



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

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STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 525.

23 March 1989

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

No. 26 of 1989: Disclosure of Foreign Funding Act, 1989.

No. 525.

23 Maart 1989

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

No. 26 van 1989: Wet op die Openbaarmaking van Buitelandse Befondsing, 1989.

ACT

To regulate the disclosure of the receipt of money from outside the Republic by or for certain organizations and persons; and to provide for matters connected therewith.

*(Afrikaans text signed by the acting State President.)
(Assented to 14 March 1989.)*

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

Definitions

1. In this Act, unless the context otherwise indicates—
 - (i) "Assistant Registrar" means an Assistant Registrar of Reporting Organi- 5
zations and Persons appointed under section 2; (ii)
 - (ii) "financial institution" means—
 - (a) a bank as defined in section 1 of the Banks Act, 1965 (Act No. 23 of 1965);
 - (b) a mutual building society as defined in section 1 of the Mutual Building 10
Societies Act, 1965 (Act No. 24 of 1965); or
 - (c) a building society as defined in section 1 of the Building Societies Act, 1986 (Act No. 82 of 1986); (iv)
 - (iii) "inspector" means an inspector appointed under section 6 (5); (vii)
 - (iv) "Minister" means the Minister of Justice; (viii) 15
 - (v) "money" includes anything which can be cashed or converted into money; (v)
 - (vi) "office-bearer", in relation to an organization, means a member of the governing or executive body of— 20
 - (a) the organization;
 - (b) any branch, section or committee of the organization; or
 - (c) any local, regional or subsidiary body forming part of the organization; (i)
 - (vii) "officer", in relation to an organization, means a person working for the organization or for any branch, section or committee of the organization, or 25
for any local, regional or subsidiary body forming part of the organization; (iii)
 - (viii) "organization" includes any body, group or association of persons, or any institution, federation, society, movement, trust or fund, incorporated or unincorporated, and whether or not it has been established or registered in 30
accordance with any law; (ix)
 - (ix) "prescribe" means prescribe by regulation under section 10; (xiii)
 - (x) "Registrar" means the Registrar of Reporting Organizations and Persons appointed under section 2; (x)
 - (xi) "reporting organization" means an organization declared under section 3 to 35
be a reporting organization; (xi)
 - (xii) "reporting person" means a person declared under section 3 to be a reporting person; (xii)
 - (xiii) "this Act" includes regulations made under section 10. (vi)

WET OP DIE OPENBAARMAKING VAN BUITELANDSE
BEFONDSING, 1989

Wet No. 26, 1989

WET

Om die openbaarmaking van die ontvangs van geld van buite die Republiek deur of vir sekere organisasies en persone te reël; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Afrikaanse teks deur die waarnemende Staatspresident geteken.)
(Goedgekeur op 14 Maart 1989.)*

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

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
- 5 (i) “ampsdraer”, met betrekking tot ’n organisasie, ’n lid van die beherende of uitvoerende liggaam van—
(a) die organisasie;
(b) enige tak, afdeling of komitee van die organisasie; of
10 (c) enige plaaslike, streek- of hulpliggaam wat deel van die organisasie uitmaak; (vi)
- (ii) “Assistent-registrateur” ’n Assistent-registrateur van Verslaggewende Organisasies en Persone aangestel kragtens artikel 2; (i)
- (iii) “beampte”, met betrekking tot ’n organisasie, iemand wat werk vir die organisasie of vir enige tak, afdeling of komitee van die organisasie, of vir
15 enige plaaslike, streek- of hulpliggaam wat deel van die organisasie uitmaak; (vii)
- (iv) “finansiële instelling”—
(a) ’n bank soos omskryf in artikel 1 van die Bankwet, 1965 (Wet No. 23 van 1965);
20 (b) ’n onderlinge bouvereniging soos omskryf in artikel 1 van die Wet op Onderlinge Bouverenigings, 1965 (Wet No. 24 van 1965); of
(c) ’n bouvereniging soos omskryf in artikel 1 van die Wet op Bouverenigings, 1986 (Wet No. 82 van 1986); (ii)
- (v) “geld” ook enigiets wat gewissel of in geld omgesit kan word; (v)
- 25 (vi) “hierdie Wet” ook regulasies uitgevaardig kragtens artikel 10; (xiii)
- (vii) “inspekteur” ’n inspekteur kragtens artikel 6 (5) aangestel; (iii)
- (viii) “Minister” die Minister van Justisie; (iv)
- (ix) “organisasie” ook enige liggaam, groep of vereniging van persone of enige instelling, federasie, genootskap, beweging, trust of fonds, met of sonder
30 regspersoonlikheid, en hetsy dit ooreenkomstig ’n wet ingestel of geregistreer is al dan nie; (viii)
- (x) “Registrateur” die Registrateur van Verslaggewende Organisasies en Persone aangestel kragtens artikel 2; (x)
- (xi) “verslaggewende organisasie” ’n organisasie wat kragtens artikel 3 tot verslaggewende organisasie verklaar is; (xi)
- 35 (xii) “verslaggewende persoon” ’n persoon wat kragtens artikel 3 tot verslaggewende persoon verklaar is; (xii)
- (xiii) “voorskryf” voorskryf by regulasie kragtens artikel 10. (ix)

