

Public Benefit Organisation - Written

Undertaking Furnished in terms of section 30(4) of the Income Tax Act No. 58 of 1962

Openbare Weldaadsorganisasie - Geskrewe

Onderneming Verstrek ingevolge artikel 30(4) van die Inkomstebelastingwet No. 58 van 1962

Income Tax reference number <small>(If available)</small>	<input style="width: 100%; height: 20px;" type="text"/>	Inkomstebelastingverwysingsnommer <small>(Indien beskikbaar)</small>
Exemption reference number <small>(If available)</small>	<input style="width: 100%; height: 20px;" type="text"/>	Vrystellingverwysingsnommer <small>(Indien beskikbaar)</small>
Name of Public Benefit Organisation	<input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/> <input style="width: 100%; height: 20px;" type="text"/>	Naam van Openbare Weldaadsorganisasie

<p>We, the undersigned persons taking fiduciary responsibility for the public benefit organisation, hereby undertake to comply with the following requirements:</p> <p>The sole object of the public benefit organisation is to carry on one or more public benefit activity as defined in section 30(1) of the Act, in a non-profit manner.</p> <p>Such public benefit activity/activities (or substantially the whole thereof) will be carried out in the Republic.</p> <p>At least three of the persons who accept fiduciary responsibility for the public benefit organisation, will not be connected persons, as defined in the Income Tax Act.</p> <p>No funds will be distributed to any person (other than in the course of undertaking any public benefit activity).</p> <p>The funds of the public benefit organisation will be used solely for the objects for which it was established, or shall be invested with registered financial institutions as defined in section 1 of the Financial Institutions (Investment of Funds) Act, 1984, (Act No. 39 of 1984) or in securities listed on a stock exchange as defined in the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985).</p> <p>The public benefit organisation will not carry on any business undertaking or trading activity unless specifically permitted in terms of section 30(3)(b)(iv) of the Income Tax Act.</p> <p>On dissolution of the public benefit organisation, the remaining assets will be transferred to any similar public benefit organisation, within the Republic of South Africa, which has been approved in terms of section 30 of the Act.</p>	<p>Ons, die ondergetekende persone wat die fidusiêre verantwoordelikheid vir die openbare weldaadsorganisasie aanvaar, onderneem hiermee om aan die volgende vereistes te voldoen:</p> <p>1 Die enigste oogmerk van die openbare weldaadsorganisasie is om een of meer openbare weldaadsaktiwiteit, sonder winsoogmerk, te onderneem soos omskryf in artikel 30(1) van die Wet.</p> <p>2 Sodanige openbare weldaadsaktiwiteit(e) (of wesenlik die geheel daarvan) sal in die Republiek beoefen word.</p> <p>3 Ten minste drie persone, wat nie verbonde persone met betrekking tot mekaar is nie, sal die findusiêre verantwoordelikheid van die openbare weldaadsorganisasie aanvaar, soos omskryf in die Inkomstebelastingwet.</p> <p>4 Geen fondse sal aan enige persoon uitgekeer word nie (behalwe in die loop van die beoefening van 'n openbare weldaadsaktiwiteit).</p> <p>5 Die fondse van die openbare weldaadsorganisasie sal slegs aangewend word vir die oogmerk waarvoor dit ingestel is, of sal belê word by geregistreerde finansiële instellings, soos omskryf in artikel 1 van die Wet op Finansiële Instellings (Belegging van Fondse), 1984 (Wet No. 39 van 1984) of in aandele genoteer op 'n aandelebeurs soos omskryf in artikel 1 van die Wet op Beheer van Aandelebeurse, 1985 (Wet No. 1 van 1985).</p> <p>6 Die openbare weldaadsorganisasie sal geen besigheidsonderneming of handelsaktiwiteit bedryf nie, tensy spesifiek toegelaat ingevolge artikel 30(3)(b)(iv) van die Inkomstebelastingwet.</p> <p>7 By ontbinding van die openbare weldaadsorganisasie sal die oorblywende bates oorbetaal word aan enige ander openbare weldaadsorganisasie, binne die Republiek van Suid-Afrika, wat ook goedkeuring ingevolge artikel 30 van die Wet geniet.</p>
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No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof in terms of section 18A: Provided that a donor may not impose any conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.

