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PRETORIA, 18 AUGUST 1989
AUGUSTUS

No. 12067

PROCLAMATION

by the Acting

State President of the Republic of South Africa

No. 153, 1989

COMMENCEMENT OF THE DISCLOSURE OF FOREIGN FUNDING ACT, 1989 (ACT No. 26 OF 1989)

Under and by virtue of the powers vested in me by section 11 of the Disclosure of Foreign Funding Act, 1989 (Act No. 26 of 1989), I hereby fix 18 August 1989 as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Sixteenth day of August, One thousand Nine hundred and Eighty-nine.

F. W. DE KLERK,
Acting State President.

By Order of the State President-in-Cabinet:

H. J. COETSEE,
Minister of the Cabinet.

PROKLAMASIE

van die Waarnemende

Staatspresident van die Republiek van Suid-Afrika

No. 153, 1989

INWERKINGTREDING VAN DIE WET OP DIE OPENBAARMAKING VAN BUITELANDSE BEFONDSING, 1989 (WET No. 26 VAN 1989)

Kragtens die bevoegdheid my verleen by artikel 11 van die Wet op die Openbaarmaking van Buitelandse Befondsing, 1989 (Wet No. 26 van 1989), bepaal ek hierby 18 Augustus 1989 as die datum waarop genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Sestiende dag van Augustus Eenduisend Negehonderd Nege-en-tag-tig.

F. W. DE KLERK,
Waarnemende Staatspresident.

Op las van die Staatspresident-in-Kabinet:

H. J. COETSEE,
Minister van die Kabinet.

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 Organizations and Persons appointed under section 2; (ii) 5
 - (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 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) 10
 - (iii) "inspector" means an inspector appointed under section 6 (5); (vii) 15
 - (iv) "Minister" means the Minister of Justice; (viii) 15
 - (v) "money" includes anything which can be cashed or converted into money; (v) 15
 - (vi) "office-bearer", in relation to an organization, means a member of the governing or executive body of—
 - (a) the organization; 20
 - (b) any branch, section or committee of the organization; or
 - (c) any local, regional or subsidiary body forming part of the organization; (i) 20
 - (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 for any local, regional or subsidiary body forming part of the organization; (iii) 25
 - (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 accordance with any law; (ix) 30
 - (ix) "prescribe" means prescribe by regulation under section 10; (xiii) 30
 - (x) "Registrar" means the Registrar of Reporting Organizations and Persons appointed under section 2; (x) 30
 - (xi) "reporting organization" means an organization declared under section 3 to be a reporting organization; (xi) 35
 - (xii) "reporting person" means a person declared under section 3 to be a reporting person; (xii) 35
 - (xiii) "this Act" includes regulations made under section 10. (vi) 35

Act No. 26, 1989

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 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. 20

(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 organization or person concerned of that withdrawal. 25

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 forthwith— 30

(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 which it or he shall deposit all money so received by it or him; 45

(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 conditions and to the extent mentioned in the certificate, from any of the provisions 55

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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Act No. 26, 1989

DISCLOSURE OF FOREIGN FUNDING ACT, 1989

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

- (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. 5

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 10 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*.



GOVERNMENT GAZETTE

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CAPE TOWN, 23 MARCH 1989

No. 11779

KAAPSTAD, 23 MAART 1989

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 525.

23 March 1989

No. 525.

23 Maart 1989

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

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 of 1989: Disclosure of Foreign Funding Act, 1989.

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

DEPARTMENT OF JUSTICE

No. R. 1842

25 August 1989

REGULATIONS MADE UNDER THE DISCLOSURE OF FOREIGN FUNDING ACT, 1989

The Minister of Justice has under section 10 of the Disclosure of Foreign Funding Act, 1989 (Act No. 26 of 1989), made the regulations contained in the Schedule hereto.

SCHEDULE

Definitions

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

“foreign money”, in relation to a reporting organization or reporting person, means any money which that organization or person receives or has received as contemplated in section 4 (1) of the Act; and

“the Act” means the Disclosure of Foreign Funding Act, 1989 (Act No. 26 of 1989).

