

PUBLIC FUNDING OF REPRESENTED POLITICAL PARTIES ACT 103 OF 1997

REGULATION UNDER SECTION 10 (1) OF THE PUBLIC FUNDING OF REPRESENTED POLITICAL PARTIES ACT, 1997

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Proc. R47 GG 27986 31/8/2005

Under [section 10](#) (1) of the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997), I, acting on the recommendation of a joint committee of the National Assembly and the National Council of Provinces, hereby make the regulations in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Thirteenth day of November, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA
President

By Order of the President-in-Cabinet:

M. V. MOOSA
Minister of the Cabinet

SCHEDULE

PUBLIC FUNDING OF REPRESENTED POLITICAL PARTIES REGULATIONS, 1998

1. [Definitions](#)
2. [Allocation of funding](#)
3. [Proportional allocation](#)
4. [Equitable allocation](#)
5. [Times, intervals and instalments of payments](#)
6. [Manner of payments](#)
7. [Separate books and records of account](#)
8. [Generally descriptive categories of purposes in connection with which amounts are spent](#)
9. [Prescribed percentage of allocations that may be carried over](#)
10. [Short title](#)

1. **Definitions**

In these regulations a word or phrase to which a meaning has been assigned in the Act has that meaning, and, unless the context otherwise indicates-

“**Act**” means the Public Funding of Represented Political Parties Act, 1997 (Act No. 103 of 1997);

“**allocated monies**” means moneys allocated from the Fund to a political party during a particular financial year;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**equitable allocation**” means the allocation referred to in regulation 2 (2) (b);

“**proportional allocation**” means the allocation referred to in regulation 2 (2) (a).

2. Allocation of funding

- (1) The total amount of funding available for allocations from the Fund during a particular financial year must be announced by the Commission by notice in the Gazette within two weeks of the beginning of that financial year.
- (2) The allocations from the Fund to be made and paid to each of the political parties concerned are calculated by-
 - (a) allocating ninety (90) per cent of the total amount of funding determined in terms of subregulation (1) proportionally in accordance with regulation 3; and
 - (b) allocating ten (10) per cent of the total amount of funding determined in terms of subregulation (1) equitably in accordance with regulation 4.

3. Proportional allocation

The proportional allocation is determined by dividing the amount contemplated in regulation 2 (2) (a) proportionally among the participating parties in any legislative body referred to in [section 9](#) (3) (a) of the Act, in accordance with the number of seats awarded to each participating party in the National Assembly and the provincial legislatures jointly.

4. Equitable allocation

The equitable allocation is determined in the following manner:

- (a) The amount contemplated in regulation 2 (2) (b) must be allocated to the respective provinces in proportion to the number of members of the respective provincial legislatures as contemplated by [section 105](#) (2) of the Constitution; and
- (b) the allocation to a particular province in terms of paragraph (a) must be divided equally among the participating parties in the legislature of that province.

5. Times, intervals and instalments of payments

- (1) Subject to subregulation (3), all allocations to which a political party is entitled as determined in terms of regulations 3 and 4, must be paid to the political party in question in four equal instalments, each within three months of the previous payment. The first instalment must be paid within four weeks of the beginning of the financial year in question.

[Subreg. (1) substituted by Proc. R47/2005]

- (2) In the event of an election being called in terms of [section 49](#) (2) or [108](#) (2) of the Constitution in respect of a particular legislature, any outstanding instalments still to be paid in terms of subregulation (1) to the political parties represented in that legislature during the period of 21 days referred to in [section 9](#) (3) of the Act, must be suspended. The instalments so suspended must be distributed within two weeks of the date of election to the political parties that gain representation in the legislature concerned as a result of the election in accordance with the provisions of regulations 3 and 4, as the case may be.

- (3) (a) The Commission must, within ten days after the date on which the Speaker of a legislature has published the notice contemplated in item 5(3) of [Schedule 6A](#) to the Constitution, re-allocate in accordance with the provisions of regulations 3 and 4, as the case may be, fifty (50) per cent of the total amount of funding determined in terms of regulation 2(1) for the financial year in question to the political parties that, at the expiry of the period referred to in item 5(3) of [Schedule 6A](#) to the Constitution, qualify for the allocation of moneys from the Fund in terms of section 5 of the Act.
- (b) All allocations to which a political party is entitled in terms of paragraph (a), must be paid to the political party in question in two equal instalments. The first instalment must be paid within the first fifteen days of October and the second instalment must be paid within the first fifteen days of January of the financial year in question.

[Subreg. (3) added by Proc. R47/2005]

6. Manner of payments

- (1) A political party must provide the Commission with particulars of the party's banking account referred to in [section 6](#) (1) of the Act, within two weeks of such a banking account being opened.
- (2) Any payments to be made to a political party in terms of these regulations must be paid into the party's banking account referred to in [section 6](#) (1) of the Act.

7. Separate books and records of account

The separate books and records of account required by [section 6](#) (2) of the Act must be kept according to generally accepted accounting practices, and must include the following:

- (a) Records showing all transactions involving allocated moneys;
- (b) records showing all assets acquired with allocated moneys;
- (c) records showing commitments entered into in respect of allocated moneys;
- (d) a balance sheet;
- (e) an income and expenditure statement; and
- (f) a cash flow statement.

8. Generally descriptive categories of purposes in connection with which amounts are spent

- (1) Financial statements prepared in relation to the Fund must show the amounts spent during a financial year in question by each political party that received allocations in accordance with these regulations in connection with purposes classifiable under the following descriptive categories:
- (a) Personnel expenditure;
- (b) accommodation;
- (c) travel expenses;

- (d) arrangement of meetings and rallies;
 - (e) administration; and
 - (f) promotions and publications.
- (2) The information required for the purposes of subregulation (1) must be furnished to the Commission-
- (a) by the accounting officer referred to in [section 6\(1\)](#) of the Act within three months after the end of the financial year in question; or
 - (b) in the case of a political party contemplated in [section 6A\(3\)](#) of the Act, by the person who last held the office of accounting officer referred to in [section 6\(1\)](#) of the Act of that party or, if he or she is not available, the leader of that party within two months after the date on which a party is required to close its books and records of account in terms of [section 6A\(4\)](#) of the Act.

[Subreg. (2) substituted by Proc. R47/2005]

9. Prescribed percentage of allocations that may be carried over

Moneys carried forward to the next financial year as contemplated in [section 9](#) (1) of the Act may not amount to more than fifty per cent of the moneys received from the Fund during the financial year in question.

10. Short title

These regulations are called the Public Funding of Represented Political Parties Regulations, 1998.