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[No. 233 of 2008]

FREE STATE PROVINCIAL LEGISLATURE

FREE STATE POLITICAL PARTY FUND ACT OF 2008

FREE STATE POLITICAL PARTY FUND REGULATIONS, 2008

The Speaker of the Free State Provincial Legislature, Hon. P.Z. Matosa, acting on the recommendation of a committee of the Free State Provincial Legislature, by notice in the *Provincial Gazette*, made the regulations in terms of section 10 of the Free State Political Party Fund Act, 2008 (Act No 3 of 2008).

SCHEDULE

Definitions

1. In this Schedule any word or expression to which a meaning has been assigned in the Act, shall bear such meaning and, unless the context otherwise indicates –

“Act” means the Free State Political Party Fund Act, 2008 (Act No 3 of 2008);

“Accounting officer” means an accounting officer of a political party appointed by that political party in terms of section 6(1)(b) of the Act; and

“Legislature” means the Free State Provincial Legislature.

Times and installments of payments

2. (1) Allocations to which a political party is entitled must be paid to the political party in question in one installment at the beginning of each financial year or as soon as the money becomes available.

(2) In the event of an election being called in terms of section 108(2) of the Constitution in respect of the Legislature any outstanding payment still to be paid in terms of this Act to a political party represented in the Legislature must be suspended.

(3) An allocation suspended as contemplated in subregulation (2) must be paid within two weeks of the date of election to the political parties that are represented in the Legislature as a result of the election.

[No. 233 van 2008]

VRYSTAAT PROVINSIALE WETGEWER

VRYSTAAT POLITIEKE PARTY FONDS WET VAN 2008

VRYSTAAT POLITIEKE PARTY FONDS REGULASIES, 2008

Die Speaker van die Vrystaat Provinsiale Wetgewer, die Agbare P.Z. Matosa, handelend op ‘n aanbeveling van ‘n komitee van die Vrystaat Provinsiale Wetgewer, by wyse van kennisgewing in die *Provinsiale Koerant*, het die regulasies gemaak ingevolge artikel 10 van die Wet op die Vrystaat Politieke Partyfonds, 2008 (Wet Nr. 3 van 2008)

SKEDULE

Woordomskrywings

1. In hierdie skedule sal enige woord of uitdrukking waaraan ‘n betekenis in die Wet gegee word, sodanige betekenis dra, tensy uit die samehang anders blyk-
“Wet” die Wet op die Vrystaat Politieke Partyfonds, 2008 (Wet Nr. 3 van 2008);
“Rekenpligtige beampte” die rekenpligtige beampte van ‘n politieke party wat ingevolge artikel 6(1)(b) van die Wet deur die politieke party aangestel is;en
“Wetgewer” die Vrystaatse Provinsiale Wetgewer.

Tye en paaiemende van betalings

2. (1) Toekennings waarop ‘n politieke party geregtig is moet aan die begin van elke boekjaar, of so gou as wat die geld beskikbaar is, in een paaiemende aan die betrokke politieke party betaal word.
(2) Waar ‘n verkiesing uitgeroep word ingevolge artikel 108(2) van die Grondwet ten opsigte van Wetgewer, moet enige uitstaande betaling wat ingevolge hierdie Wet aan ‘n politieke party betaalbaar is, opgeskort word.
(3) ‘n Toekenning wat opgeskort word soos beoog in subregulasie (2) moet binne twee weke van die datum van verkiesing aan politieke partye betaal word wat as gevolg van die verkiesing in die Wetgewer verteenwoordig word.

Information and particulars to be submitted by political parties

3. (1) A political party must provide the Secretary with particulars of the bank account contemplated in section 6(1)(a) of the Act within two weeks of such a bank account being opened or within two weeks of any changes to such particulars.
- (2) The statements contemplated in section 6(4) of the Act must without limiting the generality thereof at least contain the following descriptive categories:
 - (a) personnel expenditure, other than that prohibited under section 5(7) of the Act;
 - (b) accommodation;
 - (c) travel expenses;
 - (d) arrangement of meetings and rallies;
 - (e) administration; and
 - (f) promotions and publications.

