

[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.

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.

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.

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: _____

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: _____