Declaration of organization or person as reporting organization or reporting person and withdrawal of declaration

2. (1) The manner in which the Registrar declares an organization or person to be a reporting organization or reporting person in terms of section 3 (1) of the Act shall be by entering the name of the organization or person concerned in a register opened by the Registrar for this purpose.

(2) The manner in which an organization or person is notified by the Registrar of its or his declaration as a reporting organization or reporting person and of the date on which this takes effect shall be by written notice signed by the Registrar and served on the organization or person concerned.

(3) The provisions of subregulation (2) shall apply *mutatis mutandis* to a notice in terms of section 3 (2) of the Act whereby a reporting organization or reporting person is notified that its or his declaration as a reporting organization or reporting person has been withdrawn.

Notices to Registrar and provision of information

3. (1) The notice referred to in section 4 (1) of the Act—

- (a) shall be in the form of Schedule 1; and
- (b) shall be signed, in the case of a reporting organization, by an office-bearer or officer of that organization and, in the case of a reporting person, by that person.

(2) The information which a reporting organization or reporting person shall furnish to the Registrar in terms of section 4 (1) (c) of the Act shall be the following:

- (a) In the case of money other than money referred to in section 4 (5) of the Act, the manner in which the money was brought into or transferred to the Republic; and
- (b) the date on which the money was received by the reporting organization or reporting person.

DEPARTEMENT VAN JUSTISIE

No. R. 1842

25 Augustus 1989

REGULASIES UITGEVAARDIG KRAGTENS DIE WET OP DIE OPENBAARMAKING VAN BUITELANDSE BEFONDSING, 1989

Die Minister van Justisie het kragtens artikel 10 van die Wet op die Openbaarmaking van Buitelandse Befondsing, 1989 (Wet No. 26 van 1989), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywing

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

“buitelandse geld”, met betrekking tot 'n verslaggewende organisasie of verslaggewende persoon, enige geld wat daardie organisasie of persoon ontvang of ontvang het soos beoog in artikel 4 (1) van die Wet; en

“die Wet” die Wet op die Openbaarmaking van Buitelandse Befondsing, 1989 (Wet No. 26 van 1989).

Verklaring van organisasie of persoon tot verslaggewende organisasie of verslaggewende persoon, en intrekking van verklaring

2. (1) Die wyse waarop die Registrateur ingevolge artikel 3 (1) van die Wet 'n organisasie of persoon tot verslaggewende organisasie of verslaggewende persoon verklaar, is deur die naam van die betrokke organisasie of persoon in 'n register wat vir hierdie doel deur die Registrateur geopen is, aan te teken.

(2) Die wyse waarop 'n organisasie of persoon deur die Registrateur in kennis gestel word van sy verklaring tot 'n verslaggewende organisasie of verslaggewende persoon en van die datum met ingang waarvan dit van krag is, is by skriftelike kennisgewing wat deur die Registrateur onderteken is en aan die betrokke organisasie of persoon beteken is.

(3) Die bepaling van subregulasie (2) is *mutatis mutandis* van toepassing op 'n kennisgewing ingevolge artikel 3 (2) van die Wet waarby 'n verslaggewende organisasie of verslaggewende persoon in kennis gestel word dat sy verklaring tot 'n verslaggewende organisasie of verslaggewende persoon ingetrek is.

Kennisgewings aan Registrateur en voorsiening van inligting

3. (1) Die kennisgewing in artikel 4 (1) (a) van die Wet bedoel, moet—

- (a) in die vorm van Bylae 1 wees; en
- (b) in die geval van 'n verslaggewende organisasie, deur 'n ampsdraer of beampte van daardie organisasie en, in die geval van 'n verslaggewende persoon, deur daardie persoon onderteken wees.

(2) Die inligting wat 'n verslaggewende organisasie of verslaggewende persoon ingevolge artikel 4 (1) (c) van die Wet aan die Registrateur moet voorsien, is die volgende:

- (a) In die geval van ander geld as geld bedoel in artikel 4 (5) van die Wet, die wyse waarop die geld in die Republiek ingebring of na die Republiek oorgeplaas is; en
- (b) die datum waarop die geld deur die verslaggewende organisasie of verslaggewende persoon ontvang is.

