirmation any person who is a member of the said organization or of its management or any person who is or was an employee, an auditor, an accountant or a representative of the said organization or person in regard to its affairs and activities in so far as they are connected with the collection and disbursement of contributions, and may for the purpose of such interrogation administer the oath to or accept an affirmation from such person.
- (7) Any person who is interrogated in terms of subsection (6) (d) shall be entitled to have his legal representative present at the interrogation.
- (8) Any person requested thereto in terms of subsection (6) (a), shall forthwith deliver to the Director or inspector any security, record, account or document referred to in that subsection which is in his possession or under his control or to which he has access and shall at the request of the Director or inspector furnish the Director or inspector with the information relating to the affairs or activities, securities, records, accounts or documents of the said organization or person at his disposal.
- (9) Any organization or person or his lawful representative shall have the right, during office hours and subject to such supervision as the Director or an inspector may determine, to examine and make entries in or extracts from any of the securities, records, accounts or documents which have been seized in terms of subsection (6) (b).
- (10) (a) The Director or any inspector carrying out an inspection under this section, shall make a full report on the inspection, and a report made by an inspector shall be submitted to the Director.
- (b) The Director shall forward to the organization or person concerned a copy of any report referred to in paragraph (a).

(11) Iemand wat 'n inspeksie kragtens hierdie artikel uitvoer of daarmee behulpsaam is, moet ten opsigte van alle sake wat in die vervulling van sy pligte tot sy kennis kom, geheimhouding bewaar of help bewaar en mag nie so 'n saak aan enigiemand behalwe die 5
Direkteur of die raad wat 'n spesiale magtiging aan die betrokke gemagtigde organisasie verleen het of die betrokke organisasie of persoon of sy wettige verteenwoordiger of op bevel van 'n geregshof, meedeel nie.

(12) Ondanks die bepalings van subartikel (11) kan enige inligting deur die Direkteur verkry in die loop van 'n inspeksie 10
ingevolge hierdie artikel, deur die Direkteur of sy personeel of die betrokke raad gebruik word in die vervulling van hulle pligte ingevolge hierdie Wet.

(13) Die Direkteur kan, indien hy oortuig is dat die persoon op wie se versoek 'n inspeksie ingevolge subartikel (5) (d) gedoen is, 15
geen gegronde rede vir die versoek gehad het nie, die koste of die gedeelte van die koste van die inspeksie wat hy bepaal, op bedoelde persoon verhaal.

Beskikking oor
onwettig
ingesamelde
bydraes.

31. (1) Indien die Direkteur rede het om te vermoed dat enige bydraes in stryd met 'n bepaling van hierdie Wet ingesamel is, of 20
dat die bepalings van artikel 7 (5) of (6) nie in verband met enige insameling van bydraes nagekom is nie, kan hy by lasgewing deur hom onderteken—

(a) enigiemand wat sodanige bydraes ingesamel het, gelas om aan die Direkteur die naam en adres en die ander 25
inligting te verstrek wat hy nodig het ten einde hom in staat te stel om enigiemand anders van wie so iemand weet dat hy sodanige bydraes ingesamel of in sy besit of onder sy beheer het, te identifiseer of op te spoor;

(b) enigiemand wat sodanige bydraes in sy besit of onder sy beheer het, gelas om die besit of beheer daarvan te 30
behou totdat hy 'n verdere bevel daaromtrent uitgevaardig het, of om sodanige bydraes of enige bydraes of enige gedeelte daarvan aan die Direkteur oor te dra of te oorhandig; of 35

(c) enigiemand wat sodanige bydraes in sy besit of onder sy beheer het, gelas om, indien uitvoerbaar, aan elke bydraer wat bekend is die bydrae deur hom bygedra, terug te gee en die balans daarvan (indien daar is) aan 40
die Direkteur oor te dra of te oorhandig.

