

REGULATIONS MADE IN TERMS OF

National Welfare Act 79 of 1965

section 42

General Regulations in connection with the   
Administration of the National Welfare Act, 1965

RSA Government Notice R.1413 of 1971

([RSA GG 3227](http://www.lac.org.na/laws/GGsa/rsagg3227.pdf))

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*Definitions*

**1.** In these regulations “the Act” means the National Welfare Act, 1965 (Act 79 of 1965), and unless the context otherwise indicates, any expression to which a meaning has been assigned in this Act has the meaning so assigned thereto.

*Meetings of the National Welfare Board*

**2.** (1) The registrar shall notify every member of the time and place of any meeting of the board, specifying the matters to be dealt with at such meeting.

(2) The chairman of the board may at any time with the approval of the Minister and shall, when the Minister so directs, call a special meeting of the board by notifying every member thereof and specifying the matters to be dealt with at such meeting.

*Quorum*

**3.** Seven members shall constitute a quorum at any meeting of the board.

*Procedure at Meetings of the National Welfare Board*

**4.** (1) The board shall at any meeting deal with those matters of which prior notice has been given and such other matters as may be raised by the chairman or any member with the approval of the meeting or as may be directed by the Minister.

(2) Any resolution of the majority of the members of the board present at any meeting shall constitute a resolution of the board.

(3) Every member, including the chairman, shall have one vote: Provided that in the event of an equality of votes, the chairman shall also have a casting vote.

(4) The chairman shall decide any question of order or procedure at any meeting of the board: Provided that if any member objects to such decision, the question shall be put to the vote without further discussion and the decision of the meeting shall be final.

(5) (a) The registrar shall as soon as may be after every meeting forward a copy of the draft minutes of the meeting to every member for his information and for comment within 14 days of the date of dispatch.

(b) The draft minutes, together with any objections received, shall be submitted to the board for confirmation at its next meeting.

*Submission of Estimates by the National Welfare Board*

**5.** The board shall annually submit to the Secretary not later than 30 June of each year estimates of the expenditure of the board, the commissions and the regional welfare boards for the ensuing financial year.

*Absence from Meetings of the National Welfare Board*

**6.** (1) The board may for sound reasons grant any member leave of absence from meetings: Provided that leave of absence for two or more consecutive meetings or absence without leave shall be brought to the notice of the Minister.

(2) Any member whose application for leave of absence from meetings has been refused by the board, may appeal to the Minister who may grant or refuse such leave.

*Meetings of the Commissions*

**7.** (1) Meetings of a commission shall be held in the city where the head office of the Department of Social Welfare and Pensions is situated and on such date as may be determined by the chairman of the commission in consultation with the chairman of the board: Provided that any meeting may with the approval of the Secretary be held elsewhere.

(2) A commission shall meet not more than six times a year, except with the approval of the Secretary.

(3) The registrar shall notify every member of the time and place of such meeting, specifying the matters to be dealt with at such meeting.

(4) The chairman may at any time with the approval of the chairman of the board and shall, whenever the chairman of the board so directs, call a special meeting of the commission by notifying every member thereof, specifying the matters to be dealt with at such meeting.

*Quorum*

**8.** Four members shall constitute a quorum at any meeting of any commission.

*Procedure at Meetings of Commissions*

**9.** (1) A commission shall at any meeting deal with those matters of which prior notice has been given and with such other matters as may be raised by the chairman or any member with the approval of the meeting or as may be directed by the board.

(2) Any resolution or recommendation of the majority of the members of any commission present at a meeting shall constitute a resolution or recommendation of such commission.

(3) Every member, including the chairman, shall have one vote: Provided that in the event of an equality of votes the chairman shall also have a casting vote.

(4) The chairman shall decide any question of order or procedure at any meeting of a commission: Provided that, if any member raises an objection to such decision, the question shall be put to the vote without discussion and the decision of the meeting shall be final.

(5) (a) The registrar shall as soon as may be after every meeting forward a copy of the draft minutes of the meeting to every member for his information and for comment within 14 days of the date of dispatch.

(b) A copy of the minutes, together with the agenda, shall be forwarded to every member of the board.

(c) The draft minutes, together with any objections received, shall be submitted to the commission for confirmation at its next meeting.

*Absence from Meetings of Commissions*

**10.** (1) A commission may for sound reasons grant any member leave of absence from meetings: Provided that leave of absence from two or more consecutive meetings or absence without leave shall be brought to the notice of the chairman of the board who shall report the matter to the Minister.