(3) A reporting organization or reporting person shall, after an account referred to in section 4 (2) (a) of the Act has been opened, furnish the Registrar in the form of Schedule 2 within 10 days after such account has been opened with the information required in Schedule 2. Any change in the information thus furnished shall be brought to the attention of the Registrar in writing within seven days after such change.

(4) A reporting organization or reporting person shall advise the Registrar within 14 days after the receipt of money of the date on which the money was deposited in the account contemplated in section 4 (2) of the Act.

Recording of transactions

4. (1) The records to be kept by a reporting organization or reporting person in terms of section 4 (2) (b) of the Act of all transactions in relation to the foreign money concerned shall be the following:

- (a) Accounting records, including a cash book and ledger, which fully and in detail identify the nature and extent of each such transaction, including the persons involved in each such transaction, the purpose of the transaction and the amount of money involved; and
- (b) supporting documentary vouchers in relation to any payment or use of the money in connection with each such transaction.

(2) The records referred to in subregulation (1) shall be kept in bound books.

(3) A reporting organization or reporting person shall give notice to the Registrar of the street and postal address of the place at which the records referred to in subregulation (1) are kept and shall immediately notify him of any change of address.

Report and financial statements

5. (1) The reports and financial statements to be furnished by a reporting organization or reporting person to the Registrar in terms of section 4 (2) (c) of the Act shall be the following:

- (a) A specified statement that is audited in terms of section 4 (3) of the Act of all receipts and payments or use of foreign money, mentioning—
 - (i) the amount and supplier of the money concerned;
 - (ii) the date on which the money was received;
 - (iii) the purpose for which the money was provided by the supplier;
 - (iv) if that purpose was at any time altered by the supplier, that altered purpose;
 - (v) the purpose for which the money was used; and
 - (vi) the person in whose favour it was used;
- (b) copies of the bank or other statements of the reporting organization or reporting person concerned in relation to the relevant account referred to in section 4 (2) (a) of the Act; and
- (c) a report containing such information as may according to generally accepted accounting principles reasonably be necessary to supplement or elucidate the information furnished in the statement referred to in paragraph (a).

(3) 'n Verslaggewende organisasie of verslaggewende persoon moet, nadat 'n in artikel 4 (2) (a) van die Wet bedoelde rekening geopen is, in die vorm van Bylae 2 en binne 10 dae nadat sodanige rekening geopen is, die inligting vereis in Bylae 2, aan die Registrateur verstrek. Enige verandering in die besonderhede aldus verstrek, moet binne sewe dae na sodanige verandering skriftelik onder die aandag van die Registrateur gebring word.

(4) 'n Verslaggewende organisasie of verslaggewende persoon moet die Registrateur binne 14 dae nadat enige geld ontvang is, verwittig van die datum waarop die geld in die in artikel 4 (2) van die Wet bedoelde rekening gestort is.

Aantekening van transaksies

4. (1) Die aantekeninge wat 'n verslaggewende organisasie of verslaggewende persoon ingevolge artikel 4 (2) (b) van die Wet moet hou van alle transaksies met betrekking tot die betrokke buitelandse geld, is die volgende:

- (a) Rekeningkundige aantekeninge, insluitende 'n kasboek en 'n grootboek, wat volledig en in besonderhede die aard en omvang van elke sodanige transaksie identifiseer, met inbegrip van die persone wat by elke sodanige transaksie betrokke is, die doel van die transaksie en die bedrag geld wat daarby betrokke is; en
- (b) stawende dokumentêre bewysstukke met betrekking tot enige uitbetaling of gebruik van die geld in verband met elke sodanige transaksie

(2) Die aantekeninge in subregulasie (1) bedoel, word in ingebinde boeke gehou.

