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DEPARTMENT OF THE PRIME MINISTER

DEPARTEMENT VAN DIE EERSTE MINISTER

No. 946.

9 May 1980.

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

No. 41 of 1980: Fund-raising Amendment Act, 1980.

No. 946.

9 Mei 1980.

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

No. 41 van 1980: Wysigingswet op Fondsinsameling, 1980.

Wet No. 41, 1980

WYSIGINGSWET OP FONDSINSAMELING, 1980

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op Fondsinsameling, 1978, ten einde die oogmerke van die raad van die Suid-Afrikaanse Weermagfonds uit te brei; die straf vir 'n sekere misdryf voor te skryf; en sekere teksveranderings aan te bring; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 28 April 1980.)

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

Wysiging van
artikel 1 van
Wet 107 van 1978.

1. Artikel 1 van die Wet op Fondsinsameling, 1978 (hieronder die Hoofwet genoem), word hierby gewysig— 5
- (a) deur in subartikel (1) in die Engelse teks die uitdrukking „goods” waar dit in die omskrywing van „contributions” voorkom, deur die uitdrukking „property” te vervang;
- (b) deur in subartikel (1) die uitdrukking „21” waar dit in 10 die omskrywing van „vergunning” voorkom, deur die uitdrukking „23” te vervang.

Wysiging van
artikel 10 van
Wet 107 van 1978.

2. Artikel 10 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te 15 vervang:
- „(1) 'n Fondsinsamelingsorganisasie of ander organisasie wat hom deur 'n beslissing van die Direkteur met betrekking tot die afwysing van 'n aansoek ingevolge artikel 4 of 5 of die wysiging, opskorting of intrekking van 'n magtiging of registrasiesertifikaat, of 'n lasge- 20 wing ingevolge artikel 7 (9) (a) van die Direkteur vir die intrekking van 'n vergunning of spesiale vergunning deur 'n fondsinsamelingsorganisasie of geregistreerde tak verleen, veronreg voel, kan op die voorgeskrewe wyse teen daardie beslissing of lasgewing appelleer na 25 'n appèlkomitee wat vir die bepaalde geval deur die Minister saamgestel word.”;
- (b) deur subartikel (3) deur die volgende subartikel te vervang:
- „(3) Die appellant kan **[self (in die geval van 'n 30 houer) of]** deur 'n lid van sy bestuur of deur 'n advokaat of prokureur voor die appèlkomitee verskyn, of kan skriftelik verklarings of argumente ter staving van sy appèl voorlê.”.

Wysiging van
artikel 15 van
Wet 107 van 1978.

3. Artikel 15 van die Hoofwet word hierby gewysig deur die 35 omskrywing van „aktiewe diens” te skrap.

FUND-RAISING AMENDMENT ACT, 1980

Act No. 41, 1980

GENERAL EXPLANATORY NOTE:

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

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Fund-raising Act, 1978, so as to extend the objects of the board of the South African Defence Force Fund; to prescribe the penalty for a certain offence; and to effect certain textual alterations; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 28 April 1980.)

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

1. Section 1 of the Fund-raising Act, 1978 (hereinafter referred to as the principal Act), is hereby amended— Amendment of section 1 of Act 107 of 1978.
- (a) by the substitution in subsection (1) for the expression “goods” where it appears in the definition of “contributions” of the expression “property”;
- (b) by the substitution in subsection (1) for the expression “21” where it appears in the definition of “permission” of the expression “23”.

2. Section 10 of the principal Act is hereby amended— Amendment of section 10 of Act 107 of 1978.
- (a) by the substitution for subsection (1) of the following subsection:
- “(1) Any fund-raising organization or other organization feeling 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) by the Director 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 Minister for the particular case.”;
- (b) by the substitution for subsection (3) of the following subsection:
- “(3) The appellant may appear before the appeal committee **[in person (in the case of a holder) or]** through a member of its management or through **[a counsel]** an advocate or **[an]** attorney, or may submit statements or arguments in writing in support of its appeal.”.

3. Section 15 of the principal Act is hereby amended by the deletion of the definition of “active service”. Amendment of section 15 of Act 107 of 1978.

Wet No. 41, 1980

WYSIGINGSWET OP FONDSINSAMELING, 1980

Wysiging van
artikel 18 van
Wet 107 van 1978.

4. Artikel 18 van die Hoofwet word hierby gewysig deur paragraaf (b) deur die volgende paragraaf te vervang:

„(b) die raad van die Suid-Afrikaanse Weermagfonds is om, met behoorlike inagneming van die geldelike toestand van bedoelde Fonds en die vereistes van elke geval, die hulp wat die raad billik en redelik ag, te verleen aan lede en voormalige lede van die Suid-Afrikaanse Weermag en van hulpdienste ingestel en aangewys ooreenkomstig artikel 80 (1) van die Verdedigingswet, 1957 (Wet No. 44 van 1957), en hul afhanklikes wat geldelike ontbering ondervind of geldelike nood ly wat regstreeks of onregstreeks ontstaan as gevolg van **[aktiewe diens]** enige diens of pligte bedoel in artikel 3 (2) van die Verdedigingswet, 1957, deur sodanige lede verrig, en om geriewe te voorsien vir of aan sodanige lede wat **[aldus]** sodanige diens of pligte verrig;”.

Vervanging van
artikel 27 van
Wet 107 van 1978.

5. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang:

„Verantwoordelike van lede van fondsinsamelingsorganisasies, geregistreerde takke en gemagtigde en ander organisasies.

27. Enigiemand wat op watter wyse ook al deelneem aan die bestuur of beheer van 'n fondsinsamelingsorganisasie of geregistreerde tak of 'n gemagtigde of ander organisasie **[en]** wat **[wetens]** enige bepaling van hierdie Wet oortree of versuim om daaraan te voldoen, is, indien sodanige oortreding of versuim 'n misdryf ingevolge bedoelde Wet is, aan 'n misdryf skuldig.”.

Wysiging van
artikel 30 van
Wet 107 van 1978.

6. Artikel 30 van die Hoofwet word hierby gewysig deur paragraaf (b) van subartikel (6) deur die volgende paragraaf te vervang:

„(b) kan enige of alle sodanige sekuriteite, aantekeninge, rekenings of dokumente ondersoek en uittreksels daaruit of afskrifte daarvan maak of laat maak of, nadat hy 'n ontvangsbewys daarvoor uitgereik het, sodanige sekuriteite, aantekeninge, rekenings of dokumente vir ondersoek deur hom of vir die maak van enige uittreksel daaruit of afskrif daarvan van die perseel van bedoelde organisasie of persoon verwyder of kan beslag daarop lê indien dit na sy oordeel bewys van die pleeg van enige misdryf of onreëlmatigheid mag lewer;”.

Vervanging van
artikel 34 van
Wet 107 van 1978.

7. Artikel 34 van die Hoofwet word hierby deur die volgende artikel vervang:

„Oortredings en strawwe.

34. (1) Iemand wat—

(a) 'n bepaling van artikel 2, 11, 12 (1) of 21 (1) oortree of weier of versuim om aan 'n lasgewing in artikel 31 (1) bedoel, te voldoen;

(b) 'n bepaling van artikel 7 (6), 7 (9) (b), 30 (11) of 31 (3) oortree, of weier of versuim om aan 'n versoek in artikel 7 (8), 13 (1) (a) of 30 (8) bedoel, te voldoen; of

(c) die Direkteur of 'n lid van sy personeel of 'n inspekteur opsetlik by die verrigting van sy werksaamhede hinder of belemmer of hom valslik as die Direkteur of so 'n lid of inspekteur voordoen,

is aan 'n misdryf skuldig **[en by skuldigbevinding strafbaar]**.

(2) Iemand wat weens 'n misdryf ingevolge 'n bepaling van hierdie Wet skuldig bevind word, is **[strafbaar]**—

[(i)] (a) in die geval van 'n oortreding in paragraaf (a) van subartikel (1) bedoel, met 'n boete van hoogstens R1 500 of gevangenisstraf vir 'n tydperk van hoogstens drie jaar of met sowel daardie boete as daardie gevangenisstraf;

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4. Section 18 of the principal Act is hereby amended by the substitution for paragraph (b) of the following paragraph: Amendment of section 18 of Act 107 of 1978.

- 5 “(b) the board of the South African Defence Force Fund shall be, with due regard to the financial position of that Fund and the requirements of each case, to render such aid as the board may deem fair and reasonable to members and former members of the South African Defence Force and of auxiliary services established and designated in accordance with section 80 (1) of the Defence Act, 1957 (Act No. 44 of 1957), and their dependants who suffer financial hardship or financial distress arising, directly or indirectly, out of **[active service]** any service or duties contemplated in section 3 (2) of the Defence Act, 1957, performed by such members, and to provide facilities to or for such members who perform such service or duties;”.

5. The following section is hereby substituted for section 27 of the principal Act: Substitution of section 27 of Act 107 of 1978.

- 20 “Responsibility of members of fund-raising organizations, registered branches and authorized and other organizations. 27. 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 **[knowingly]** contravenes or fails to comply with any provision of this Act, shall, **[be guilty of an offence]** if such contravention or failure is an offence in terms of the said Act; **be guilty of an offence.**”.

6. Section 30 of the principal Act is hereby amended by the substitution for paragraph (b) of subsection (6) of the following paragraph: Amendment of section 30 of Act 107 of 1978.

- 30 “(b) may examine any or all of 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;”.

40 7. The following section is hereby substituted for section 34 of the principal Act: Substitution of section 34 of Act 107 of 1978.

- “Offences and penalties. 34. (1) Any person who—
 45 (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
 50 (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,
 55 shall be guilty of an offence **[and liable on conviction]**.
 (2) Any person convicted of an offence under any provision of this Act shall be liable—
 60 **[(i)]** (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;

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[(ii)] (b) in die geval van 'n oortreding in artikel 27 of paragraaf (b) of (c) van subartikel (1) van hierdie artikel bedoel, met 'n boete van hoogstens R500 of gevangenisstraf vir 'n tydperk van hoogstens 5 ses maande of met sowel daardie boete as daardie gevangenisstraf."

Kort titel en
inwerkingtreding.

8. Hierdie Wet heet die Wysigingswet op Fondsinsameling, 1980, en word geag op 1 September 1979 in werking te getree het.

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5 **[(ii)]** (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 not exceeding six months or to
both such fine and such imprisonment.”.

8. This Act shall be called the Fund-raising Amendment Act, 1980, and shall be deemed to have come into operation on 1 September 1979.

Short title and
commencement.