(2) Any member whose application for leave of absence from meetings has been refused by such commission may appeal to the Minister who may grant or refuse such leave.

*Secretarial Duties*

**11.** The registrar or any officer in the Public Service designated by him shall perform the secretarial duties assigned to commissions or to the registrar in respect of commissions in terms of these regulations.

*Meetings of Regional Welfare Boards*

**12.** (1) Meetings of a regional welfare board shall be held in the place where the relative regional office of the Department of Social Welfare and Pensions is situated and on such date as may be determined by the regional welfare board.

(2) A regional welfare board shall meet not more than four times a year, except with the approval of the Secretary

(3) The secretary shall notify every member of thetime and place of such meeting, specifying the matters which are to be dealt with at such meeting.

(4) The chairman shall whenever the chairman of the board or the Minister so directs call a special meeting of the regional welfare board by notifying every member thereof, specifying the matters that are to be dealt with at such meeting.

*Quorum at a Meeting of a Regional Welfare Board*

**13.** No fewer than one-third of the members shall constitute a quorum at any meeting of any regional welfare board.

*Procedure at Meetings of Regional Welfare Boards*

**14.** (1) A regional welfare board shall at any meeting deal with those matters of which prior notice has been given and with such other matters as may be raised by the chairman or any member with the approval of the meeting or as the Minister orchairman of the board may direct.

(2) Any resolution or recommendation of the majority of the members of any regional welfare board present at a meeting shall constitute a resolution or recommendation of such regional welfare board.

(3) Every member, including the chairman, shall have one vote: Provided that in the event of an equality of votes, the chairman shall also have a casting vote.

(4) The chairman shall decide any question of order or procedure at any meeting of a regional welfare board: Provided that if any member raises an objection to such decision the question shall be put to the vote without discussion and the decision of the meeting shall be final.

(5) (a) The secretary shall as soon as may be after every meeting forward a copy of the draft minutes of the meeting to every member for his information and for comment within 14 days of the date of dispatch.

(b) Sufficient copies of the minutes and the agenda shall be forwarded by the secretary to the registrar to be made available to the members of the board.

(c) The draft minutes together with any objections received. shall be submitted to the regional welfare board for confirmation at its next meeting.

*Absence from Meetings of Regional Welfare Boards*

**15.** (1) A regional welfare board may for sound reasons grant any member leave of absence from meetings: Provided that leave of absence from two or more consecutive meetings or absence without leave shall be brought to the notice of the chairman of the board who shall report the matter to the Minister.

(2) Any member whose application for leave of absence from meetings has been refused by the regional welfare board may appeal to the Minister who may grant or refuse such leave.

*Executive Committees of Regional Welfare Boards*

**16.** (a) Two of the other members of an executive committee of any regional welfare board and the *ex officio* member shall constitute a quorum at any meeting of such executive committee.

(b) Any decision of any executive committee performing any function assigned to it in terms of section 12(3)(b) of the Act, shall be deemed to be a decision of the regional welfare board.

*Application for Registration as a Welfare Organization*

**17.** (1) Any application for the registration of a welfare organization in terms of section 19 of the Act shall be submitted to the regional welfare board of the area in which such organization is carrying on its activities or proposes to carry on its activities, in the form of Form W.1, together with a certified copy of the constitution of the organization.

(2) The registrar shall in the manner directed by the board notify such welfare organization of the board’s decision on the application for registration. If the application has been granted, the registrar shall issue a certificate of registration in the form of Form W.2.

(3) The constitution of any welfare organization shall, in addition to the requirements of section 26 of the Act, set out -

(a) the name of the welfare organization

(b) the objects of the welfare organization;

(c) the area or areas in which the welfare organization proposes to render its services;

(d) how the managing committee is constituted and how vacancies on the committee are filled:

(e) how the branch and subsidiary organizations, if any, are controlled and managed;

(f) how the assets of the welfare organization are to be disposed of on the dissolution of the organization;

(g) the procedure for amending the constitution;

(h) membership.

(4) The applicant welfare organization shall furnish the secretary of the regional welfare board concerned with the address of its head office and shall advise him of any change of address.

(5) The applicant welfare organization shall inform the secretary of the local regional welfare board of the names, addresses and occupations of the members of the managing committee and of any change in such committee.