(3) 'n Verslaggewende organisasie of verslaggewende persoon moet aan die Registrateur kennis gee van die straat- en posadres van die plek waar die in subregulasie (1) bedoelde aantekeninge gehou word en moet hom onmiddellik verwittig van enige verandering van adres.

Verslae en finansiële state

5. (1) Die verslae en finansiële state wat ingevolge artikel 4 (2) (c) van die Wet deur 'n verslaggewende organisasie of verslaggewende persoon aan die Registrateur verstrek moet word, is die volgende:

- (a) 'n Gespesifiseerde en ingevolge artikel 4 (3) van die Wet geouditeerde staat van alle ontvangste en uitbetalings of gebruik van buitelandse geld, met vermelding van—
 - (i) die bedrag en verskaffer van die betrokke geld;
 - (ii) die datum waarop die geld ontvang is;
 - (iii) die doel waarvoor die geld deur die verskaffer voorsien is;
 - (iv) indien daardie doel te eniger tyd deur die verskaffer verander is, daardie veranderde doel;
 - (v) die doel waarvoor die geld gebruik is; en
 - (vi) die persoon ten gunste van wie dit gebruik is;
- (b) afdrukke van die bank- of ander state van die betrokke verslaggewende organisasie of verslaggewende persoon met betrekking tot die betrokke rekening in artikel 4 (2) (a) van die Wet bedoel; en
- (c) 'n verslag bevattende die inligting wat volgens algemeen aanvaarde rekeningkundige beginsels redelikerwys noodsaaklik is om die inligting verstrek in die staat bedoel in paragraaf (a), aan te vul of toe te lig.

(2) The reports and statements referred to in sub-regulation (1) —

- (a) shall be furnished for the first time for the period of 12 months ending nine months after the organization or person concerned was declared to be a reporting organization or reporting person and thereafter, for as long as the organization or person remains a reporting organization or reporting person, for each further period of 12 months; and
- (b) shall be furnished to the Registrar within a period of six months immediately following the end of the period to which they relate.

Service of notices and directions

6. Any notice or direction issued by the Registrar in terms of the Act or these regulations shall be served on the organization or person to which or whom it relates, by —

- (a) sending it by registered letter through the post to the last known address of the organization or person; or
- (b) handing or tendering it personally or causing it to be handed or tendered to an office-bearer or officer of the organization concerned or to the person concerned.

Report to Minister

7. The report referred to in section 7 (1) of the Act shall be in writing and shall contain the following information:

- (a) The name and address of the reporting organization or reporting person;
- (b) the date on which the organization or person was declared to be a reporting organization or reporting person;
- (c) particulars of all receipts of foreign money during the report period, mentioning the name and address of the supplier of each separate amount, the purpose for which such amount was provided by the supplier and the conditions, if any, subject to which the money was provided;
- (d) particulars of all payments or use of foreign money during the report period, mentioning the person in whose favour and the purpose for which each payment was made or use was effected;
- (e) particulars of any prosecution instituted against the reporting organization or reporting person in terms of the Act or these regulations; and
- (f) such further information and relation to any or all of the reporting organizations or reporting persons concerned as the Registrar may deem necessary or expedient and which is connected with the application of any provision of the Act or these regulations to any such organization or person.

Duties and powers of inspectors

8. An inspector —

- (a) may be present at any examination in terms of section 6 of the Act;
- (b) may, after the Registrar has obtained a warrant referred to in section 6 (4) of the Act, on the instruction and subject to any directions of the Registrar in respect of the premises concerned or any person or document thereon, exercise any power vested in the Registrar by the said section 6 (4);

(2) Die verslae en state in subregulasie (1) bedoel —

- (a) moet vir die eerste maal verstrek word vir die tydperk van 12 maande wat eindig nege maande nadat die betrokke organisasie of persoon tot verslaggewende organisasie of verslaggewende persoon verklaar is en daarna, vir solank die organisasie of persoon 'n verslaggewende organisasie of verslaggewende persoon bly, vir elke verdere tydperk van 12 maande; en
- (b) moet aan die Registrateur verstrek word binne 'n tydperk van ses maande wat onmiddellik volg op die einde van die tydperk waarop dit betrekking het.