Money carried forward at the end of a financial year

4. (1) Money not spent by a political party at the end of a financial year and which may be carried forward to the next financial year as contemplated in section 9(1)(a) of the Act is limited to not more than seventy five (75) percent of the allocation made for that financial year.
- (2) Unspent money contemplated in subregulation (1) in excess of seventy five (75) percent must be repaid to the Fund as soon as possible after the end of the financial year to which the allocation relates.

Separate books and records of account

5. The separate books and records of account required by section 6(3) of the Act must be kept according to generally accepted accounting practices.

Inligting en besonderhede wat deur politieke partye ingedien moet word

3. (1) 'n Politieke party moet die Sekretaris met bankbesonderhede voorsien soos beoog in artikel 6(1)(a) van die Wet binne twee weke nadat sodanige bankrekening geopen is, of binne twee weke na enige veranderinge aan sodanige besonderhede.
- (2) Die verklarings ingevolge artikel 6(4) van die Wet moet, sonder om die algemeenheid daarvan te beperk, ten minste oor die volgende beskrywende kategorieë beskik:
- (a) personeeluitgawes, buiten dié wat onder artikel 5(7) van die Wet verbied word;
 - (b) verblyf;
 - (c) reiskostes;
 - (d) reël van vergaderings en byeenkomste;
 - (e) administrasie; en
 - (f) promosies en publikasies.

Geld wat aan die einde van 'n boekjaar oorgedra word

4. (1) Geld wat aan die einde van 'n boekjaar nie deur 'n politieke party bestee is nie en wat ingevolge artikel 9(1)(a) van die Wet na die volgende boekjaar oorgedra mag word, word beperk tot hoogstens vyf en sewentig (75) persent van die toekenning wat in daardie boekjaar gemaak word.
- (2) Onbetaalde geld soos beoog in subregulasie (1) nie bestee is nie en wat meer as vyf en sewentig persent (75) beloop, moet so spoedig moontlik aan die Fonds terugbetaal word aan die einde van die boekjaar waaraan die toekenning verwant is.

Afsonderlike boeke en rekeningverslae

5. Artikel 6(3) van die Wet vereis dat afsonderlike boeke en rekeningverslae gehou word volgens algemeen aanvaarde rekeningkundige praktyke.

Formula for allocation from the Fund

6. (1) The total amount of funding available for allocations from the Fund during a particular financial year must be announced by the Speaker of the Legislature within two weeks of the appropriation of funds as contemplated in section 2(2)(a) of the Act.
- (2) The Secretary to the Free State Provincial Legislature must make allocations from the Fund to the political parties in accordance with a prescribed formula based on -
 - (a) the total annual monetary allocation available for distribution divided by the total number of votes cast for each political party in the most recent general election for Provincial Legislatures that will determine an average monetary value per voter.
 - (b) the average monetary value per voter to be multiplied by the actual number of votes cast in favour of each political party during the most recent general election will determine the total monetary value allocated for each qualifying political party.

Spending not in accordance with the Act report

7. The report from the accounting officer to the Secretary to the Free State Provincial Legislature must contain the following information:
 - (a) the amount spent;
 - (b) reasons for spending not in accordance with the Act;
 - (c) steps take to recover the expenditure.

Appointment of accounting officer

8. Before any allocations may be made to a political party the party concerned must notify the Secretary of the appointment and acceptance of appointment of an accounting officer as contemplated in section 6(1)(b) of the Act by submitted to the Secretary Form 1 and Form 2 contained in the Annexure to these Regulations.

Short title

9. These regulations are called the Free State Political Party Fund Regulations, 2008.

Formules vir toekenning van die Fonds

6. (1) Die Speaker van die Wetgewer moet die totale beskikbare bedrag vir toekennings uit die Fonds gedurende 'n sekere boekjaar, binne twee weke van die toewysing van fondse soos beoog in artikel 2(2)(a) van die Wet, bekend maak.
(2) Die Sekretaris van die Vrystaat Provinsiale Wetgewer moet toekennings vanuit die fonds maak aan politieke partye ooreenkomstig 'n voorgeskrewe formule wat gebaseer is op -
 - (a) die totale jaarlikse geldelike toekenning beskikbaar vir verspreiding gedeel deur die totale aantal stemme vir elke politieke party in die mees onlangse algemene verkiesing vir provinsiale wetgewers wat 'n gemiddelde geldwaarde per kieser sal bepaal.
 - (b) die gemiddelde geldwaarde per kieser wat vernmenigvuldig moet word met die die werklike aantal stemme uitgebring ten gunste van elke politieke party gedurende die mees onlangse algemene verkiesing sal die geldwaarde bepaal wat aan elke kwalifiserende politieke party toegeken word.