*Notice of and Objection to Application for Registration*

**18.** (1) The notice referred to in section 19(2)(a) of the Act shall be published in the *Gazette* and not less than one local newspaper, or, if there is no local newspaper, in not less than one newspaper circulating in the area in which the organization will function.

(2) Any objection under section 19(2)(b) of the Act shall be lodged within 21 days of the date of the notice in the *Gazette* in terms of subregulation (1).

*Change of Address and of Office-bearers*

**19.** A registered welfare organization shall advise the registrar and the local regional welfare board of any change of address of its head office, and of any change in the incumbency of the office of chairman, vice-chairman, secretary, treasurer or auditor.

*Exemption from Provisions of the Act*

**20.** (1) Any application in terms of section 17(1) of the Act for exemption from any of the provisions of the Act, shall be lodged with the local regional welfare board in the form of Form W.3 for transmission and recommendation to the board and shall -

(a) state the provisions of the Act from which the welfare organisation desires exemption; and

(b) the reasons for desiring such exemption.

(2) A certificate of exemption granted under section 17(1) of the Act shall be issued by the registrar to the welfare organization in the form of Form W.4.

*Board’s Decisions*

**21.** Any decision of the board relating to the rejection, wholly or in part, of any application for registration or exemption or to the amendment, surrender or cancellation of any certificate of registration or exemption: shall forthwith be transmitted in writing by the registrar to the welfare organization concerned.

*Temporary Authority to collect Contributions*

**22.** (1) An authority granted in terms of section 18(1) of the Act shall be subject to the following conditions:

(a) That the contributions collected shall be used for the purpose for which the authority has been granted and shall be disposed of within 90 days of the date of expiry of the authority;

(b) that all the moneys collected in terms of the authority shall be paid into a bank account (for this purpose “bank” includes the post office savings bank, any commercial bank, or any building society);

(c) that the person, group of persons or welfare organization to whom or to which the authority has been granted, shall keep proper books of account of the contributions collected and of the manner in which they have been spent and that such books and supporting documents may at any time be inspected by the officer who granted the authority or an officer designated by him;

(d) that unless a welfare organization has been formed and registered for the purpose of the collection, the person, group of persons or organization to whom or to which the authority has been granted, shall, within 120 days of the date of expiry of the authority, submit to the officer who granted the authority, for transmission to the board, a final audited statement of income and expenditure, together with the lists, if any, which have been used for the purpose of the collection.

(2) Any authority intended in subregulation (1) shall be issued in the form of Form W.8 and shall be accompanied by the conditions stated in the said subregulation as well as by such other conditions as may be imposed by the officer granting the authority.

*Appeal against Decisions of the Board*

**23.** (1) Any appeal under section 25(1) of the Act shall be lodged in writing with the registrar within 90 days of the welfare organization being notified of the board’s decision and shall set forth the grounds of appeal.

(2) After the appeal has been lodged, the registrar shall as soon as may be transmit to the Minister a copy thereof. The Minister shall thereupon constitute an appeal committee in terms of section 25 of the Act and shall determine the time, date and place of the hearing of the appeal.

(3) After the Minister has notified the registrar of the constitution of the appeal committee and of the time, date and place of appeal, the registrar shall as soon as may be -

(a) transmit the following to each member of the appeal committee -

(i) a copy of the appellant organization’s appeal and grounds of appeal;

(ii) a copy of the board’s reasons for the decisions against which the appeal is being lodged;

(iii) a notice stating the time, date and place of appeal; and

(b) transmit to the appellant organization copies of the documents referred to in paragraph (a)(ii) and (iii).

(4) The appeal committee shall -

(a) at its own discretion sit *in camera* or permit the public (including the press) to have access to the proceedings of the appeal, the hearing of which may from time to time be postponed;

(b) base its decision on the information before it*,* without calling for evidence; and

(c) convey its decision to the registrar who shall notify the board and the appellant organisation.

*Surrender of Certificate of Registration*

**24.** The surrender of any certificate of registration in terms of section 23 of the Act shall be published by the board for general information in the *Gazette* and the board may, in addition to any other conditions which it may deem fit to lay down in accepting the surrender, impose one or more of the following conditions on the organization concerned:

(a) It shall within a period to be determined by the board, submit to the board a final audited balance sheet and audited statement of revenue and expenditure.

(b) It shall not destroy or dispose of its records unless the prior approval of the board has been obtained.

