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THE PRESIDENCY

No. 596.

9 June 2000

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

No. 17 of 2000: Nonprofit Organisations Amendment Act, 2000.

DIE PRESIDENSIE

No. 596.

9 Junie 2000

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

No. 17 van 2000: Wysigingswet op Organisasies Sonder Winst-oogmerk, 2000.

[Words in bold type in square brackets indicate omissions from existing enactments.

Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the Acting President.)
(Assented to 7 June 2000.)*

To amend the Nonprofit Organisations Act, 1997, so as to alter the procedure of preparing and issuing model documents and codes of good practice; and to effect certain textual alterations; and to provide for matters connected therewith.

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

1. Section 6 of the Nonprofit Organisations Act, 1997 (hereinafter referred to as the principal Act), is hereby amended by the deletion of subsection (2). 5

2. The following section is hereby substituted for section 9 of the principal Act:

9. The Minister must appoint persons so as to maintain a panel of arbitrators consisting of at least seven persons.

(2) (a) The Minister must designate one member of the panel of arbitrators to act as chairperson.

(b) If the chairperson is unable to act in this capacity or the post becomes vacant, the Minister may designate any other member of the panel to act as chairperson.

(3) Whenever the Minister is required to **[nominate]** appoint a person to the panel of arbitrators in terms of subsection (1), the Minister must—

(a) publish in the *Gazette* and by any other widely circulated means of communication, a notice calling for nominees and stating the criteria for nominations;

(b) consider all nominations submitted in response to the notice;

(c) compile a short-list of nominees and publish it for comment in the manner contemplated in paragraph (a); and

(d) consider any comments received in response to the publication of the short-list.

(4) The terms and conditions of appointment of members of the panel of arbitrators must be prescribed by the Minister.

ALGEMENE VERDUIDELIKENDE NOTA:

- [] Woorde in vet druk tussen vierkantige hake dui skappings uit bestaande verordenings aan.
- _____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

(Engelse teks deur die Waarnemende President geteken.)
(Goedgekeur op 7 Junie 2000.)

WET

Tot wysiging van die Wet op Organisasies Sonder Winsoogmerk, 1997, ten einde die prosedure vir die opstel en uitreik van modeldokumente en goeiepraktykskodes te wysig; en sekere teksveranderings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

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

Wysiging van artikel 6 van Wet 71 van 1997

1. Artikel 6 van die Wet op Organisasies Sonder Winsoogmerk, 1997 (hieronder die 5 Hoofwet genoem), word hierby gewysig deur subartikel (2) te skrap.

Vervanging van artikel 9 van Wet 71 van 1997

2. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

“Paneel van Arbiters en Arbitrasiëtribunaal

- 10 9. (1) Die Minister moet persone aanstel ten einde 'n paneel van arbiters, bestaande uit minstens sewe persone, in stand te hou.
- (2) (a) Die Minister moet een lid van die paneel van arbiters aanwys om as voorsitter op te tree.
- 15 [(3)] (b) Indien die voorsitter nie by magte is om in hierdie hoedanigheid op te tree nie of indien die pos vakant word, kan die Minister enige ander lid van die paneel aanwys om as voorsitter op te tree.
- [(4)] (3) Wanneer die Minister ingevolge subartikel (1) 'n persoon tot die paneel van arbiters moet [benoem] aanstel, moet die Minister—
- 20 (a) in die *Staatskoerant* en enige ander wyd gesirkuleerde kommunikasie-middel 'n kennisgewing publiseer wat benoemings vra en die maatstawwe vir benoemings uiteensit;
- (b) alle benoemings wat in reaksie op die kennisgewing voorgelê word, oorweeg;
- (c) 'n kortlys van benoemdes saamstel en dit vir kommentaar op die wyse beoog in paragraaf (a) publiseer; en
- 25 (d) enige kommentaar wat in reaksie op die publikasie van die kortlys ontvang word, oorweeg.
- [(5)] (4) Die bedinge en voorwaardes waarop lede van die paneel van arbiters aangestel word, moet deur die Minister voorgeskryf word.

(5) For the purposes of this Act, an Arbitration Tribunal may be composed of not more than three members of the panel of arbitrators appointed by the chairperson.”.

Amendment of section 24 of Act 71 of 1997

3. Section 24 of the principal Act is hereby amended by the substitution in subsection (2) for paragraph (c) of the following paragraph: 5

“(c) all nonprofit organisations which deregistered voluntarily, have been wound up or dissolved during the previous financial year.”.

Amendment of section 25 of Act 71 of 1997

4. Section 25 of the principal Act is hereby amended by the substitution in subsection (1) for paragraph (a) of the following paragraph: 10

“(a) the constitution of a nonprofit organisation whose registration has been cancelled, or that has voluntarily deregistered, has been wound up or dissolved; and”.

Amendment of section 34 of Act 71 of 1997

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5. Section 34 of the principal Act is hereby amended by the substitution in subsection (2)(c) for the following words preceding subparagraph (i) of the following words:

“**[If the authorisation or registration of an]** An organisation contemplated in paragraph (a) **[would expire]** must apply to be registered in terms of this Act—”.

Short title

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6. This Act is called the Nonprofit Organisations Amendment Act, 2000.

WYSIGINGSWET OP ORGANISASIES SONDER
WINSOOGMERK, 2000

Wet No. 17, 2000

[(6)] (5) By die toepassing van hierdie Wet kan 'n Arbitrasiëtribunaal uit nie meer nie as drie lede van die paneel van arbiters aangestel deur die voorsitter saamgestel word.”.

Wysiging van artikel 24 van Wet 71 van 1997

- 5 3. Artikel 24 van die Hoofwet word hierby gewysig deur in subartikel (2) paragraaf (c) deur die volgende paragraaf te vervang:

“(c) alle organisasies sonder winsoogmerk wat hulle gedurende die vorige boekjaar vrywillig laat deregistreer het of gelikwideer is of ontbind het.”.

Wysiging van artikel 25 van Wet 71 van 1997

- 10 4. Artikel 25 van die Engelse teks van die Hoofwet word hierby gewysig deur in subartikel (1) paragraaf (a) deur die volgende paragraaf te vervang:

“(a) the constitution of a nonprofit organisation whose registration has been cancelled, or that has voluntarily deregistered, has been wound up or dissolved; and”.

15 Wysiging van artikel 34 van Wet 71 van 1997

5. Artikel 34 van die Hoofwet word hierby gewysig deur in subartikel 2(c) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

20 “[Indien die magtiging of registrasie van 'n organisasie] 'n Organisasie beoog in paragraaf (a) [sou verval] moet aansoek doen om ingevolge hierdie Wet geregistreer te word—”

Kort titel

6. Hierdie Wet heet die Wysigingswet op Organisasies Sonder Winsoogmerk, 2000.

