



Public Benefit Organisation – Written Undertaking

Furnished under section 30(4) of the Income Tax Act, No. 58 of 1962

EI2

Organisation Details

Registered Name

Taxpayer Ref No. (if applicable)

We, the undersigned persons accepting fiduciary responsibility for the public benefit organisation (PBO) hereby undertake to comply with the following requirements:

- The sole or principal object of the PBO is to carry on one or more public benefit activity (PBA), in a non-profit manner and with an altruistic or philanthropic intent.
- No PBA will directly or indirectly promote the economic self-interest of any fiduciary or employee of the PBO, otherwise than by way of reasonable remuneration payable to that fiduciary or employee.
- All PBAs carried on by the PBO will be for the benefit of, or widely accessible to, the general public at large, including any sector thereof other than small and exclusive groups.
- At least three persons who accept fiduciary responsibility for the PBO will not be connected persons in relation to each other and no single person will directly or indirectly control the decision-making powers relating to the PBO.
NOTE: This requirement is not applicable to a trust created under a will of a deceased person.
- No funds will be directly or indirectly distributed to any person, otherwise than in the course of undertaking any PBA.
- All funds will be used solely for the object for which the PBO has been established.
- On dissolution the remaining assets will be transferred to any PBO, any institution, board or body which has as its sole or principal object the carrying on of any PBA, the government of the Republic in the national, provincial or local sphere, or the National Finance Housing Corporation, which are required to use those assets solely for purposes of carrying on one or more PBA listed in the Ninth Schedule.
- No donation will be accepted which is revocable at the instance of the donor for reasons other than a material failure to conform to the designated purposes and conditions of such donation, including any misrepresentation with regard to the tax deductibility thereof under section 18A: Provided that a donor (other than a donor which is an approved PBO or an institution board or body, which has as its sole or principal object the carrying on of any PBA) may not impose conditions which could enable such donor or any connected person in relation to such donor to derive some direct or indirect benefit from the application of such donation.
- A copy of any amendment to the constitution, will, or other written instrument under which the PBO is established will be submitted to the Commissioner for the South African Revenue Service (SARS).
- The PBO will not knowingly be a party to, or will not knowingly permit, or has not knowingly permitted, itself to be used as part of any transaction, operation or scheme of which the sole or main purpose is or was the reduction, postponement or avoidance of liability for any tax, duty or levy which, but for such transaction, operation or scheme, would have been or would have become payable by any person under this Act or any other Act administered by the Commissioner for the SARS.
- No remuneration, will be paid to any employee, office bearer, member or other person which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered and has not and will not economically benefit any person in a manner which is not consistent with the objects of the PBO.
- The PBO will comply with reporting requirements as may be determined by the Commissioner for the SARS.
- No resources will be used directly or indirectly to support, advance or oppose any political party.
- A PBO which provides funds to any association of persons contemplated in Part I of the Ninth Schedule must take reasonable steps to ensure that the funds are used for purposes for which it was provided, namely to carry on one or more PBA listed in Part I of the Ninth Schedule, in the Republic.
- A PBO approved under section 18A(1)(b) of the Act, will within twelve months after the end of the relevant year of assessment distribute or incur the obligation to distribution at least 50% of all funds received by way of donation during that year in respect of which receipts were issued.
- Any PBO approved under section 18A(1)(b) of the Act, that does not distribute any amount as described in paragraph 15 above, will distribute or incur the obligation to distribute all amounts received from investment assets held by it, other than amounts received from the disposals of those investment assets to any PBO, institution, board or body approved under section 18A(1)(a) of the Act, no later than six months after –
 - every five years from the date the Commissioner issued a reference number for purposes of section 18A, if that PBO is incorporated, formed or established on or after 1 March 2015; or
 - every five years from 1 March 2015, if that PBO was incorporated, formed or established and issued by the Commissioner with a reference number for purposes of section 18A before 1 March 2015.

Signatures of three unconnected persons accepting fiduciary responsibility for the Organisation

Declaration

Date (CCYYMMDD)

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