

TITLE 2

Chapter 2:04

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Acts 14/1992, 20/1997.

AN ACT to provide for the financing of political parties by the State and for matters connected therewith or incidental thereto.

[Date of commencement: 23rd October, 1992.]

1 Short title

This Act may be cited as the Political Parties (Finance) Act [Chapter 2:04].

2 Interpretation

(1) In this Act—

“elected member of Parliament” means a member of Parliament referred to in paragraph (a) of subsection (1) of section 38 of the Constitution;

“general election” means a general election of the members of Parliament held in terms of section 58 of the Constitution;

“Minister” means the Minister of Justice, Legal and Parliamentary Affairs or any other Minister to whom the President may from time to time assign the administration of this Act;

“political party” means an association or persons the primary object of which is to secure the election of one or more of its members to Parliament;

“registered” means registered in terms of section four.

(2) A person shall be deemed to be a candidate of a political party for the purposes of this Act if, having been nominated for election to Parliament, he is a member of that political party.

3 Financing of political parties

(1) Subject to this Act, in each year every registered political party shall be entitled to receive from the State the sums of money that are payable to it in terms of this Act.

(2) Not later than sixty days after the last polling day in any general election, and annually thereafter until the next general election the Minister shall publish a notice in the Gazette specifying—

(a) with the approval of the Minister responsible for finance, the total amount of moneys payable to all registered political parties in respect of the current year; and

(b) the moneys that shall be paid to each individual registered political party in respect of the current year.

(3) For the purpose of subparagraph (b) of subsection (2), each registered political party whose candidates received at least five per centum of the total number of votes cast in the most recent general election shall be entitled to the same proportion of the total moneys specified in terms of paragraph (a) of subsection (2) as the number of votes cast for all its candidates in that election bears to the total number of votes cast for all candidates in that election:

Provided that, where a candidate is declared elected in terms of section 46 or 49 of the Electoral Act [Chapter 2:01] without a poll having taken place, he shall be deemed to have received the same proportion of the votes of the registered voters in his constituency as the total number of votes cast for all candidates in the election concerned bears to the total number of registered voters in the constituencies in which those votes were cast.

(4) For the purpose of a notice published under subsection (2), other than the first notice published after a general election, the number of elected members of Parliament who are members of any political party shall be calculated as at the declaration of the result of the last preceding by-election before the publication of the notice.

(5) Where a general election is held in a year in respect of which the Minister has already published a notice in terms of subsection (2)—

(a) the Minister shall, not later than sixty days after the last polling day in the general election, publish a fresh notice amending, where appropriate, the amounts payable to each registered political party to accord with the number of elected members of Parliament who are members of that political party; and

(b) the amount payable to each registered political party after the notice has been published in terms of paragraph (a) shall be adjusted accordingly, account being taken of moneys paid before the notice was published:

Provided that no political party shall be required to refund any amount paid or the value of any benefit granted to it before the notice was published.

4 Registration of political parties

(1) Not later than seven days before the first polling day in any general election, any political party that wishes to be paid moneys in terms of this Act shall make a written application to the Minister, in such form as may be prescribed, for registration as a political party, and shall—

(a) identify each of its candidates for election in the general election; and

(b) provide such further information as may be prescribed or as the

Minister may reasonably require.

(2) On receipt of an application in terms of subsection (1), the Minister shall register the political party concerned if he is satisfied that the candidates identified by the political party in its application are members of the political party, and if he is not so satisfied he shall refuse to entertain the application.

(3) If the Minister has refused to entertain an application in terms of this section, he shall forthwith notify the political party concerned, giving reasons for his decision, and the political party shall have a right of appeal from his decision to the High Court.

(4) On an appeal in terms of subsection (3), the High Court may confirm, vary or reverse the decision of the Minister.

(5) An appeal shall lie to the Supreme Court from any decision of the High Court on an appeal in terms of subsection (3).

5 Period and manner of payment of moneys and benefits

The period and the manner in which any moneys shall be paid to registered political parties in terms of this Act shall be as prescribed.

6 Moneys and benefits to be paid from Consolidated Revenue Fund

All moneys that are to be paid to registered political parties in terms of this Act shall be paid out of moneys appropriated to the purpose by Act of Parliament.

7 Regulations

The Minister may by regulation prescribe all matters which by this Act are required or permitted to be prescribed or which, in his opinion, are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

8 Act not to require registration nor to preclude alternative financing

For the avoidance of doubt it is declared that nothing in this Act shall—

(a) require any political party to be registered in order to contest any election or otherwise to carry out its functions; or

(b) preclude any political party from lawfully obtaining moneys or benefits from persons other than the State.