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GENERAL NOTICE

NOTICE 845 OF 2014

NATIONAL LOTTERIES REGULATIONS 2014

INVITATION FOR THE PUBLIC TO COMMENT ON THE DRAFT NATIONAL LOTTERIES AMENDMENT REGULATIONS 2014

I, Dr. Rob Davies, MP, Minister of Trade and Industry, in terms of section 32 (3) and 60 of the National Lotteries Act, 1997, hereby publish the draft National Lotteries Amendment Regulations 2014 for broader public comments.

Interested persons may submit written comments on the proposed Regulations within 30 calendar days from the date of publication to the:

Director-General, Department of Trade and Industry

For Attention: Moeketsi Lebotse

Private Bag X84

Pretoria

0001

Or Hand deliver to

77 Meintjies street

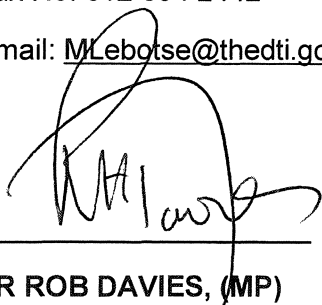
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DR ROB DAVIES, (MP)

MINISTER OF TRADE AND INDUSTRY

DATE:

22/9/14

**GOVERNMENT NOTICE
DEPARTMENT OF TRADE AND INDUSTRY**

No. R.

2014

LOTTERIES ACT, NO 57 OF 1997

**Amendment of the Direction for Distribution Agencies in determining the
distribution of funds from the National Lottery Distribution Trust Fund**

The Minister of Trade and Industry has, in consultation with the board of the National Lotteries Commission under section 60 of the Lotteries Act, 1997 (Act No. 57 of 1997), as amended, made the Regulations in this Schedule.

GENERAL EXPLANATORY NOTE

_____ Words underlined with a solid line indicate insertions in existing Regulations

SCHEDULE

Definitions

1. In these Regulations "the Regulations" means the "Direction and Procedure for the Distribution Agencies in Relation to the Distribution of Funds From National Lottery Distribution Trust Fund" published by Government Notice No. R. 644 of 20 July 2010.

Amendment of Part I of the regulations

2. Part I of the Regulations is amended by insertion of Regulation (5) after Regulation (4) as follows:

“(5) In each formal call published in terms of Regulation (4), the National Lotteries Commission may set a cap on the amount an organisation may apply for in respect of that call, irrespective of the number of projects that may be specified in such an application.”.

Substitution of Regulation 2 of the Regulations

3. Regulation 2 in Part II of the Regulations is hereby amended by the substitution therefore of the following Regulation:

“(2) The National Lotteries Commission must:

- (a) provide administrative support in order to facilitate the adjudication of applications for funding by the Distribution Agencies;

- (b) implement programmes to-
- (i) educate and raise awareness of the grant making process;
 - (ii) provide financial management training or capacity building training to applicants for grants, if the National Lotteries Commission is of the view that applicants do not possess such skills and that the said skills are necessary for the successful execution of projects which are funded by the National Lotteries Commission; and
- (c) with the approval of the Minister, develop procedures to be followed in the allocation of funds to worthy good causes after taking into consideration government priorities and any report compiled after research conducted in terms of section 2A(3) of the Act, if any.”.

Insertion of Regulation 3A in the Regulations

4. The following Regulation is hereby inserted in Part II of the Regulations, after Regulation 3:

- “3A. (1) In assessing an application for a grant in accordance with Regulation (3) (b), a Distribution Agency must-
- (a) finalise its adjudication within hundred and fifty (150) calendar days from the date of receipt of the application; and
 - (b) communicate its decision to the applicant thereon in terms of Regulation (6).
- (2) In the event of a Distribution Agency failing to comply with the time period stipulated in Regulation (3A) (a) (i), it must-
- (a) within fourteen (14) days of the lapsing of the period in (3A)(a) furnish reasons for its failure to the board in writing; and
 - (b) take all necessary steps to finalise processing of the application within a further period of thirty (30) days.

- (3) The National Lotteries Commission must develop internal timelines for application by both the National Lotteries Commission and the Distributing Agencies on the processing of grant applications from the time of receipt to final adjudication and payment.
- (4) The National Lotteries Commission may at any time take steps to verify the applicant's information and operations of the organisation which has applied for or received a grant including, conducting site visit.
5. Regulation 4 in Part II of the Regulations is hereby amended by the substitution therefore of the following:

- “(4) When assessing the application, a Distribution Agency may-
- (a) at any time request any additional information or documents, other than mandatory documents in Form 2010/2; and
- (b) take into consideration the fact that an applicant has had funding that was previously granted to it by the National Lotteries Commission withdrawn for whatever reason.”

