

## **SOUTH AFRICA NONPROFIT ORGANIZATIONS ACT, NO 71 OF 1997**

### **§12 - Requirements for registration**

(1) Any nonprofit organisation that is not an organ of state may apply to the director for registration.

(2) Unless the laws in terms of which a nonprofit organisation is established or incorporated make provisions for the matters in this subsection, the constitution of a nonprofit organisation that intends to register must-

- (a) state the organisation's name;
- (b) state the organisation's main and ancillary objectives;
- (c) state that the organisation's income and property are not distributable to its members or office-bearers, except as reasonable compensation for services rendered;
- (d) make provision for the organisation to be a body corporate and have an identity and existence distinct from its members or office-bearers;
- (e) make provision for the organisations continued existence notwithstanding changes in the composition of its membership or office-bearers;
- (f) ensure that the members or office-bearers have no rights in the property or other assets of the organisation solely by virtue of their being members or office-bearers;
- (g) specify the powers of the organisation;
- (h) specify the organisational structures and mechanisms for its governance;
- (i) set out the rules for convening and conducting meetings, including quorums required for and the minutes to be kept of those meetings;
- (j) determine the manner in which decisions are to be made;
- (k) provide that the organisation's financial transactions must be conducted by means of a banking account;
- (l) determine a date for the end of the organisation's financial year;
- (m) set out a procedure for changing the constitution;

- (n) set out a procedure by which the organisation may be wound up or dissolved;  
and
- (o) provide that, when the organisation is being wound up or dissolved, any asset remaining after all its liabilities have been met, must be transferred to another nonprofit organisation having similar objectives.