(2) Die Direkteur moet enige bydraes wat ingevolge 'n lasgewing in subartikel (1) bedoel aan hom oorgedra of oorhandig word of enige bydraes wat in stryd met die bepalings van hierdie 45
Wet ingesamel is en anders as ingevolge so 'n lasgewing aan hom oorgedra of oorhandig word, aan die bydraer wat dit bygedra het en bekend is, teruggee of, indien sodanige teruggawe nie geredelik uitgevoer kan word nie, daarvoor beskik soos die Minister bepaal.

(3) Indien iemand ongevraag 'n bydrae van iemand anders ontvang en die insameling van bedoelde bydrae in stryd met die bepalings van hierdie Wet is, besorg hy sodanige bydrae 50
onverwyld aan die bydraer daarvan terug of, indien sodanige terugbesorging nie uitvoerbaar is nie, handel hy daarmee soos die Minister in die betrokke geval bepaal.

Voorbehoud.

32. (1) 'n Registrasiesertifikaat, volmag, skriftelike magtiging of magtigingsbewys verleen of uitgereik ingevolge 'n bepaling 55
van die Nasionale Wetsynswet, 1965 (Wet No. 79 van 1965), en van krag onmiddellik voor die inwerkingtreding van hierdie Wet, word met ingang van sodanige inwerkingtreding geag 'n magtiging, registrasiesertifikaat, tydelike magtiging of vergunning te wees wat ingevolge onderskeidelik artikels 4, 5, 6 en 7 van 60
hierdie Wet verleen is en verval, in die geval van eersgenoemde registrasiesertifikaat of volmag, by die verstryking van 'n tydperk van twee jaar na sodanige inwerkingtreding en, in die geval van sodanige skriftelike magtiging of magtigingsbewys, by die verstryking van die tydperk ten opsigte waarvan dit verleen of 65
uitgereik is of, indien, dit nie vir 'n bepaalde tydperk uitgereik is nie of vir 'n tydperk van ses maande of langer verleen of uitgereik

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(11) Any person carrying out or assisting with an inspection under this section, shall preserve or assist in preserving secrecy in respect of all matters that may come to his knowledge in the performance of his duties, and shall not communicate any such matter to any person other than the Director or the board which has granted a special authority to the authorized organization concerned or to the organization or person concerned or his authorized representative, except by an order of a court of law.

(12) Notwithstanding anything to the contrary in subsection (11) contained, any information acquired by the Director in the course of an inspection under this section may be used by the Director and his staff or the board concerned in the performance of their duties in terms of this Act.

(13) If the Director is satisfied that any person at whose request an inspection has been made in terms of subsection (5) (d), had no sufficient reason for the request, he may recover from such person the costs of such inspection or such part of the costs of such inspection as he may determine.

31. (1) If the Director has reason to suspect that any contributions have been collected in contravention of any provisions of this Act, or that the provisions of section 7 (5) or (6) have not been complied with in respect of any collection of contributions, he may by order under his hand—

Disposal of unlawfully collected contributions.

(a) direct any person who has collected such contributions to furnish the Director with the name and address and any other information which he may require in order to enable him to identify or trace any other person who to the knowledge of such person has collected such contributions or has such contributions in his possession or under his control;

(b) direct any person who has such contributions in his possession or under his control, to retain possession or control thereof until a further order in respect thereof has been made by him, or to transfer or deliver such contributions or any part thereof to the Director; or

(c) order any person who has such contributions in his possession or under his control to return, if practicable, to each contributor who is known, the contribution contributed by him, and to transfer or deliver the balance (if any) to the Director.

(2) The Director shall return to the contributor who made the contribution and who is known, any contributions transferred or delivered to him in terms of an order referred to in subsection (1) or any contribution collected in contravention of the provisions of this Act and transferred or delivered to him otherwise than in terms of such order, or, if such return is not practicable, dispose thereof in such manner as the Minister may determine.

(3) If any person receives any unsolicited contribution from any other person and the collection of the said contribution is in conflict of the provisions of this Act, he shall forthwith return such contribution to the contributor thereof, or, if such return is not practicable, he shall deal with it in such manner as the Minister may determine in the case concerned.