8 Die openbare weldaadsorganisasie is verbied om 'n skenking wat herroeplik op aandrang van die skenker is, vir ander redes as die wesenlike versuim om aan die aangewese oogmerke en voorwaardes van bedoelde skenking te voldoen, met inbegrip van enige wanvoorstelling met betrekking tot die belastingafteikbaarheid daarvan ingevolge artikel 18A, te aanvaar nie : Met dien verstande dat 'n skenker nie enige voorwaarde mag oplê wat bedoelde skenker of enige verbonde persoon met betrekking tot bedoelde skenker in staat kan stel om enige direkte of indirekte voordeel uit die aanwending van die skenking te verkry nie.

A copy of all amendments to the constitution, trust deed, memorandum and articles of association, or other written instrument under which the public benefit organisation was established, will be submitted to the Commissioner for the South African Revenue Service.

9 'n Afskrif van enige wysigings aan die konstitusie, trustakte, Akte van Oprigting en Statute, of enige ander geskrewe stuk waarkragtens die openbare weldaadsorganisasie ingestel is, sal aan die Kommissaris van die Suid-Afrikaanse Inkomstediens voorgelê word.

No remuneration will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered.

10 Geen vergoeding sal aan enige werknemer, amptenaar, lid of ander persoon wat oormatig is, inaggenome wat algemeen as redelik geag word in die sektor en met betrekking tot die diens gelewer, betaal nie.

The public benefit organisation will submit the required Income Tax Returns together with the relevant supporting documents.

11 Die openbare weldaadsorganisasie sal die vereiste Inkomstebelastingopgawes tesame met aanvullende dokumentasie in dien.

In the case of any public benefit organisation which provides funds to any association of persons contemplated in paragraph (b)(iii) of the definition of "public benefit activity", reasonable steps will be taken, to ensure that the funds are utilised for the purpose for which it has been provided.

12 In die geval van 'n openbare weldaadsorganisasie wat fondse aan enige vereniging van persone in paragraaf (b)(iii) van die omskrywing van "openbare weldaadsaktiwiteit" bedoel, voorsien, redelike stappe sal doen ten einde te verseker dat die fondse vir die doel waarvoor dit voorsien is, aangewend word.

The public benefit organisation will, within such period as the Commissioner may determine, register in terms of section 13(5) of the Non-profit Organisations Act, 1997 (Act No. 71 of 1997), and comply with any other requirements imposed in terms of that Act.

13 Die openbare weldaadsorganisasie sal, binne die tydperk wat die Kommissaris bepaal, ingevolge artikel 13(5) van die Wet op Organisasies Sonder Winsoogmerk, 1997 (Wet No. 71 van 1997), registreer, en aan enige ander vereistes ingevolge daardie Wet opgelê, voldoen.

Where the public benefit organisation has been approved in terms of section 18A of the Income Tax Act, 75% of the funds received by or accrued to the organisation by way of donations which qualify for a deduction, will be distributed (or an obligation will be incurred to so distribute) within twelve months from the financial year end during which such donations were received.

14 'n Goedgekeurde openbare weldaadsorganisasie ingevolge artikel 18A van die Wet, moet ten minste 75% van die fondse wat ontvang is deur of toegeval het aan die organisasie by wyse van skenkings wat ingevolge hierdie artikel as 'n aftrekking kwalifiseer, uitkeer (of die verpligting aangaan om aldus uit te keer) binne 'n tydperk van twaalf maande vanaf die einde van die finansiële jaar waartydens bedoelde skenkings verkry is.

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