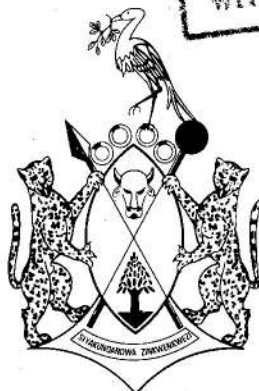


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DEPARTMENT OF THE COUNCIL OF STATE

GOVERNMENT NOTICE No. 106

It is hereby notified that the Chairman of the Council of State has assented to the following decree which is hereby published for general information:-

FUND-RAISING DECREE, 1990

DECREE No. 47 OF 1990

DEPARTMENT OF THE COUNCIL OF STATE

FUND-RAISING DECREE, 1990

DECREE

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, the declaration of certain disastrous events as disasters and to provide for other matters connected therewith.

(English text signed by the Chairman of the Council of State. Assented to on 18 December 1990)

BE IT DECREED by the Council of State of the Republic of Ciskei, as follows:-

1. Definitions. - (1) In this Decree, unless the context otherwise indicates —

"appeal committee" means an appeal committee appointed in terms of section 10(1);

"appellant" means any person noting an appeal in terms of section 10(1);

"authority" means an authority granted in terms of section 4;

"authorized organization" means any organization to which a special authority has been granted in terms of section 21;

"authorized person" means any person to whom a special authority has been granted under section 21(2)(b);

"board" means the board established in terms of section 17;

"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;

"certified copy" means a copy certified by a commissioner of oaths to be a true copy of the original document;

"Ciskei" means the Republic of Ciskei;

"collect" in relation to contributions, means in any manner whatsoever to solicit, accept, collect or obtain contributions from the public or attempt so to collect or to obtain and **"collection"** shall be construed accordingly;

"constitution" means the written provisions in terms of which an organization is constituted and managed;

"contributions", in addition to its ordinary meaning, means and includes movable or immovable property, 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);

"Councillor" means the Councillor of State for Health, Social Welfare and Pensions;

"Director" means the Director of Fund-raising appointed under section 3;

"Director-General" means the Director-General: Health, Social Welfare and Pensions;

"financial statements" means the financial statements mentioned in section 12(1);

"Fund" means the Ciskeian National Disaster Relief Fund established by section 16;

"fund-raising organization" means any organization in respect of which an authority has been granted in terms of section 4;

"holder" means any person to whom or organization to which a temporary authority has been granted in terms of section 6;

"inspector" means an inspector appointed under section 30;

"local authority" means —

(a) in any municipality, the council of such municipality; and

(b) in the case of any other area in Ciskei, the magistrate of the district in which such area falls;

"management" means the committee or other management body of an organization designated or appointed as such by or in terms of the constitution of the said organization;

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"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;

"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 the board, an authorized organization or an authorized person, means a permission referred to in section 21;

"prescribed" means prescribed by regulation;

"registered branch" means any branch of a fund-raising organization registered under section 5(1);

"regulation" means any regulation made and in force under section 36;

"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;

"special authority" means any special authority granted under section 21;

"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, authorized organization or an authorized person, means a special permission referred to in section 23;

"temporary authority" means any authority granted under section 6;

"this decree" includes the regulations.

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

CHAPTER 1

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

2. Unauthorized collection of contributions prohibited. - No person shall collect contributions unless he is authorized thereto in terms of this Decree and unless the collection takes place in accordance with the provisions of this Decree.

3. Appointment of Director of Fund-raising. - (1) The Councillor shall, subject otherwise to the laws governing the public service, appoint a Director of Fund-raising who shall exercise the powers and perform the functions conferred or imposed upon him by this Decree.

(2) The Director may, in addition to the other powers and functions conferred or imposed on him by this Decree, 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 Director-General.

4. Authority to organizations to collect contributions. - (1)(a) The Director may, subject to the provisions of this Decree, on application made in the prescribed manner by the management of an organization intending to collect contributions, grant authority in writing to such organization to collect in a specified area, subject to any prescribed conditions and to such other conditions as may be specified, contributions for the purposes specified in such authority.

(b) If the Director so requires any organization making application for such authority shall cause to be published in the prescribed manner a notice containing the prescribed information.

(c) Proof of any such publication shall be furnished to the Director.

(2) Any person or group of persons may, within the prescribed period and in the prescribed manner, lodge with the Director any objection against the granting of such application which he or it may wish to make.

(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.

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- (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 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 Decree.

5. Branches of fund-raising organizations. - (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.

(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.

(3) Subject to the provisions of this Decree, 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 purposes set out in 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 —

(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; or

(b) may, after investigation and for any lawful reason and after affording the fund-raising organization and registered branch in question an opportunity of showing cause to the contrary,

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.