Besteding nie in ooreenstemming met die Wet-verslag

7. Die verslag van die rekenpligtige beampete aan die Sekretaris van die Vrystaatse Provinsiale Wetgewer moet die volgende inligting bevat:
 - (a) die bedrag bestee;
 - (b) die redes waarom daar nie in ooreenstemming met die Wet bestee is nie;
 - (c) maatreëls om die uitgawe terug te vorder.

Aanstelling van rekenpligtige beampete

8. Voordat enige toekennings aan 'n politieke party gemaak word, moet die betrokke politieke party die Sekretaris in kennis stel van die aanstelling en diensaanvaarding van 'n rekenpligtige beampete soos beoog in artikel 6(1)(b) van die Wet deur Vorm 1 en Vorm 2 in die die bylaag tot hierdie Regulasies by die Sekretaris in te dien.

Kort titel

9. Hierdie regulasies heet die Vrystaat Politieke Partyfondsregulasies, 2008.

ANNEXURE**FORM 1**

**The Secretary
Free State Provincial Legislature**

**APPOINTMENT OF ACCOUNTING OFFICER IN TERMS OF SECTION 6(1)(B)
OF THE
FREE STATE POLITICAL PARTY FUND ACT, 2008**

NAME OF PARTY	
NAME OF PARTY LEADER / WHIP	

I, _____ the undersigned,

hereby appoint _____

as _____

accounting officer in terms of section 6 of the Free State Political Party Fund Act, 2008

and the provisions thereof and declare that I am duly authorized to make this appointment

and that he / she is duly qualified to accept this appointment.

Party Leader / Whip Signature

Date: _____

BYLAAG**VORM 1**

**Die Sekretaris
Vrystaat Proviniale Wetgewer**

**AANSTELLING VAN REKENPLIGTE BEAMPTE KRAGTENS ARTIKEL
6(1)(B) VAN DIE WET OP DIE VRYSTAAT POLITIEKE PARTYFONDS,
2008**

NAAM VAN PARTY	
NAAM VAN PARTYLEIER / SWEEP	

Ek, die ondergetekende, _____

stel _____ hiermee aan
as rekenpligtige beamppte ingevolge artikel 6 van die Wet op die Vrystaat
Politieke Partyfonds, 2008 en die voorskrifte daarvan en verklaar dat ek behoorlik
gemagtig is om hierdie aanstelling te doen en dat hy/sy behoorlik gekwalifiseerd
is om hierdie aanstelling te aanvaar.

Partyleier / Sweephandtekening

Datum: _____

ANNEXURE**FORM 2**

**The Secretary
Free State Provincial Legislature**

**ACCEPTANCE AS ACCOUNTING OFFICER IN TERMS OF SECTION 6(1)(B)
OF THE
FREE STATE POLITICAL PARTY FUND ACT, 2008**

NAME OF PARTY	
NAME OF ACCOUNTING OFFICER	

I, _____ the undersigned,

hereby accept my appointment as accounting officer in terms of section 6 of the Free State Political Party Fund Act, 2008 and the provisions thereof and fully understand and subscribe to the provisions thereof and related regulations.

I further declare that I am duly authorized to accept this appointment.

Accounting Officer

Date: _____

BYLAAG**VORM 2**

**Die Sekretaris
Vrystaat Proviniale Wetgewer**

**AANVAARDING AS REKENPLIGTIGE BEAMPTE KAGTENS ARTIKEL
6(1)(B) VAN DIE WET OP DIE VRYSTAAT POLITIEKE PARTYFONDS,
2008**

NAAM VAN PARTY	
NAAM VAN REKENPLIGTIGE BEAMPTE	

Ek, die ondergetekende, _____
aanvaar hiermee my aanstelling as rekenpligtige beampte ingevolge artikel 6
van die Wet op die Vrystaat Politieke Partyfonds, 2008 en die voorskrifte
daarvan en verstaan en onderwerp my ten volle aan die voorskrifte en verwante
regulasies daarvan.

Ek verklaar verder dat ek behoorlik gemagtig is om hierdie aanstelling te
aanvaar.

Rekenpligtige Beampte

Datum: _____