

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. 2074

10 May 2022

**NON PROFIT ORGANISATION AMENDMENT BILL, 2021
INVITATION TO COMMENT ON THE VICTIM SUPPORT SERVICES BILL, 2021**

The Department of Social Development hereby invites any interested person or body to provide written comments on Non-Profit Amendment Bill, 2021 as contained in the Schedule hereto. The Bill and the Memorandum on the objects of the Bill may also be accessed on the Departmental website: www.dsd.gov.za.

The closing date for comments is 30 calendar days from the date of publication of this notice in the Gazette. All comments must be submitted in the format indicated below:

NAME AND CONTACT DETAILS:

[Please provide the name of the person or body who submits the comment and contact details, preferably email address]

CLAUSE COMMENTED ON [Please indicate which particular clause of the Bill the comments relate to]	PROPOSAL [Please provide a clear proposal on how the particular clause should be amended]	MOTIVATION [Please provide detailed motivation for the proposed amendment]

Comments must be submitted to:

(a) By Post:

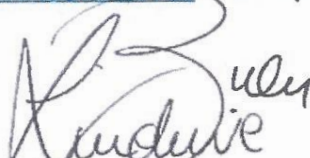
The Director-General: Department of Social Development
Private Bag X901
Pretoria
0001;

(b) By Hand

The Director-General: Department of Social Development
Human Sciences Research Council Building
134 Pretorius Street
Pretoria;

(c) By Email

Luyanda Mtshotshisa @ LuyandaMt@socdev.gov.za or Mr Luyanda Ngonyama @ LuyandaN@dsd.gov.za or Ms Mpho Mngxitama @ Mphomn@dsd.gov.za



**Ms Lindiwe Zulu, MP
Minister of Social Development**

REPUBLIC OF SOUTH AFRICA

NONPROFIT ORGANISATIONS AMENDMENT BILL, 2018

*(As introduced in the National Assembly (proposed section 75); explanatory
summary of Bill published in Government Gazette No. of)
(The English text is the official text of the Bill)*

(MINISTER OF SOCIAL DEVELOPMENT)

[B — 2018]

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GENERAL EXPLANATORY NOTE:

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

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Nonprofit Organisations Act, 1997, so as to amend and insert certain definitions; to provide for the office of the Registrar of nonprofit Organisations, to provide for the registration of nonprofit organisations and compulsory registration of foreign organisations, to provide for the Arbitration Tribunal for the disputes resolution; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 71 of 1997

1. Section 1 of the Nonprofit Organisations Act, 1997 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution in subsection (1)(iv) for the definition of "constitution" of the following definition:

" 'constitution' includes a trust deed and **[memorandum and articles of association]** Memorandum of Incorporation";

(b) by the deletion of the definition of "Director";

(c) by the deletion of the definition of "Directorate";

(d) by the substitution in subsection (1)(vii) for the definition of "financial year" of the following definition:

" 'financial year', in relation to the **[Directorate]** Office of the Registrar of nonprofit organisations, means "a period which commences on 1 April and ends on 31 March in the following year;"

(e) by the substitution in subsection (1)(viii) for the definition of "Minister" of the following definition:

" 'Minister' means the Minister **[for Welfare and Population Development]** responsible for Social Development;"

(f) by the substitution in subsection (1)(ix) for the definition of "national department" of the following definition:

" 'national department' means the national department responsible for **[welfare]** social development.";

:

(g) by the insertion after the definition of "office bearer" of the following definition:

" 'Office of the Registrar' means the body established in terms of section 4;"

and

(h) by the insertion after the definition of "registered nonprofit organisation" of the following definition:

" 'Registrar' means the person designated in terms of section 8.".

Amendment of section 2 of Act 71 of 1997

2. Section 2 of the principal Act is hereby amended by the insertion of the word “and” at the end of paragraph (e), and the addition of the following paragraph:

“(f) facilitating voluntary registration of nonprofit organisations and compulsory registration for foreign organisations operating within the borders of the Republic of South Africa.”.

Amendment of section 11 of Act 71 of 1997

3. Section 11 of the principal Act is hereby amended by the substitution for section 11 of the following section:

“The Minister may prescribe benefits or allowances applicable to registered nonprofit organisations, after consultation with **[the committees of the two Houses of]** Parliament **[responsible for welfare]** and with the concurrence of every Minister whose department is affected by a particular benefit or allowance.”

Amendment of section 12 of Act 71 of 1997

4. Section 12 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) of the following subsection:

“(1) Any nonprofit organisation that is not an organ of state may apply to the **[director]** Office of the Registrar for registration.”;