Insertion of Regulation 8A

6. Part II of the Regulations is hereby amended by insertion of Regulation 8A after Regulation 8 as follows:
- “8A. Every organisation which received a grant from the National Lotteries Commission shall, in procuring goods or services paid for by funds so acquired, follow a transparent and competitive process as set out in the Treasury Regulations.”
7. Regulation 10 in Part II of the Regulations is hereby amended by the substitution therefore of the following:

“(10)(1)The National Lotteries Commission shall only receive and consider application for funding from an applicant who applies through an agent, representative or conduit, if:

- (a) the applicant has been in existence for less than six (6) months on the date of submission of the application; or
- (b) there is a clear need for a project in a community and that community is not organised through a recognised legal entity.

(2) Where an applicant applies for a grant through an agent, representative or conduit in terms of section 26G (3), the application must be accompanied by the following:

- (a) a statement by the applicant providing reasons why it requires assistance; and
- (b) a statement by the agent, representative or conduit on the nature of assistance it will provide to the applicant.

(3) Where an application for a grant lodged in terms of Regulation 2 in Part III is considered and approved by the Distribution Agency-

- (a) the total amount that may be charged by the agent, representative or conduit for services rendered by it to the grant beneficiary may not exceed five percent (5%) of the amount of the grant, provided that the maximum amount charged shall not exceed one hundred and fifty thousand rand (R150 000);
- (b) the agent, representative or conduit shall before transfer of any grant funds, submit a plan to the National Lotteries Commission setting out how it will transfer the requisite skills to build the capacity of the assisted organisation or community; and
- (c) furnish a report to the National Lotteries Commission on the actual execution of the plan submitted in terms of Regulation 3(b) in Part III within six (6) months of the transfer of the initial

funds or such period as has been determined in the terms and conditions of the grant.”.

Insertion of Part III in the Regulations

8. Part III is hereby inserted after Part II of Regulations:

PART III

“Categories of Applications that may not be considered by the Commission

- (1) The National Lotteries Commission shall not consider applications for funding for activities implemented -
 - (a) outside the borders of the Republic of South Africa;
 - (b) by organisations established for profit or in furtherance of objectives of a for-profit organisation;
 - (c) by organs of state; and
 - (d) by political parties.

Procedure for Review of the Decisions by Distributing Agency

- (2) Any applicant for a grant who is aggrieved by the decision of the Distribution Agency, other than a decision regarding the amount of the grant approved shall in lodging a review with the National Lotteries Commission: -
 - (a) submit a notice to review the decision of the Distribution Agency, which notice must be signed by an authorised officer of the applicant within thirty (30) days from the date the applicant received notification of the Distribution Agency’s decision; and

- (b) attach to the notice, a copy of the decision and a statement laying out the basis of the applicant's review application.

- (3) Upon receipt of documents contemplated in Regulation 3, the National Lotteries Commission must refer the matter to a review committee which shall be constituted of at least three board members.

- (4) In considering an application to review a decision of the Distribution Agency, the review committee of the board may-
 - (a) finalise the review and take a decision thereon if the documents submitted with the review application contain information which in the opinion of the review committee, is sufficient for it to reach a fair decision; or
 - (b) request to be provided with further information or documents which the review committee considers necessary for determining the review.

- (5) If the applicant fails to provide the requested information to the review committee within thirty (30) days from the date on which the applicant received the request, the review shall lapse, provided that the provisions of the Promotion of Administrative Justice Act 2000 have been complied with.

- (6) The decision of the review committee must be made within ninety (90) days from the date on which the application for review was received or the date on which the documents contemplated in Regulation 3 were lodged, as the case may be.

- (7) If the National Lotteries Commission fails to make a decision within the time specified in Regulation 6 of Part III of these Regulations, Regulation 3A (2) applies to the board with the necessary changes, and the report will be furnished to the Minister”.

**GOVERNMENT NOTICE
DEPARTMENT OF TRADE AND INDUSTRY**

No. R.

2014

LOTTERIES ACT, NO 57 OF 1997

Regulations Relating to Allocation of Money in National Lottery Distribution Trust Fund

The Minister of Trade and Industry has, in consultation with the board of the National Lotteries Commission under section 60 of the Lotteries Act, 1997 (Act No. 57 of 1997), as amended, made the Regulations in this Schedule.