32. (1) Any registration certificate, letter of delegation, written authority or document of authority granted or issued in terms of any provision of the National Welfare Act, 1965 (Act No. 79 of 1965), and in force immediately before the commencement of this Act, shall, with effect from such commencement, be deemed to be an authority, registration certificate, temporary authority or permission granted in terms of sections 4, 5, 6 and 7 of this Act, respectively, and shall lapse, in the case of the first-mentioned registration certificate or letter of delegation, on the expiry of a period of two years after such commencement and, in the case of such written authority or document of authority, on the expiry of the period for which it was granted or issued, or, if it was not granted or issued for a specified period, or if it was granted or

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is, na die verstryking van 'n tydperk van ses maande na sodanige inwerkingtreding.

(2) 'n Tak van 'n welsynsorganisasie wat onmiddellik voor die inwerkingtreding van hierdie Wet die houer is van 'n volmag verleen ingevolge artikel 27 van die Nasionale Welsynswet, 1965, 5 word solank die fondsinsamelingsorganisasie waarvan dit 'n tak is, ingevolge hierdie Wet gemagtig is om bydraes van die publiek in te samel, maar hoogstens vir 'n tydperk van twee jaar vanaf sodanige inwerkingtreding, geag 'n in artikel 5 bedoelde geregi- 10 streerde tak van die betrokke fondsinsamelingsorganisasie te wees.

Toepassing van
sekere bepalings
van hierdie Wet.

33. (1) Die bepalings van Hoofstuk I is nie van toepassing nie op die insameling van bydraes—

- (a) wat ingevolge enige ander wetsbepaling ingesamel word;
- (b) wat ingesamel word deur of vir of namens 'n inrigting 15 wat uitsluitlik bestuur of in stand gehou word deur die Staat of 'n plaaslike owerheid of 'n hospitaalraad wat by of ingevolge 'n wet ingestel is;
- (c) wat ingesamel word van 'n persoon uit hoofde van sy lidmaatskap van die organisasie wat die bydraes insa- 20 mel;
- (d) wat ingesamel word deur of namens 'n godsdienstliggaam tydens 'n godsdiensoefening of ingevolge die skriftelike magtiging van so 'n liggaam en uitsluitlik vir die doel om die godsdienswerk van bedoelde liggaam te 25 bevorder;
- (e) wat vir of namens 'n opvoedkundige inrigting ingesamel word van 'n vorige student of leerling van bedoelde inrigting of van die ouer of voog of pleegouer van iemand wat 'n student of leerling van bedoelde inrigting 30 is of was;
- (f) wat vir of namens 'n politieke party ingesamel word;
- (g) wat ingesamel word onder die toesig en beheer van die raad van 'n universiteit in die Republiek of van 'n kollege soos omskryf in die Wet op Gevorderde 35 Tegniese Onderwys, 1967 (Wet No. 40 van 1967), en vir die ontwikkelingsdoeleindes van sodanige universiteit of kollege;
- (h) wat ingesamel word vir of namens of deur 'n organisasie wat deur die Minister vir die doeleindes van hierdie 40 artikel aangewys word.

(2) Die bepalings van hierdie Wet is nie van toepassing nie ten opsigte van geld bedoel in artikel 2 (2) van die Wet op Geaffekteerde Organisasies, 1974 (Wet No. 31 van 1974), wat deur of vir of namens 'n geaffekteerde organisasie in daardie 45 artikel bedoel, ingesamel word.

(3) Die Minister kan 'n aanwysing ingevolge subartikel (1) (h) gedoen te eniger tyd, na kennisgewing van drie weke aan die betrokke organisasie, intrek.

Oortredings en
strawwe.