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DISCLOSURE OF FOREIGN FUNDING ACT, 1989

Appointment of Registrar of Reporting Organizations and Persons

2. (1) The Minister shall appoint an officer in the public service or, on such conditions as may be determined by the Minister with the concurrence of the Minister of Finance, any other person as Registrar of Reporting Organizations and Persons, who shall, subject to the control and supervision of the Minister, exercise the powers and perform the duties conferred or imposed upon him by or under this Act. 5

(2) (a) The Minister may appoint as many officers in the public service as he may deem necessary, as Assistant Registrars of Reporting Organizations and Persons. 10

(b) An Assistant Registrar shall exercise such powers of the Registrar and perform such duties of the Registrar as may be assigned to him in writing by the Minister or the Registrar.

(3) An Assistant Registrar designated for that purpose by the Minister or the Director-General: Justice shall act as Registrar during the absence of the Registrar, 15 and while so acting that Assistant Registrar shall exercise all the powers and perform all the duties of the Registrar.

Declaration of certain organizations or persons as reporting organizations or persons

3. (1) The Registrar may, in the prescribed manner, declare any organization or person to be a reporting organization or person for the purposes of this Act, and 20 shall, when he has made such a declaration, forthwith notify the organization or person concerned in the prescribed manner of that declaration and of the date from which it takes effect.

(2) The Registrar may at any time withdraw a declaration made under subsection (1), and shall, *mutatis mutandis* in accordance with subsection (1), notify the 25 organization or person concerned of that withdrawal.

Duties of reporting organizations and persons

4. (1) A reporting organization which or person who receives any money, or during the period of three months preceding the date contemplated in section 3 (1) received any money, directly or indirectly coming from outside the Republic, shall 30 forthwith—

- (a) on the prescribed form give notice to the Registrar of that receipt;
- (b) furnish the Registrar in writing with particulars of—
 - (i) the amount of the money;
 - (ii) the name and address of the supplier of the money; 35
 - (iii) the purpose for which the money was provided by the supplier;
 - (iv) if that purpose is at any time altered by the supplier, that altered purpose; and
 - (v) the conditions, if any, subject to which the money was provided by the supplier; 40
- (c) provide the Registrar with the other prescribed information in relation to that money.

(2) A reporting organization which or person who has received or receives money as contemplated in subsection (1), shall—

- (a) open a separate savings or cheque account at a financial institution, into 45 which it or he shall deposit all money so received by it or him;
- (b) in one of the official languages of the Republic, keep the prescribed records of all transactions relating to all the money so received;
- (c) furnish the Registrar with the prescribed reports, returns and financial statements at the prescribed times. 50

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

(4) The Registrar may in his discretion grant to a reporting organization or person a certificate exempting that organization or person, for the period and on the 55 conditions and to the extent mentioned in the certificate, from any of the provisions