(c) It shall by notice in a local newspaper or, if there is no local newspaper, in not less than one newspaper circulating in the area in which the organization is functioning, make known to the public that it has discontinued its functions or that it intends to discontinue its functions.

*Conditions regarding Management of a Welfare Organization*

**25.** Every managing committee shall, in addition to the duties imposed on it by section 26(2) of the Act -

(a) keep minutes of the meetings of the managing committee, in which shall be recorded the names of the members of the committee attending such meeting;

(b) pay all moneys received for the welfare organization into a bank account, kept in the registered name of the welfare organization (for this purpose “bank” includes the post office savings bank, any commercial bank or any building society);

(c) keep such books of account as will accurately reflect the financial activities of the welfare organization, including particulars of all property acquired or disposed of;

(d) furnish the registrar with all such particulars as may be necessary for the proper understanding of the documents referred to in (a) and (c);

(e) ensure that all accounts, books, records and minutes of meetings are at any time open to inspection by any inspecting officer specially authorised thereto in terms of section 30(1) of the Act, by the Secretary or the registrar;

(f) submit to the local regional welfare board, for transmission to the registrar, an audited balance sheet and audited statement of revenue and expenditure not audited by a member of the managing committee, together with the annual report for the corresponding period, within a period of six months of the close of the welfare organization’s financial year: Provided that the registrar, after consultation with the local regional welfare board, may grant the welfare organization an extension of this period;

(g) ensure that all cheques drawn on the welfare organization are in terms of the constitution duly signed by not less than two persons;

(h) ensure that no contributions are raised by the welfare organization for any purpose not stated in the constitution, as approved by the board, and that no money or property of the welfare organization is applied to any other purpose; and

(i) ensure that all books of account and supporting documents are retained for not less than three years, unless such documents shall be kept for a longer period in terms of some other Act.

*Duties of Managing Committee*

**26.** (1) When a registered welfare organization carries on its activities wholly or in part by means of branches functioning under the control and guidance of the managing committee, the managing committee shall grant each branch committee a letter of delegation in the form of Form W.5 and the managing committee shall ensure -

(a) that such branch committee complies with the provisions of regulation 25;

(b) that a record of the name and address of each branch committee and of the chairman, secretary and treasurer of each branch committee is kept in the head office of the registered welfare organization.

(2) Before amending a certificate of registration in terms of section 22, the board shall direct the managing committee concerned to -

(a) publish a notice in the *Gazette* and at least one local newspaper or, if there is no local newspaper, in at least one newspaper circulating in the area in which the organization is functioning in which notice the proposed change of name and object shall be stated; and

(b) by means of such notice request all interested persons wishing to raise objections thereto, to lodge with the registrar the representations they wish to make, within a period of 21 days.

(3) When, with the consent of the managing committee of a registered welfare organization, any person or group of persons undertakes to collect funds from the public in aid of such organization, the managing committee shall grant such person or group of persons a certificate of authority in the form of Form W.6 and/or in the form of Form W.7, and it shall be the duty of the managing committee to ensure that -

(a) the organization receives the full amount of the net proceeds of such an effort to collect funds;

(b) if the organization is to receive only a percentage of the proceeds of such an effort to collect funds the true facts shall be made known to the public before the collection of funds is commenced; and

(c) the certificate of authority issued in terms of section 29 of the Act to the person or group of persons undertaking the collection is returned to the organization as soon as may be after the date on which it expires. but not later than 21 days thereafter.

*Penalties*

**27.** Failure to comply with the provisions of regulations 22, 24, 25 and 26 shall be an offence and any person found guilty of such offence shall be liable to a fine not exceeding one hundred rand.

*Application of Regulations in the Territory*

**28.** These regulations shall also apply in the territory, including the Eastern Caprivi Zipfel.

*Repeal of Regulations*

**29.** The regulations promulgated in Government Notice R.1055*,* dated 1 July 1966, Government Notice R.397, dated 23 March 1967, and Government Notice 183, dated 22 October 1965, of the territory, are hereby repealed.

*Schedule of Prescribed Forms*

**30.** Form W.1 - Application for registration of a welfare organization - Annexure A.

Form W.2 - Certificate of registration - Annexure B.

Form W.3 - Application for exemption from the operation of any of the provisions of   
the Act - Annexure C.

Form W.4 - Certificate of exemption - Annexure D.

Form W.5 - Letter of Delegation - Annexure E.

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Annexure G.

Form W.8 - Temporary authority for the collection of contributions - Annexure H.

ANNEXURES

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