34. Iemand wat— 50

- (a) 'n bepaling van artikel 2, 11, 12 (1) of 21 (1) oortree of 55 weier of versuim om aan 'n lasgewing in artikel 31 (1) bedoel, te voldoen;
 - (b) 'n bepaling van artikel 7 (6), 7 (9) (b), 30 (11) of 31 (3) oortree, of weier of versuim om aan 'n versoek in artikel 55 7 (8), 13 (1) (a) of 30 (8) bedoel, te voldoen; of
 - (c) die Direkteur of 'n lid van sy personeel of 'n inspekteur opsetlik by die verrigting van sy werksaamhede hinder of belemmer of hom valslik as die Direkteur of so 'n lid of inspekteur voordoen, 60
- is aan 'n misdryf skuldig en by skuldigbevinding strafbaar—
- (i) in die geval van 'n oortreding in paragraaf (a) bedoel, met 'n boete van hoogstens eenduisend vyfhonderd rand of gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf; 65
 - (ii) in die geval van 'n oortreding in paragraaf (b) of (c) bedoel, met 'n boete van hoogstens vyfhonderd rand of gevangenisstraf vir 'n tydperk van ses maande of met sowel daardie boete as daardie gevangenisstraf.

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issued for a period of six months or longer, on the expiry of a period of six months after such commencement.

(2) A branch of a welfare organization which immediately before the commencement of this Act is the holder of a letter of delegation granted in terms of section 27 of the National Welfare Act, 1965 (Act No. 79 of 1965), shall be deemed, for as long as the fund-raising organization of which it is a branch is authorized in terms of this Act to collect contributions from the public, but not exceeding a period of two years as from such commencement, to have been registered in terms of section 5 as a branch of the fund-raising organization concerned.

33. (1) The provisions of Chapter I shall not apply in respect of the collection of contributions—

Application of certain provisions of this Act.

- (a) collected in terms of any other law;
- 15 (b) collected by or for or on behalf of an institution managed or maintained exclusively by the State or a local authority or a hospital board established by or under any law;
- (c) collected from any person by virtue of his membership of the organization collecting the contributions;
- 20 (d) collected by or on behalf of a religious body during a religious service or in terms of the written authority of such body and exclusively for the purpose of promoting the religious work of such body;
- 25 (e) collected for or on behalf of any educational institution from a former student or scholar of such institution or from the parent, guardian or foster parent of a person who is or was a student or scholar of such institution;
- (f) collected for or on behalf of a political party;
- 30 (g) collected under the supervision and control of the council of a university in the Republic or of a college as defined in the Advanced Technical Education Act, 1967 (Act No. 40 of 1967), and for the purposes of the development of such university or college;
- 35 (h) collected for or on behalf of or by an organization designated by the Minister for the purposes of this section.

(2) The provisions of this Act shall not apply in respect of money referred to in section 2 (2) of the Affected Organizations Act, 1974 (Act No. 31 of 1974), collected by or for or on behalf of an affected organization referred to in that section.

(3) The Minister may withdraw a designation in terms of subsection (1) (h) at any time after notice of three weeks to the organization concerned.

34. Any person who—

Offences and penalties.

- (a) contravenes any provision of section 2, 11, 12 (1) or 21 (1) or fails to comply with an order referred to in section 31 (1);
- 50 (b) contravenes any provision of section 7 (6), 7 (9) (b), 30 (11) or 31 (3), or refuses or fails to comply with a request referred to in section 7 (8), 13 (1) (a) or 30 (8); or
- (c) wilfully hinders or obstructs the Director or any member of his staff or any inspector in the execution of his duties or falsely represents himself to be the Director or such member or inspector,
- 55

shall be guilty of an offence and liable on conviction—

- (i) in the case of an offence referred to in paragraph (a), to a fine not exceeding one thousand five hundred rand or imprisonment for a period not exceeding three years or to both such fine and such imprisonment;
- 60
- (ii) in the case of an offence referred to in paragraph (b) or (c), to a fine not exceeding five hundred rand or imprisonment not exceeding six months or to both such fine and such imprisonment.
- 65

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Delegering van
bevoegdhede.