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Aanstelling van Registrateur van Verslaggewende Organisasies en Persone

2. (1) Die Minister stel 'n beampte in die staatsdiens of, op die voorwaardes wat die Minister met die instemming van die Minister van Finansies bepaal, enige ander persoon as Registrateur van Verslaggewende Organisasies en Persone aan, wat, 5 onderworpe aan die beheer en toesig van die Minister, die bevoegdhede uitoefen en die pligte verrig wat by of kragtens hierdie Wet aan hom verleen of opgedra word.
- (2) (a) Die Minister kan soveel beamptes in die staatsdiens as wat hy nodig ag, aanstel as Assistent-registrateurs van Verslaggewende Organisasies en Persone.
- 10 (b) 'n Assistent-registrateur oefen daardie bevoegdhede van die Registrateur uit en verrig daardie pligte van die Registrateur wat die Minister of die Registrateur skriftelik aan hom toewys.
- (3) 'n Assistent-registrateur wat vir dié doel deur die Minister of die Direkteur-generaal: Justisie aangewys word, neem waar as Registrateur tydens die afwesigheid 15 van die Registrateur, en terwyl hy aldus waarneem, het daardie Assistent-registrateur al die bevoegdhede en verrig hy al die pligte van die Registrateur.

Verklaring van sekere organisasies of persone tot verslaggewende organisasies of persone

3. (1) Die Registrateur kan, op die voorgeskrewe wyse, enige organisasie of 20 persoon tot 'n verslaggewende organisasie of persoon vir die doeleindes van hierdie Wet verklaar, en moet, wanneer hy so 'n verklaring gedoen het, die betrokke organisasie of persoon onverwyld op die voorgeskrewe wyse van daardie verklaring en van die datum met ingang waarvan dit van krag is, in kennis stel.
- (2) Die Registrateur kan te eniger tyd 'n verklaring kragtens subartikel (1) 25 gedoen, intrek, en moet, *mutatis mutandis* ooreenkomstig subartikel (1), die betrokke organisasie of persoon van daardie intrekking in kennis stel.

Pligte van verslaggewende organisasies en persone

4. (1) 'n Verslaggewende organisasie of persoon wat enige geld wat direk of indirek van buite die Republiek afkomstig is, ontvang, of gedurende die tydperk van 30 drie maande wat die datum beoog in artikel 3 (1) voorafgaan, ontvang het, moet onverwyld—
- (a) op die voorgeskrewe vorm die Registrateur van daardie ontvangs kennis gee;
- (b) skriftelik aan die Registrateur besonderhede verstrek van—
- 35 (i) die bedrag van die geld;
- (ii) die naam en adres van die verskaffer van die geld;
- (iii) die doel waarvoor die geld deur die verskaffer voorsien is;
- (iv) indien daardie doel te eniger tyd deur die verskaffer verander word, daardie veranderde doel; en
- 40 (v) die voorwaardes, as daar is, onderworpe waaraan die geld deur die verskaffer voorsien is;
- (c) die Registrateur van die ander voorgeskrewe inligting met betrekking tot daardie geld voorsien.
- (2) 'n Verslaggewende organisasie of persoon wat soos in subartikel (1) beoog geld 45 ontvang het of ontvang, moet—
- (a) 'n afsonderlike spaar- of tjekrekening by 'n finansiële instelling open, waarin hy alle geld moet stort wat hy aldus ontvang het of ontvang;
- (b) in een van die amptelike tale van die Republiek, die voorgeskrewe aantekeninge hou van alle transaksies met betrekking tot al die geld aldus 50 ontvang;
- (c) die voorgeskrewe verslae, opgawes en finansiële state op die voorgeskrewe tye aan die Registrateur verstrek.
- (3) Behoudens die bepalings van die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), moet die finansiële state in subartikel (2) (c) 55 bedoel, geouditeer word deur 'n rekenmeester en ouditeur ingevolge daardie Wet geregistreer.
- (4) Die Registrateur kan na goeddunke aan 'n verslaggewende organisasie of persoon 'n sertifikaat verleen waarby hy daardie organisasie of persoon vir die tydperk en op die voorwaardes en in die mate in die sertifikaat vermeld, vrystel van

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of this Act relating to the furnishing of any reports, returns or financial statements, and may in his discretion by notice in writing to the organization or person concerned withdraw or amend that certificate at any time.