GENERAL EXPLANATORY NOTE

_____ Words underlined with a solid line indicate insertions in existing Regulations

SCHEDULE

Definitions

1. In these Regulations "the Regulations" means the "Regulations Relating to Allocation of Money in National Lottery Distribution Trust Fund" published by Government Notice No. R. 645 of 20 July 2010.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is hereby amended by-
 - (a) deleting paragraph 2.1.1 in sub-regulation 2.1; and
 - (b) renumbering the remainder of sub-regulation 2.1 as follows:
 - 2.1.1 for charitable expenditure, not more than forty seven percent (47%);
 - 2.1.2 for expenditure on or connected with the development of sport and recreation, not more than thirty percent (30%);
 - 2.1.3 for expenditure on or connected with the arts, culture and the national historical, natural, cultural and architectural heritage not more than twenty percent (20%); and
 - 2.1.4 for expenditure in respect of miscellaneous category not more than three percent (3%)".

Insertion of Regulations 8, 9 10, 11, 12, 13, 14, 15 and 16 after Regulation 7 of the Regulations

3. The Regulations are hereby amended by insertion of Regulation 8, 9, 10, 11, 12, 13, 14, 15 and 16 after Regulation 7 of the Regulations as follows:

"Categories of Grants

- (8) The National Lotteries Commission must categorise the grant funding as follows-

- (a) small grants for application of funding not exceeding five hundred thousand rand (R500, 000.00);
 - (b) medium grants for application of funding for more than five hundred thousand rand (R500, 000.00) but does not exceed five million rand (R5,000, 000.00);and
 - (c) large grants for application of funding in excess of five million rand (R5, 000, 000.00).
- (9) Irrespective of the amount applied for, the Distribution Agency shall in its discretion determine the amount to be made to each approved applicant, after duly considering the monies available for distribution, the number of applications received and government priorities.
- (10) An applicant to whom a small grant is made must, annually or at such other period as may have been imposed at the time when a grant is made submit to the National Lotteries Commission a report detailing how the grant funds were used, together with all supporting invoices and any other relevant documents.
- (11) An applicant to whom a medium grant is made must, annually or at such other period as may have been imposed at the time when a grant is made, submit to the National Lotteries Commission an independently reviewed financial statement.
- (12) An applicant to whom a large grant is made must, annually or at such other period as may have been imposed at the time when a grant is made, submit to the National Lotteries Commission an audited financial statement in respect of the grant so awarded, provided that an applicant who has been awarded a grant amounting to not more than ten million rand (R10 000 000-00) is, subject to Regulation 13, only required to submit an independently reviewed financial statement.
- (13) Irrespective of the amount of grant made to an applicant, if that applicant is already required to submit an audited financial statement in terms of

any other law, the said applicant must submit to the National Lotteries Commission an audited financial statement.

- (14) No applicant to whom a grant was made by the National Lotteries Commission shall be eligible to apply for another grant within a period of twelve(12) months from the date of receipt of that grant, irrespective of whether the project is different from the one previously applied for.
- (15) Where an organisation submits an application for multi-year funding the National Lotteries Commission may subject to these Regulations, approve funding for a maximum period of three (3) years and this must be limited to applications in the charities sector.
- (16) Notwithstanding the provisions of these Regulations the National Lotteries Commission may at any time conduct a site visit in order to verify any information and operations of the organisation which has applied for or received a grant from the National Lotteries Commission”.

**APPLICATION FORM FOR FIRST TIME APPLICANTS AND EMERGING ORGANISATIONS
FOR GRANTS NOT MORE THAN R500,000.00**

FORM 2010/2

INSTRUCTIONS

1. If you are applying for a **grant less than R500 000**, please indicate (with a cross in the relevant box) if your application for funding is in terms of:

- Charities (Section 28 of the Act)
- Sport and Recreation (Section 29 of the Act)
- Arts, Culture and National Heritage (Section 30 of the Act)
- Miscellaneous Purposes (Section 31 of the Act)

2. This application form is in four parts:

- In section A: Tell us about your organisation
- In section B: Tell us about your project / programme / services
- In section C: Organisational Funding History
- In section D: Mandatory Documents

NB: If there's not enough space on this form for your answers, please use and attach further sheets of paper

.....

SECTION A

A1 Name of organization:

A2 Postal address:

Postal code:

A3 Street address:

.....

Province:

A4 Telephone number: **A5 Fax number:**.....

A5 Email address:

A6 When was your organisation formed?

A7 What kind of registered organisation are you? (E.g. Non-Profit Organisation, Section 21 Company, Public Benefit Trust):
.....

A8 When was your organisation registered?