Betekening van kennisgewings en lasgewings

6. Enige kennisgewing of lasgewing wat deur die Registrateur ingevolge die Wet of hierdie regulasies uitgereik word, word aan die organisasie of persoon op wie dit betrekking het, beteken deur dit —

- (a) per geregistreerde brief deur die pos aan die jongste bekende adres van die organisasie of persoon te stuur; of
- (b) aan 'n ampsdraer of beampte van die betrokke organisasie of aan die betrokke persoon persoonlik te oorhandig of aan te bied of te laat oorhandig of aanbied.

Verslag aan Minister

7. Die verslag in artikel 7 (1) van die Wet bedoel, moet skriftelik wees en moet die volgende inligting bevat:

- (a) Die naam en adres van die verslaggewende organisasie of verslaggewende persoon;
- (b) die datum waarop die organisasie of persoon tot verslaggewende organisasie of verslaggewende persoon verklaar is;
- (c) besonderhede van alle ontvangste van buitelandse geld gedurende die verslagtydperk, met vermelding van die naam en adres van die verskaffer van elke afsonderlike bedrag, die doel waarvoor sodanige bedrag deur die verskaffer voorsien is en die voorwaardes, as daar is, onderworpe waaraan die geld voorsien is;
- (d) besonderhede van alle uitbetalings of gebruik van buitelandse geld gedurende die verslagtydperk, met vermelding van die persoon ten gunste van wie en die doel waarvoor elke uitbetaling gemaak is of gebruik geskied het;
- (e) besonderhede van enige vervolging ingestel teen die verslaggewende organisasie of verslaggewende persoon ingevolge die Wet of hierdie regulasies; en
- (f) sodanige verdere inligting met betrekking tot enige van of al die betrokke verslaggewende organisasies of verslaggewende persone wat die Registrateur nodig of dienstig ag en wat in verband staan met die toepassing van enige bepaling van die Wet of hierdie regulasies op enige sodanige organisasie of persoon.

Pligte en bevoegdhede van inspekteurs

8. 'n Inspekteur —

- (a) kan teenwoordig wees by enige ondervraging ingevolge artikel 6 van die Wet;
- (b) kan, nadat die Registrateur 'n lasbrief bedoel in artikel 6 (4) van die Wet verkry het, in opdrag en onderworpe aan enige voorskrifte van die Registrateur ten opsigte van die betrokke perseel of enige persoon of dokument daarop, enige bevoegdheid uitoefen wat in genoemde artikel 6 (4) aan die Registrateur verleen word;

- (c) shall forthwith report to the Registrar on any act referred to in paragraph (b) that was performed by him; and
- (d) shall, when he exercises any power under this regulation, at the request of any person affected by the exercise of such power, produce the certificate of appointment furnished to him in terms of section 6 (6) of the Act.

Offences and penalties

9. (1) A person who wilfully furnishes incorrect or false information or particulars to the Registrar, either in writing or orally, in any communication or in any form, statement, return or report required by these regulations shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months.

(2) A reporting organization or reporting person that fails to comply with the provisions of regulation 4 (3) shall be guilty of an offence and liable on conviction to a fine not exceeding R2 000 or to imprisonment for a period not exceeding six months.

Short title

10. These regulations shall be called the Foreign Funding Regulations, 1989.

- (c) moet onverwyld aan die Registrateur verslag doen van 'n handeling bedoel in paragraaf (b) wat deur hom verrig is; en
- (d) moet, wanneer hy 'n bevoegdheid kragtens hierdie regulasie uitoefen, op versoek van enige persoon wat deur die uitoefening van daardie bevoegdheid geraak word, die aanstellingsertifikaat toon wat ingevolge artikel 6 (6) van die Wet aan hom verstrek is.