(5) Any money which—

- (a) has, on instruction from outside the Republic, been credited to the account of a reporting organization or person, or of any other organization or person for the benefit of a reporting organization or person; or
- (b) has been paid to a reporting organization or person, or any other organization or person for the benefit of a reporting organization or person, from a bank account in the Republic of a person who is resident outside the Republic or an organization the head office of which is outside the Republic,

shall for the purposes of this Act be deemed to have been received by the reporting organization or person concerned from outside the Republic.

Use of certain money received by reporting organizations or persons

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5. Except with the written permission of the Registrar, given on application by a reporting organization or person, no money received by that organization or person as contemplated in section 4 (1) and in respect of which notice has been given to the Registrar in terms of that section, may be used for any purpose other than the purpose for which it was provided by the supplier concerned, or any altered purpose contemplated in section 4 (1) (b) (iv), as stated in the relevant notice to the Registrar.

Powers of Registrar and appointment of inspectors

6. (1) Upon receipt of the information mentioned in section 4 (1), and at any time thereafter, the Registrar may—

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- (a) direct the reporting organization or person concerned in writing to furnish him with such further information as the Registrar may reasonably deem necessary and specify in the direction;
- (b) in writing direct the reporting person concerned, or, in the case of a reporting organization, an office-bearer or officer of the organization concerned, or any other person whom he has reason to believe to be able to furnish such further information, to appear before the Registrar at the time and place mentioned in the direction, to be examined by him in relation to any matter mentioned in section 4.

(2) The Registrar may administer the oath to or accept an affirmation from any person who is being examined by him.

(3) A person who has been directed under subsection (1) to appear before the Registrar, shall be entitled—

- (a) to be assisted by an advocate, attorney or accountant;
- (b) to the same witness fees as may be payable to a witness in a civil case in a magistrate's court.

(4) The Registrar may, in the performance of his functions in terms of this Act, and after obtaining a warrant from a magistrate authorizing him to enter any specific premises, at any time and without prior notice enter those premises and there make such investigation and inquiry as he may deem necessary, and seize any document on those premises which has a bearing on the purpose of the investigation, or make extracts therefrom or copies thereof, and require any person whom he suspects to have the necessary information, to give an explanation of anything contained in such a document.

(5) The Registrar may appoint officers in the public service as inspectors, who shall, subject to the control and supervision of the Registrar, exercise the powers and perform the duties conferred or imposed upon them by or under this Act.

(6) A person appointed as an inspector in terms of subsection (5) shall be furnished with a certificate of appointment signed by the Registrar and stating that he has been appointed as an inspector in terms of this section.

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enige van die bepalings van hierdie Wet met betrekking tot die verstrekking van enige verslae, opgawes of finansiële state, en kan daardie sertifikaat te eniger tyd by skriftelike kennisgewing aan die betrokke organisasie of persoon na goeddunke intrek of wysig.

5 (5) Enige geld wat—

- (a) in opdrag van buite die Republiek, in die rekening van 'n verslaggewende organisasie of persoon, of van enige ander organisasie of persoon ten voordele van 'n verslaggewende organisasie of persoon, gekrediteer is; of
- (b) aan 'n verslaggewende organisasie of persoon, of enige ander organisasie of persoon ten voordele van 'n verslaggewende organisasie of persoon, betaal is uit 'n bankrekening in die Republiek van 'n persoon wat buite die Republiek woonagtig is of 'n organisasie wat sy hoofkantoor buite die Republiek het,

word vir die doeleindes van hierdie Wet geag deur die betrokke verslaggewende organisasie of persoon van buite die Republiek ontvang te gewees het.