A9 Registration number:(Please attach a copy of your registration certificate)

A10 Details of the main contact person with executive powers (e.g. Manager/Programme Director)

Name:Position:

South African I.D. Number (Attached Certified Copy of ID)

Address:Tell:

A11 Details of second contact person (e.g. Chairperson):

Name:Position:

South African I.D. Number (Attach certified copy of ID)

A12 Names and positions of the Members of the Management Committee: (Members are required to attach certified copy of ID):

1. Name: Position:

I.D. Number: Tel.....

2. Name: Position

I.D Number: Tel

3. Name: Position

I.D Number: Tel

4. Name: Position

I.D Number Tel.....

5. Name: Position:

I.D Number Tel

A13 Are you affiliated to any organisation?If yes, name them

A14 Describe the main purpose of your organisation:

.....
.....
.....
.....
.....
.....

A15 Describe the nature of services and/ or products that your organisation provides the people who will and benefit from the service and/or product:

.....
.....
.....
.....
.....

A16 In which province/s do you operate? (Tick next to the province/s that apply to you)

- Eastern Cape Free State Gauteng
- KwaZulu Natal Limpopo Mpumalanga
- Northern Cape North West Western Cape.....

A18 Please fill in the information bellow on your staff composition

| NO OF PAID STAFF | | NO OF VOLUNTEERS | |
|------------------------|------------------------|-----------------------------|-----------------------------|
| No. of full-time staff | No. of part-time staff | No. of full-time volunteers | No. of part-time volunteers |
| | | | |

SECTION B: THE FUNDS YOU ARE APPLYING FOR, AND HOW WILL YOU USE THEM IF GRANTED

B1 Are you applying for: (Tick the relevant box?)

- A grant in support of your overall operations? OR
- Funding for specific projects? If Yes, they are:
 - Already in existence?
 - An expansion?
 - New?

B2 What amount of money are you requesting?

B3 For what period? (E.G. 1 year, 2 year, multiyear ect)

B4 Please attach a detailed budget with a motivation on the utilization of grant. For capital expenditure attach supporting documents such as quotations, architectural and proof of ownership.

B5 Indicate which groups of people will benefit from the funding, if granted and how many? [Give numbers]

- Children: Women:
- Children with disabilities: Adults with disabilities:
- Youths: The elderly:
- People living with HIV/AIDS: The chronically ill:
- Drug Abusers: Criminal Offenders:
- The Unemployed: The homeless:
- Other (specify)

B6 Indicate the specific areas where the people who will benefit from the funds reside:

B7 Have you benefited from the fund before? If yes fill in the box

| Project Number | Year | Amount received and what for? | Have you submitted all progress reports? |
|----------------|------|-------------------------------|--|
| | | | |
| | | | |
| | | | |
| | | | |

B8 If you applied but were not funded, please give reasons.....

SECTION C: INFORMATION ON YOUR ORGANISATION'S

C1 Bank Details

Name in which the account is held:

Name of Bank:

Type of account: Account number:

Branch: Branch Code:

C2 List 3 people who are authorized to sign cheques on your account/s

Name: Position in Organisation:

Name: Position in Organisation:

Name: Position in Organisation:

SECTION D: REFEREES

Please give the details of three credible referees from the community in support of your application e.g. police commissioner, religious leader, local councilor, etc. (Referees must be independent and may NOT be employees, committee members or volunteers)

1. Name: Position

Tel:

2. Name: Position

Tel:

3. Name: Position

Tel.....

SECTION E: MANDATORY DOCUMENTS

The following documents should be attached to this form as applicable

Organisational founding documents (this requirement is applicable to organisations that have not previously been funded by the NLDTF or if the objectives of the organisation have since changed)

- Constitutional/ Articles and Memorandum of Association/ Trust deed
- Institutions established by an Act of Parliament must only cite the enabling Act
- Proof of registration for non- profit organisations, section 21 companies, Public Benefit Trusts and schools registered with the Department of Education (except private schools)
- (Tertiary Institutions are excluded from this requirement but they must cite the enabling Act)

Details project business plan

Details Project Budget (Specific line items with unit cost, quantities, total cost per item)

Project Motivation

Applications for declared heritage site development/renovations must be accompanied by letter of support from Municipality or Tribal Authority for the project

Any additional documents required in the guidelines issued by National Lotteries Commission

Declaration

I.....confirm, on behalf of :.....(Name of organisation) that I am authorised to sign this declaration, and that to the best of my knowledge all answers to the questions on this form are accurate. If this application is successful, this organisation will use the grant only for the purpose specified in this applications, and will comply with all the terms and conditions attached to the grant. I confirm that the organisations have the power to accept the grant subject to conditions and repay the grant if the conditions are not met.

Name:

South African Identity number:

Position in organisation

Date: Signature:

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- Maps : 012 748 6061/6065 BookShop@gpw.gov.za
- Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za
- Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

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