



## RECENT NPO COMPLIANCE-RELATED DEVELOPMENTS (Part II)

By Ricardo Wyngaard

### ABOUT NPO LEGAL ISSUES:

This is an electronic newsletter published by: **RICARDO WYNGAARD ATTORNEYS** which is aimed at updating the non-profit sector on relevant legal issues.

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#### 'PART 2: NPO COMPLIANCE-RELATED DEVELOPMENTS'

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**RICARDO WYNGAARD ATTORNEYS** is a law practice that specialises in rendering advice and assistance on non-profit law and governance.

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### NPOs AND PAIA MANUALS

Section 51(1) of the Promotion of Access to Information Act (PAIA) requires that all private bodies, unless exempted, compile a manual (the PAIA manual) which contains the required information. The Minister of Justice and Correctional Services has previously exempted some private bodies from complying with this requirement. These exemptions are no longer in effect. The definition of 'private body' includes 'any former or existing juristic person'. NPOs are therefore also required to compile and update their PAIA manuals, which must be made available, as prescribed.

[Click here](#) to access a sample NPO PAIA Manual, which can be amended to organisational needs.

The Information Regulator has, during May 2023, issued a media statement in which it [invited](#) public and private bodies to submit annual reports for 2022-2023 financial year on information requests received and processed. The Media Release states: "The Information Regulator (Regulator) would like to invite all public and private bodies to submit their Annual Reports for the 2022-2023 financial year on access to information requests received and processed by 30 June 2023. In terms of section 32 of the Promotion of Access to Information (PAIA), the information officer of every public body must submit on an annual basis a report to the Regulator in respect of access to information requests received and processed by the public body. Section 83(4) of PAIA empowers the Regulator to also request the Heads of private bodies to furnish it with reports about requests for access to records of the private body."

Section 32 of PAIA makes it compulsory for the information officer of each public body to annually submit to the Information Regulator a report stating specific information. Section 83(4) of PAIA provides that if so requested by the Information Regulator, the head of a private body may furnish to that Information Regulator information about requests for access to records of the body.

### NPCs and BENEFICIAL OWNERSHIP REGISTERS

The Companies Amendment Regulations 2023 were published on 24 May 2023. The Companies and Intellectual Property Commission (CIPC) published a Guidance Note, No. 2 of 2023 entitled Beneficial Owner Filing Requirements on 29 May 2023. With reference to Non-Profit Companies, the Guidance Note states: Non-profit Companies with members will have to file a register containing details of their members. In line with the definition of 'beneficial owner', persons who exercise effective control of a no-profit company have to be included with the filing.' The CIPC will on 13 June 2023 host a webinar entitled: [Beneficial Ownership Register Webinar](#).

**Important Note:** The information contained in this newsletter is general in nature and should not be interpreted or relied upon as legal advice. The information may not be applicable to specific circumstances. Professional assistance should be obtained before acting on any of the information provided in this newsletter.