Gebruik van sekere geld deur verslaggewende organisasies of persone ontvang

5. Behalwe met die skriftelike verlof van die Registrateur, verleen op aansoek van 'n verslaggewende organisasie of persoon, mag geen geld wat, soos in artikel 4 (1) beoog, deur daardie organisasie of persoon ontvang is en ten opsigte waarvan 20 ingevolge daardie artikel aan die Registrateur kennis gegee is, vir enige ander doel gebruik word nie as die doel waarvoor dit deur die betrokke verskaffer voorsien is, of enige veranderde doel beoog in artikel 4 (1) (b) (iv), soos vermeld in die betrokke kennisgewing aan die Registrateur.

Bevoegdhede van Registrateur en aanstelling van inspekteurs

25 6. (1) By ontvangs van die inligting in artikel 4 (1) vermeld, en te eniger tyd daarna, kan die Registrateur—

- (a) die betrokke verslaggewende organisasie of persoon skriftelik gelas om aan hom die verdere inligting te verstrek wat die Registrateur redelikerwys nodig ag en in die lasgewing spesifiseer;
- 30 (b) die betrokke verslaggewende persoon, of, in die geval van 'n verslaggewende organisasie, 'n ampsdraer of beampte van die betrokke organisasie, of enige ander persoon wat hy rede het om te glo sodanige verdere inligting kan verstrek, skriftelik gelas om op die tyd en plek in die lasgewing genoem voor die Registrateur te verskyn om deur hom ondervra te word met 35 betrekking tot enige aangeleentheid in artikel 4 genoem.

(2) Die Registrateur kan enigiemand wat deur hom ondervra word die eed oplê of van hom 'n bevestiging aanneem.

(3) Iemand wat kragtens subartikel (1) gelas is om voor die Registrateur te verskyn, is geregtig—

- 40 (a) om bygestaan te word deur 'n advokaat, prokureur of rekenmeester;
- (b) op dieselfde getuieloon as wat aan 'n getuie in 'n siviele saak in 'n landdroshof betaalbaar is.

(4) Die Registrateur kan by die verrigting van sy werksaamhede ingevolge hierdie Wet, en nadat 'n lasbrief van 'n landdros verkry is wat hom magtig om enige spesifieke 45 perseel te betree, te eniger tyd en sonder voorafgaande kennisgewing daardie perseel betree en daar die ondersoek instel en die navraag doen wat hy nodig ag, en op enige dokument op daardie perseel wat betrekking het op die doel van die ondersoek beslag lê, of uittreksels daaruit of afskrifte daarvan maak, en van enigiemand wat, na hy vermoed, oor die nodige inligting beskik, 'n verduideliking 50 vereis van enigiets in so 'n dokument vervat.

(5) Die Registrateur kan beamptes in die staatsdiens as inspekteurs aanstel, wat, onderworpe aan die beheer en toesig van die Registrateur, die bevoegdhede uitoefen en die pligte verrig wat by of kragtens hierdie Wet aan hulle verleen of opgedra word.

55 (6) Aan iemand wat as inspekteur ingevolge subartikel (5) aangestel word, word 'n aanstellingsertifikaat verstrek wat deur die Registrateur onderteken word en waarin vermeld word dat hy as 'n inspekteur ingevolge hierdie artikel aangestel is.

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Report to Minister

7. (1) The Registrar shall annually compile a report in the prescribed form regarding every reporting organization or person and shall submit it to the Minister.

(2) The Minister shall lay the report upon the Tables of Parliament within 14 days after it has been submitted to him, if Parliament is then in session, or if Parliament is not then in session, within 14 days after the commencement of its next ensuing session. 5

(3) As soon as practicable after the report has been tabled in terms of subsection (2), it shall be referred to a joint committee of Parliament.

Offences

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8. (1) A person who—

- (a) refuses or fails to comply with any provision of subsection (1), (2) or (3) of section 4, or conceals, destroys, mutilates or forges any record contemplated in subsection (2) (b) of section 4, or enters any false entry into such a record, or with the intent to defraud or to deceive, erases anything 15 contained in such a record;
- (b) contravenes section 5;
- (c) refuses or fails to comply with a direction under section 6 (1) or 9 (1) or (3);
- (d) refuses to answer any question put to him in terms of section 6 (1);
- (e) wilfully hinders or obstructs the Registrar or an inspector in the exercise of 20 his functions, or falsely represents himself to be the Registrar or an inspector,

shall be guilty of an offence.

