

Please note that most Acts are published in English and another South African official language. Currently we only have capacity to publish the English versions. This means that this document will only contain even numbered pages as the other language is printed on uneven numbered pages.



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GOVERNMENT GAZETTE

STAATSKOERANT

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CAPE TOWN, 9 MAY 1980

[No. 6988

KAAPSTAD, 9 MEI 1980

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 geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

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

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:—

- 5 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";
- 10 (b) by the substitution in subsection (1) for the expression "21" where it appears in the definition of "permission" of the expression "23".
- 15 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.”;
- 20 (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.”.
- 25 30
- 35 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.

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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.

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“(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.

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“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.

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“(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.

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“Offences and penalties. 34. (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 [and liable on conviction].

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

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“(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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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.