(7) The registration certificate of a registered branch which has lapsed or has been withdrawn in terms of this Decree shall be returned to the Director by the person who has custody thereof within seven days after such person becomes aware of the lapsing or withdrawal thereof.

6. Temporary authority to collect contributions. - (1) The Director may, on the application of any organization or person intending to collect contributions in urgent or temporary circumstances, grant authority in writing to such person or organization to collect in a stated area, subject to the prescribed conditions and any other conditions stated in the authority, contributions for the purposes authorized by him.

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

(3) The provisions of section 4(3) shall *mutatis mutandis* apply to an application under 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 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.

7. Collection of contributions for or on behalf of fund-raising organization, registered branch or holder. - (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 written document setting out the permission granted by such organization, branch or holder to such person so to collect contributions.

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(2) Any person who for remuneration collects contributions for or on behalf of any fund-raising organization, registered branch or holder shall have in his possession a document in 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 any special remuneration to any person unless such 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 furnished to the Director.

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

(5) Any person who collects contributions by virtue of a special permission shall inform the person from whom he collects or attempts to collect contributions, as well as any other person who is present thereat, that the collection is for remuneration and shall, if such person or such other person so requests, forthwith and in the prescribed manner furnish him 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 —

(a) it states clearly and in a conspicuous place that the collection is for remuneration;

(b) it 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; and

(c) it contains the prescribed particulars in respect of the person to whom the special permission has been granted.

(7) Any 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 the police 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 a special permission to any person may at any time, and shall if the Director for good reasons so directs, by notice in writing 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 Decree;

(d) if the registration certificate of the registered branch which has granted it lapses or is withdrawn in terms of this Decree.

(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 a person who is in possession of a permission granted by such organization, branch or holder.

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8. Amendment or withdrawal of authority or temporary authority. - (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, at his discretion and for any reason other than the aforementioned reasons, amend such authority or temporary authority or may replace such authority or temporary authority with a new 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 when requested by the Director in writing to return such authority or temporary authority to him within a period of fourteen days after such 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 or may, after an enquiry in the prescribed manner, withdraw such authority or temporary authority, if he is satisfied —

(a) that 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 decree or to submit to the Director any prescribed return or statement within the prescribed period or has contravened the provisions of section 11; or

(b) that 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 Decree or a return or statement which he has to furnish or submit in terms of this Decree; or

(c) that 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 Decree has acted in contravention of a provision of this Decree or has failed to comply with such provision; or

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

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

(4) The Director may, in lieu of withdrawing an 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 notice in writing 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 notice of the amendment, suspension or withdrawal in question to be published in the *Gazette* and such amendment, suspension or withdrawal shall be deemed to have come into operation on the date on which such notice is 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. Director to furnish reasons. - 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 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.

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10. Appeal against decision of Director. - (1) Any fund-raising organization or other organization which feels 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 a direction in terms of section 7(9)(a) for the withdrawal of a permission or special permission granted by any fund-raising organization or registered branch, may in the prescribed manner appeal against that decision or direction to an appeal committee appointed by the Councillor for the particular case.

(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 Councillor, have experience and knowledge of the activities of fund-raising organizations and who have no direct interest in the affairs of the appellant or of the State.

(3) The appellant may appear before the appeal committee through a member of its management or through an advocate or 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 as prescribed.

(5) The appeal committee may confirm or set aside the decision of the Director or may give such other decision thereon 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 Councillor with the concurrence of the Treasury.

11. Contributions may be used for authorized objects only. - (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 such authority, temporary authority, permission or special permission.

(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. Accounting of financial activities. - (1) Every fund-raising organization, registered branch or holder shall, in one of the official languages 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.

(2) Subject to the provisions of the Exchequer and Audit Act, 1985 (Act No. 28 of 1985) such financial statements shall be audited by an accountant duly registered in accordance with law.

(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 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 Decree relating to the furnishing of reports, returns or financial statements and may at his discretion, withdraw or amend such certificate at any time by notice to such fund-raising organization, registered branch or holder.

13. Procedure on lapsing or withdrawal of authority or registration certificate, on dissolution of organization or branch or on discontinuance of activities by holder. - (1) If any authority or temporary authority or registration certificate lapses or is withdrawn in terms of this Decree or if a fund-raising organization or registered branch is dissolved in terms of the provisions of its constitution or of this Decree 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 —

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

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(b) dispose of the records and documents of such fund-raising organization or registered branch or holder in 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 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 Decree 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 any surplus shall be disposed of in the manner determined by the Councillor with the concurrence of the Treasury.

(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.

14. Dissolution of fund-raising organization and registered branch. - (1) If a fund-raising organization or registered branch discontinues its activities or if an authority or registration 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 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 Councillor may determine with the concurrence of the Treasury.