Misdrywe en strawwe

9. (1) Iemand wat opsetlik onjuiste of valse inligting of besonderhede aan die Registrateur verskaf, hetsy skriftelik of mondelings, in enige mededeling of in enige vorm, staat, opgaaf of verslag vereis by hierdie regulasies, is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

(2) 'n Verslaggewende organisasie of verslaggewende persoon wat versuim om te voldoen aan die bepalings van regulasie 4 (3), is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete van hoogstens R2 000 of gevangenisstraf vir 'n tydperk van hoogstens ses maande.

Kort titel

10. Hierdie regulasies heet die Regulasies op Buitelandse Befondsing, 1989.

SCHEDULE 1

NOTICE OF THE RECEIPT OF FOREIGN MONEY IN TERMS OF SECTION 4 (1) (a) OF THE DISCLOSURE OF FOREIGN FUNDING ACT, 1989 (ACT No. 26 OF 1989), AND FURNISHING OF PARTICULARS REFERRED TO IN SECTION 4 (1) (b) OF THE SAID ACT AND THE INFORMATION REFERRED TO IN REGULATION 3 (2) OF THE FOREIGN FUNDING REGULATIONS, 1989

THE REGISTRAR OF REPORTING ORGANIZATIONS AND PERSONS
PRIVATE BAG
PRETORIA
0001

..... (name of reporting organization/person) hereby gives notice in terms of section 4 (1) (a) of the Disclosure of Foreign Funding Act, 1989 (Act No. 26 of 1989), of the receipt of money which directly or indirectly originates from outside the Republic of South Africa.

Residential address, work address or business address of the reporting organization/person:

.....
.....
.....
.....

The following particulars and information are furnished in terms of section 4 (1) (b) of the said Act and regulation 3 (2) of the said regulations:

- 1. Amount of the money received:
.....
- 2. Name of the supplier of the money:
.....
.....
- 3. Address of the supplier of the money:
.....
.....
.....

4. In the case of money other than money deemed to have been received from outside the Republic of South Africa in terms of section 4 (5) of the Act, the manner in which the money was brought into or transferred to the Republic:

.....
.....
.....

5. Date on which the money was received:

.....

6. Purpose for which the money was provided by the supplier:

.....
.....
.....
.....

7. Conditions, if any, subject to which the money was provided by the supplier:

.....
.....
.....
.....

STATEMENT

I,
(full names)

declare that the particulars in this notice are to the best of my knowledge true and correct.

.....
(Place) (Signature)

.....
(Date) (Capacity)

.....
(Full address)

BYLAE 1

KENNISGEWING VAN DIE ONTVANGS VAN BUITELANDSE GELD INGEVOLGE ARTIKEL 4 (1) (a) VAN DIE WET OP DIE OPEN-BAARMAKING VAN BUITELANDSE BEFONDSING, 1989 (WET No. 26 van 1989), EN VERSTREKKING VAN BESONDERHEDE BEDOEL IN ARTIKEL 4 (1) (b) VAN GENOEMDE WET EN DIE INLIGTING BEDOEL IN REGULASIE 3 (2) VAN DIE REGULASIES OP BUITELANDSE BEFONDSING, 1989

**DIE REGISTRATEUR VAN VERSLAGGEWENE ORGANISASIES EN PERSONE
PRIVAATSAK
PRETORIA
0001**

..... (naam van verslaggewende organisasie/persoon) gee hiermee ingevolge artikel 4 (1) (a) van die Wet op die Openbaarmaking van Buitelandse Befondsing, 1989 (Wet No. 26 van 1989), kennis van ontvangs van geld wat direk of indirek van buite die Republiek van Suid-Afrika afkomstig is.

Woon-, werks- of besigheidsadres van die verslaggewende organisasie/persoon:

.....
.....
.....

Die volgende besonderhede en inligting word ingevolge artikel 4 (1) (b) van genoemde Wet en regulasie 3 (2) van genoemde regulasies verstrek:

1. Bedrag van die geld ontvang:

.....

2. Naam van die verskaffer van die geld:

.....
.....
.....
.....

3. Adres van die verskaffer van die geld:

.....
.....
.....