(2) A person convicted of an offence referred to in subsection (1) shall be liable on conviction— 25

- (a) in the case of an offence referred to in paragraph (a) or (b) of subsection (1), to a fine not exceeding R40 000 or to imprisonment for a period not exceeding three years or to both that fine and that imprisonment;
- (b) in the case of an offence referred to in paragraph (c), (d) or (e) of subsection (1), to a fine not exceeding R4 000 or to imprisonment for a 30 period not exceeding one year or to both that fine and that imprisonment.

Disposal of money of reporting organizations or persons

9. (1) The court may, after a prosecution has been instituted in terms of section 8 (1) (a) or (b) against a reporting organization or person—

- (a) direct a financial institution concerned referred to in section 4 (2) (a), to 35 keep possession and control of the money (if any) in the relevant account referred to in that section of that reporting organization or person, pending a direction under subsection (3) relating to that money; or
- (b) if the reporting organization or person concerned has received money as contemplated in section 4 (1), but has not deposited the money in an 40 account referred to in section 4 (2) (a), direct that organization or person to deposit the amount concerned in such an account, and may thereafter issue a direction in respect of that amount to the financial institution concerned in accordance with paragraph (a).

(2) If a reporting organization or person referred to in subsection (1) is acquitted 45 of the charge concerned, the court shall forthwith withdraw the direction contemplated in that subsection.

(3) When a reporting organization or person has been convicted of any offence in terms of section 8 (1) (a) or (b), the court may direct the reporting organization or person concerned or the financial institution concerned referred to in section 4 (2) 50 (a)—

- (a) to return the money in the relevant account referred to in section 4 (2) (a), or any part thereof, to the foreign source from which the money came; or

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Verslag aan Minister

7. (1) Die Registrateur stel jaarliks in die voorgeskrewe vorm 'n verslag op aangaande elke verslaggewende organisasie of persoon en lê dit aan die Minister voor.
- 5 (2) Die Minister moet die verslag in die Parlement ter Tafel lê binne 14 dae nadat dit aan hom voorgelê is, indien die Parlement dan byeen is, of, indien die Parlement nie dan byeen is nie, binne 14 dae na die aanvang van sy eersvolgende sessie.
- (3) So gou doenlik nadat die verslag ingevolge subartikel (2) ter Tafel gelê is, word dit na 'n gesamentlike komitee van die Parlement verwys.

10 Misdrywe

8. (1) Iemand wat—
- (a) weier of versuim om aan 'n bepaling van subartikel (1), (2) of (3) van artikel 4 te voldoen, of wat enige aantekening beoog in subartikel (2) (b) van artikel 4 verberg, vernietig, skend, vervals of 'n valse inskrywing in so 'n
- 15 aantekening maak, of met die opset om te bedrieg of te mislei enigiets vervat in so 'n aantekening uitwis;
- (b) artikel 5 oortree;
- (c) weier of versuim om aan 'n lasgewing kragtens artikel 6 (1) of 9 (1) of (3) te voldoen;
- 20 (d) weier om enige vraag wat ingevolge artikel 6 (1) aan hom gestel is, te beantwoord;
- (e) die Registrateur of 'n inspekteur opsetlik by die verrigting van sy werksaamhede hinder of belemmer, of hom valslik as die Registrateur of 'n inspekteur voordoen,
- 25 is aan 'n misdryf skuldig.
- (2) Iemand wat weens 'n misdryf vermeld in subartikel (1) skuldig bevind word, is strafbaar—
- (a) in die geval van 'n misdryf in paragraaf (a) of (b) van subartikel (1) vermeld, met 'n boete van hoogstens R40 000 of met gevangenisstraf vir 'n
- 30 tydperk van hoogstens drie jaar of met daardie boete sowel as daardie gevangenisstraf;
- (b) in die geval van 'n oortreding in paragraaf (c), (d) of (e) van subartikel (1) vermeld, met 'n boete van hoogstens R4 000 of met gevangenisstraf vir 'n tydperk van hoogstens een jaar of met daardie boete sowel as daardie
- 35 gevangenisstraf.