CHAPTER II

DISASTER RELIEF FUND

15. Definitions. - In this Chapter, unless the context otherwise indicates —

"bank" means a commercial bank registered in accordance with law and includes a duly established building society and any post office savings bank;

"disaster" means a disaster referred to in section 26;

"full-time member" means a member of the board appointed on a full-time basis in terms of section 17(3); and

"Fund" means the fund established by section 16.

16. Establishment of the Ciskeian National Disaster Relief Fund. - There is hereby established a fund to be known as the Ciskeian National Disaster Relief Fund.

17. Management of Fund. - (1) The Fund shall be managed by a board appointed by the Councillor.

(2) The board referred to in subsection (1) shall be a juristic person.

(3) The board shall consist of not more than fourteen members of whom one shall be appointed on a full-time basis.

(4) At least half of the members of the board shall be persons who are not officers in the public service.

(5) (a) A full-time member of the board shall hold office for such period, not exceeding five years, as the Councillor may determine at the time of the appointment.

(b) Any other member of the board shall hold office for the period determined by the Councillor at the time of the appointment.

(6) A member of the board whose period of office has expired shall be eligible for reappointment.

(7) The Councillor may terminate the period of office of any member if in his opinion there are good reasons for doing so.

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(8) No resolution of the board or any action taken on the authority of the board shall be invalid by reason merely of a vacancy on the board.

(9) The Councillor shall designate a full-time member of the board as chairman of the board and another such member as deputy-chairman of the board.

(10) The quorum for a meeting of the board shall be two members and the procedure at meetings of the 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 as the Councillor may with the concurrence of the Councillor of State for Finance and Economic Development determine.

18. Objects of the board. - The objects of the board of the Ciskei National Disaster Relief Fund shall be, with due regard to the financial position of the 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.

19. Committees of the board. - (1) The board may, in the prescribed manner and subject to the prescribed conditions and such further conditions as the 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 performance of its powers or functions.

(2) The 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.

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

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

20. General powers and functions of the board. - The 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.

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

21. Collection of contributions for particular purposes and particular powers of the board. - (1) Notwithstanding anything to the contrary in Chapter 1 contained, no contributions shall be collected for a purpose referred to in section 18, except as provided in this Chapter.

(2) The board may —

(a) collect contributions for the achievement of its objects;

(b) grant a special authority in writing to any person or organization to collect contributions for the objects of the board either generally or in a particular case, 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, and the board may vary or withdraw 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;

(d) purchase or otherwise acquire, hold, alienate or hypothecate any movable property and, with the consent of the Councillor acting with the concurrence of the Councillor of State for Finance and Economic Development, any immovable property;

(e) hire or let movable or immovable property;

(f) enter into any agreement relating to its objects on such terms and conditions as it may deem fit.

22. Finances of the board. - (1) The Fund referred to in section 16 shall consist of —

(a) the contributions collected from the public by, for or on behalf of the board;

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- (b) any moneys vested in the Fund in terms of subsection (2);
- (c) any moneys appropriated by the Council of State for the purposes of the Fund;
- (d) any amount of money received or acquired from any other source.

(2) The board shall apply the moneys with which the Fund has been credited to the achievement of its objects and to the defrayal of the costs in connection with the performance of its functions.

(3) The board shall deposit all the moneys received by it in an account which it shall open with a bank.

(4) The board shall from time to time invest in such manner as the Councillor, acting in consultation with the Councillor of State for Finance and Economic Development may determine, all moneys which are not required for immediate use or as a reasonable working balance.

(5) The financial year of the fund shall terminate on 31 March in each year.

(6) The board shall keep the prescribed accounts, records and registers of all its financial transactions, and shall furnish the Councillor with the prescribed reports and financial statements.

(7) The accounts, records, registers and financial statements of the board shall be audited by the Auditor-General.

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

(2) A person who for remuneration collects contributions for or on behalf of the board, authorized organization or authorized person for an object of the board, shall have in his possession a document in writing in which the special permission which has been granted by the 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 —

(a) on the expiry of the period for which it was granted, or on the expiry of one year reckoned from the date on which it was granted, whichever is the shorter period; or

(b) if it is withdrawn; or

(c) if the special authority granted to the authorized organization or authorized person which or who granted the permission or special permission, is withdrawn.

(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).

24. Disposal of assets and documents of authorized person or authorized organization. - (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 Decree, the management of such organization shall —

(a) within the prescribed period submit to the board the prescribed returns, statements, a liquidation and distribution account and such other information as may be required by the board;

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

(c) immediately deliver or transfer to the 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 by 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 Decree.