4. In die geval van ander geld as geld wat ingevolge artikel 4 (5) van die Wet geag word van buite die Republiek van Suid-Afrika ontvang te wees, die wyse waarop die geld in die Republiek ingebring of na die Republiek oorgeplaas is:

.....
.....
.....

5. Datum waarop die geld ontvang is:

.....

6. Doel waarvoor die geld deur die verskaffer voorsien is:

.....
.....
.....
.....
.....

7. Voorwaardes, as daar is, onderworpe waaraan die geld deur die verskaffer voorsien is:

.....
.....
.....
.....
.....

VERKLARING

Ek,
(volle naam)

verklaar dat die besonderhede in hierdie kennisgewing na die beste van my wete waar en juis is.

(Plek)

(Handtekening)

(Datum)

(Hoedanigheid)

(Volledige adres)

SCHEDULE 2

NOTICE OF OPENING OF ACCOUNT IN TERMS OF THE DISCLOSURE OF FOREIGN FUNDING ACT, 1989 (ACT No. 26 OF 1989)

THE REGISTRAR OF REPORTING ORGANIZATIONS AND PERSONS
PRIVATE BAG
PRETORIA
0001

..... (name of reporting organization/person) hereby gives notice in terms of section 4 (1) of the Disclosure of Foreign Funding Act, 1989 (Act No. 26 of 1989), of the details of the account opened in terms of section 4 (2) of the Disclosure of Foreign Funding Act, 1989.

1. Date on which money was deposited in a savings or current account referred to in section 4 (2) of the Act:

.....
2. Details of the savings or current account referred to in section 4 (2) of the Act:

(a) Name and branch of the financial institution where account was opened:

.....
.....
.....

(b) Date on which the account was opened:

.....

(c) Name under which the account was opened:

.....
.....
.....

(d) Number of the account:

.....

(e) Description of the type of account opened:

.....
.....

3. In the event of the money not having been deposited within 14 (fourteen) days of receipt thereof in a savings or current account as referred to in section 4 (2) of the Act, furnish full reasons for the omission:

.....
.....
.....
.....
.....
.....

STATEMENT

I, (full names)

declare that the particulars set out above are to the best of my knowledge true and correct.

.....
(Place)

.....
(Signature)

.....
(Date)

.....
(Capacity)

.....
.....
.....
.....
.....
(Full address)

BYLAE 2

KENNISGEWING VAN OPENING VAN REKENING INGEVOLGE DIE WET OP DIE OPENBAARMAKING VAN BUITELANDSE BEFONDSING, 1989 (WET No. 26 VAN 1989)

DIE REGISTRATEUR VAN VERSLAGGEWENDE ORGANISASIES EN PERSONE
PRIVAATSAK.....
PRETORIA
0001

..... (naam van verslaggewende organisasie/persoon) gee hiermee ingevolge artikel 4 (1) van die Wet op die Openbaarmaking van Buitelandse Befondsings, 1989 (Wet No. 26 van 1989), kennis van die besonderhede van die rekening geopen kragtens artikel 4 (2) van genoemde Wet.

1. Datum waarop geld in 'n in artikel 4 (2) van die Wet bedoelde spaar- of tjekrekening gestort is:

.....
2. Besonderhede van die in artikel 4 (2) van die Wet bedoelde spaar- of tjekrekening:

(a) Naam van die finansiële instelling, en die tak daarvan, waar die rekening geopen is:

.....
.....
.....
(b) Datum waarop die rekening geopen is:

.....
(c) Naam waaronder die rekening geopen is:

.....
(d) Rekeningnummer:

.....
(e) Beskrywing van die tipe rekening wat geopen is:

.....
3. Indien die geld nie binne 14 (veertien) dae na ontvangs daarvan in 'n in artikel 4 (2) van die Wet bedoelde spaar- of tjekrekening gestort is nie, verskaf volledige rede(s) vir die versuim:

VERKLARING

Ek,
(volle naam)

verklaar dat die besonderhede hierbo uiteengesit na die beste van my wete waar en juis is.

.....
(Plek)

.....
(Handtekening)

.....
(Datum)

.....
(Hoedanigheid)

.....
(Volledige adres)

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