Beskikking oor geld van verslaggewende organisasies of persone

9. (1) Die hof kan, nadat 'n vervolging ingevolge artikel 8 (1) (a) of (b) teen 'n verslaggewende organisasie of persoon ingestel is—
- 40 (a) 'n betrokke finansiële instelling in artikel 4 (2) (a) bedoel, gelas om die besit en beheer van die geld (as daar is) in die betrokke rekening in daardie artikel bedoel van daardie verslaggewende organisasie of persoon, te behou hangende 'n lasgewing kragtens subartikel (3) betreffende daardie geld; of
- (b) indien die betrokke verslaggewende organisasie of persoon geld ontvang het soos in artikel 4 (1) beoog, maar nie die geld in 'n rekening in artikel 4
- 45 (2) (a) bedoel, gestort het nie, daardie organisasie of persoon gelas om die betrokke bedrag in so 'n rekening te stort, en kan daarna ooreenkomstig paragraaf (a) 'n lasgewing ten opsigte van daardie bedrag aan die betrokke finansiële instelling uitreik.
- (2) Indien 'n verslaggewende organisasie of persoon bedoel in subartikel (1) op die
- 50 betrokke aanklag vrygespreek word, moet die hof onverwyld die lasgewing beoog in daardie subartikel intrek.
- (3) Wanneer 'n verslaggewende organisasie of persoon skuldig bevind is aan enige misdryf ingevolge artikel 8 (1) (a) of (b), kan die hof die betrokke verslaggewende organisasie of persoon of die betrokke finansiële instelling in artikel 4 (2) (a) bedoel,
- 55 gelas—
- (a) om die geld in die betrokke rekening in artikel 4 (2) (a) bedoel, of enige deel daarvan, aan die buitelandse bron van waar die geld afkomstig is, terug te besorg; of

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- (b) if the court is satisfied that the foreign source cannot be located, to transfer the money, or any part thereof, to the Registrar, who shall dispose thereof in such manner as may be determined by the Minister with the concurrence of the Minister of Finance, having regard to the purpose for which the money was originally provided.

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Regulations

10. (1) The Minister may make regulations regarding—

- (a) the powers and duties of inspectors;
- (b) any matter permitted or required to be prescribed in terms of this Act;
- (c) any matter in respect of which the Minister considers it necessary or expedient to make regulations so as to achieve the objects of this Act.

- (2) A regulation made under subsection (1) may prescribe penalties for a contravention thereof or failure to comply therewith not exceeding a fine of R2 000 or imprisonment for a period of six months.

Short title and commencement

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11. This Act shall be called the Disclosure of Foreign Funding Act, 1989, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

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- 5 (b) om, indien die hof tevrede is dat die buitelandse bron nie gevind kan word nie, die geld, of enige deel daarvan, oor te dra aan die Registrateur, wat daarvoor moet beskik op die wyse wat die Minister met die instemming van die Minister van Finansies, met inagneming van die doel waarvoor die geld oorspronklik voorsien is, bepaal.

Regulasies

- 10 10. (1) Die Minister kan regulasies uitvaardig betreffende—
(a) die bevoegdhede en pligte van inspekteurs;
(b) enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word;
(c) enige aangeleentheid ten opsigte waarvan die Minister dit nodig of dienstig ag om regulasies uit te vaardig ten einde die oogmerke van hierdie Wet te bereik.
15 (2) 'n Regulasie kragtens subartikel (1) uitgevaardig, kan strawwe vir 'n oortreding daarvan of versuim om daaraan te voldoen, voorskryf wat 'n boete van R2 000 of gevangenisstraf vir 'n tydperk van ses maande nie te bowe gaan nie.

Kort titel en inwerkingtreding

- 20 11. Hierdie Wet heet die Wet op die Openbaarmaking van Buitelandse Befondsing, 1989, en tree in werking op 'n datum deur die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