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(4) If an authorized organization has discontinued its activities or if the special authority granted to it in terms of this Decree 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 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 the board, and the board shall thereupon cause to be prepared a liquidation and distribution account as contemplated in subsection (1)(a) in respect of the assets and liabilities of such organization, which shall lie for inspection as contemplated in subsection (2).

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

26. Declaration of certain events to be disasters. - (1) If at any time in the opinion of the Chairman of Council of State 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 of Ciskei 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 Decree to be a disaster.

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

CHAPTER III

GENERAL AND SUPPLEMENTARY PROVISIONS

27. Responsibility of members of fund-raising organizations, registered branches and authorized and other organizations. - 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 contravenes or fails to comply with any provision of this Decree shall, if such contravention or failure is an offence in terms of this Decree, be guilty of an offence.

28. Organizations and branches to have written constitutions, complying with prescribed conditions. - (1) No authority or temporary authority or special authority shall be granted to any organization and no branch shall be registered in terms of this Decree, 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 or, in any other case, to the Director.

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

29. Councillor may prohibit collection of contributions for certain purposes or in certain manner or by or for or on behalf of certain persons or organizations. - (1) If the Councillor deems it to be in the public interest, he may, notwithstanding the provisions of this Decree and without giving any person or organization notice or an opportunity to make representations, 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.

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

30. Inspection of affairs of organizations and persons collecting contributions. -

(1) Subject to the laws governing the public service, the Director-General may 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 whom he has reason to suspect is collecting contributions from the public.

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(2) If the Director deems it necessary, he may, with the approval of the Director-General and subject to such conditions as the Councillor may from time to time and in consultation with the Councillor of State for 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 Decree;

(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 Decree;

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

at any time with the approval of the Councillor 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 Councillor 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 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 therefrom 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.

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(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) 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 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 in the performance of their duties in terms of this Decree.

(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 as he may determine.

31. Disposal of unlawfully collected contributions. - (1) If the Director has reason to suspect that any contributions have been collected in contravention of any provisions of this Decree, 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 —

(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 contribution collected in contravention of the provisions of this Decree 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 Councillor may determine.

(3) If any person receives any unsolicited contribution from any other person and the collection of the said contribution is in conflict with the provisions of this Decree, 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 Councillor may determine.

32. Savings. - (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, 1987 (Act No. 18 of 1987) and in force immediately before the commencement of this Decree, shall, with effect from such commencement, be deemed to be an authority, registration certificate, temporary authority or permission granted in terms of section 4, 5, 6 or 7 of this Decree and shall lapse, in the case of a 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 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 Decree is the holder of a letter of delegation granted in terms of section 23 of the National Welfare Act, 1987 (Act No. 18 of 1987) shall be deemed, for as long as the fund-raising organization of which it is a branch is authorized in terms of this Decree 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.

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33. Application of certain provisions of this Decree. - (1) The provisions of Chapter 1 shall not apply in respect of the collection of contributions —

- (a) collected in terms of any other law;
- (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;
- (5) 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;
- (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;
- (g) collected under the supervision and control of the council of a university in the Republic of Ciskei or of a technikon as defined in the Technikon Act, 1984 (Act No. 40 of 1984), and for the purposes of the development of such university or technikon;
- (h) collected for or on behalf of or by an organization designated by the Councillor for the purposes of this section.

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

34. Offences and penalties. - (1) Any person who —

- (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);
 - (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,
- shall be guilty of an offence.

(2) Any person convicted of an offence under any provision of this Decree shall be liable —

- (a) in the case of an offence referred to in paragraph (a) of subsection (1), to a fine not exceeding R1 500 or imprisonment for a period not exceeding three years or to both such fine and such imprisonment;
- (b) in the case of an offence referred to in section 27 or paragraph (b) or (c) of subsection (1) of this section, to a fine not exceeding R500 or imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

35. Delegation of powers. - (1) The Director-General may authorize any officer in the department of State of which the Director-General is the head, to exercise any power conferred upon the Director-General by this Decree.

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

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

- (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 Decree, and any other form required in carrying out the provisions of this Decree;
- (b) the information which shall be included in any report, return or statement to be furnished in terms of this Decree;
- (c) the financial year of fund-raising organizations or registered branches;

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(d) any other matter which is required to be or may be prescribed under any provision of this Decree;

(e) any matter which the Councillor deems necessary or expedient to prescribe in order that the objects of this Decree may be achieved.

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

37. Application of Decree. - Subject to the provisions of sections 1(2), 32 and 33, this Decree shall apply in respect of the collection in Ciskei of any contribution whatsoever, notwithstanding anything to the contrary in the National Welfare Act, 1987 contained.

38. Short title and commencement. - This Decree shall be called the Fund-raising Decree, 1990, and shall come into operation on a date to be fixed by the Chairman of Council of State by proclamation in the *Gazette*.

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