35. (1) Die Sekretaris kan 'n beamppte in die Staatsdepartement waarvan die Sekretaris die hoof is, magtig om 'n bevoegdheid wat by hierdie Wet aan die Sekretaris verleen word, uit te oefen.

(2) Die Direkteur kan, met die goedkeuring van die Sekretaris, 'n beamppte van die Staatsdepartement waarvan die Sekretaris die hoof is, magtig om 'n bevoegdheid wat by hierdie Wet aan die Direkteur verleen word, namens hom uit te oefen.

Regulasies.

36. (1) Die Minister kan regulasies uitvaardig betreffende—

(a) die vorm van enige aansoek, magtiging, tydelike magtiging, spesiale magtiging, vergunning, spesiale vergunning, kennisgewing, lasgewing of register wat kragtens hierdie Wet gedoen, verleen, gegee, uitgereik of gehou moet of kan word en enige ander vorm wat by die uitvoering van hierdie Wet nodig of dienstig is;

(b) die inligting wat ingesluit moet word in enige verslag, opgawe of staat wat ingevolge hierdie Wet verstrek moet word;

(c) die boekjaar van fondsinsamelingsorganisasies of geregistreerde takke;

(d) enige ander aangeleentheid wat ingevolge 'n bepaling van hierdie Wet voorgeskryf moet of kan word;

(e) enige aangeleentheid wat die Minister nodig of dienstig ag om voor te skryf ten einde die oogmerke van hierdie Wet te bereik.

(2) Regulasies kragtens subartikel (1) uitgevaardig, kan strawwe vir 'n oortreding daarvan voorskryf wat 'n boete van vyfhonderd rand of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.

Herroeping van
wette.

37. Die Nasionale Welsynswet, 1965 (Wet No. 79 van 1965), die Wysigingswet op Nasionale Welsyn, 1971 (Wet No. 13 van 1971), en die Wysigingswet op Nasionale Welsyn, 1976 (Wet No. 44 van 1976), word hierby herroep vir sover daardie Wette betrekking het op die beheer van die insameling van bydraes vir die fondse van welsynsorganisasies of sekere inrigtings of vir sekere doeleindes daarin vermeld.

Kort titel en
inwerkingtreding.

38. Hierdie Wet heet die Wet op Fondsinsameling, 1978, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

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35. (1) The Secretary may authorize any officer in the Delegation of department of state of which the Secretary is the head, to exercise powers. any power conferred upon the Secretary by this Act.

(2) The Director may, with the approval of the Secretary, authorize any officer in the department of state of which the Secretary is the head, to exercise on his behalf any power conferred upon the Director by this Act.

36. (1) The Minister may make regulations relating to— Regulations.

- 10 (a) the form of any application, authority, temporary authority, special authority, permission, special permission notice, order or register which is required or may be made, granted, given, issued or kept under this Act, and any other form required in carrying out the provisions of this Act;
- 15 (b) the information which shall be included in any report, return or statement to be furnished in terms of this Act;
- (c) the financial year of fund-raising organizations or registered branches;
- 20 (d) any other matter which is required to be or may be prescribed under any provision of this Act;
- (e) any matter which the Minister deems necessary or expedient to prescribe in order that the objects of this Act may be achieved.

(2) Any regulations made under subsection (1) may prescribe 25 penalties for a contravention thereof not exceeding a fine of five hundred rand or imprisonment for a period of six months.

37. The National Welfare Act, 1965 (Act No. 79 of 1965), the Repeal of laws. National Welfare Amendment Act, 1971 (Act No. 13 of 1971), and the National Welfare Amendment Act, 1976 (Act No. 44 of 30 1976), are hereby repealed in so far as those Acts relate to the control of the collection of contributions for the funds of welfare organizations or certain institutions or for certain other purposes therein referred to.

38. This Act shall be called the Fund-raising Act, 1978, and Short title and shall come into operation on a date to be fixed by the State commencement. President by proclamation in the *Gazette*.

