

LAWS OF SOUTH SUDAN

POLITICAL PARTIES COUNCIL ACT, 2012 (AMENDED), 2022

POLITICAL PARTIES FUND REGULATIONS, 2024

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THE POLITICAL PARTIES FUND REGULATIONS, 2024

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SCHEDULES

IN EXERCISE of the powers conferred by Article 197A of the Transitional Constitution 2011 (as amended) to together with Sections 12 (4) and 31 of the Political Parties Act, 2012, the Political Parties Council makes the following Regulations.

CHAPTER I

PRELIMINARY PROVISIONS

1. Title and Commencement

These Regulations shall be cited as the “**Political Parties Fund Regulations, 2024**” and shall come into force on the date of its signature by the Chairperson of the Council.

2. Purpose

The purpose of these Regulations is to establish a framework to provide for procedures for Administration and management of the Fund by the Political Parties Council established under the Act.

3. Interpretations

In these Regulations, unless the context otherwise requires —

“**Act**” means the Political Parties Act, 2012(Amended),2022;

“**accounting officer**” means a person designated by the political party to be in charge of and responsible for financial accounts of the political party;

“**financial year**” means the period of twelve months ending on the thirtieth June each year;

“**Fund**” means the Political Parties Fund established under Section 34 of the Act;

“**fund account**” means the account established under Regulation 10;

“**political party**” has the meaning assigned to it in the Political Parties Act,2012;

“**Council**” means the Political Parties Council established under Section 8 of the Act;

“**qualifying Parties**” means political parties who meet requirements of funding as per section 36 of the Act;

“**political programme**” in relation to a political party, means a schedule showing the activities a political party intends to undertake, their costs and time frame; and

“**reporting period**”, means the period for auditing of the accounts of the political party.

CHAPTER II ADMINISTRATION BY THE COUNCIL

4. Management of the Fund

- (1) The Council shall be responsible for the administration and management of the Fund and in particular shall be responsible for —
 - (a) distribution of the fund to qualifying parties;
 - (b) the accounting of the receipts of the funds distributed;
 - (c) monitoring and evaluation of expenditures of the Fund by political parties;
 - (d) ensuring that proper books and records of income and expenditure of the Fund are kept;
 - (e) ensuring the reporting and disclosure of all monies received by political parties; and
 - (f) hear and determine disputes arising out of distribution of funds between political parties or coalition partners.
- (2) The Council shall table its budget before the National Treasury for the appropriate funding. Appropriations for funding political parties shall be determined as per the Annual Budgetary procedure and shall be implemented in accordance with the Financial Regulation applicable.
- (3) The Council shall ensure that money held in the Fund, including any earnings or accruals, is spent only for the purposes for which the Fund is established.
- (4) A political party shall submit to the council the audited accounts of the party in respect of expenditure on the fund.
- (5) The accounts of the Fund shall be audited annually and submitted to the Auditor General in accordance with the laws relating to the management of public funds.

5. Determination of Administration fee to defray costs of administering and managing the Fund

- (1) Subject to the limit referred to in section 36 (1), (c) of the Act, the Council must on an annual basis determine the fee it will charge to defray the cost of administering and managing the Fund.
- (2) Within fourteen(14)days of receipt of funds from the National Treasury, the Council must publish in the Gazette the fee that it will charge to defray the cost of administering and managing the Fund.
- (3) The fees published in terms of sub-regulation (2) will be that deducted from the monies held in the Fund for distribution to qualifying political parties.

6. Notification by the Council

- The Council shall within twenty-eight days upon receipt of monies from the National Treasury into the Fund—
- (a) notify all fully registered political parties in writing;
 - (b) require the eligible political parties to apply for monies from the Fund; and
 - (c) publish a notice in the Gazette stating the political parties eligible to receive the Fund.

7. Application for Funding

- (1) A qualifying party shall file an application in Form **PF 1** with the Council at least twenty-one (21) days following the publication of results by the National Election Commission.
- (2) The application shall be accompanied by the following documents:
 - (a) documents proving that the applicant satisfies the conditions laid down in Section 36 of the Act;
 - (b) a political programme setting out the objectives of the political party and the activities it intends to undertake with the funds received in accordance to Section 37 of the Act.
 - (c) particulars of the party officials responsible for political and financial management of the party and authorized to sign all financial statements and books of accounts of the party.
- (3) The Council shall adopt a decision within fourteen (14) days and authorize and manage the corresponding appropriations.

8. Verification of Applications

- (1) The Council shall in verifying that the conditions set out in Section 36 of the Act have been met by political parties -
 - (a) Request the National Election Commission to furnish it with the Gazette Notice of all elected candidates, indicating the political party and the votes garnered;
 - (b) By using the formulae provided under Section 36 of the Act, calculate the appropriations; and
 - (c) Determine the number of candidates of the party from special interest groups elected in the preceding general election.
 - (d) Ascertain that all activities in the work plan relate and conform to the purposes for which the Fund should be used.
- (2) With regard to the conditions specified in Section 36, the Council shall confirm the registration status of the political party and whether the request is a representation of a Coalition of parties.
- (3) If the Council finds that any of the conditions referred to in Sections 36 (1), (2), and (3) of the Act have not been satisfied, the relevant political party shall be excluded from funding under this Regulation.

9. Decision of the Council

- (1) The Council shall within twenty-eight(28) days of the application made under regulation 5, notify the political party of its decision in writing.
- (2) Where the application is approved, the Council shall notify the political party and effect the disbursement of the funds within fourteen (14) days of such approval.
- (3) Where the application is declined, the Council shall notify the political party giving reasons for the decision and recommendations.

CHAPTER III FUNDING OF POLITICAL PARTIES

10. Political Parties Fund Account

- (1) The Council shall open an account to be known as the Political Parties Fund Account at a bank designated by the National Treasury into which shall be paid —
 - (a) the funds approved or appropriated in accordance with section 35 (1)(a) of the Act; and
 - (b) contributions or donations from any other lawful source as contemplated under section 35(1) (b) of the Act.
- (2) The Council shall ensure that money held in the Fund, including any earnings or accruals, is spent only for the purposes for which the Fund is established.
- (3) The Council shall establish the sources of contributions and donations and where they have reasonable grounds to suspect that the source of the money relating to a contribution derives from the proceeds of any unlawful activity, the Council shall refuse such contribution.
- (3) The Council shall declare in the annual report, all accruals, interest and liabilities related to the Fund.

11. Accounting by Political Parties

- (1) Every political party which has been fully registered shall maintain proper accounts of the funds and property of such political party.
- (2) Every qualifying party shall in addition open a separate bank account into which only disbursements from the Fund shall be paid.
- (3) All qualifying parties shall open a bank account or bank accounts into which all donations and contributions from lawful sources other than the Fund shall be paid.
- (4) Every qualifying political party shall submit to the Council names of at least three officials authorized in the constitution or rules of the political party to sign bank accounts of the political party which names and particulars of the bank account shall be submitted in Form **PF 2** set out in the schedule
- (5) If the particulars provided in regulation (4) change, the political party must notify the Council in Form **PF 3** within two weeks of that change.
- (6) Funds received by the qualifying party from the fund shall be accounted for to the Council, separately from the accounting for other funds of the political party.

12. Funds and other resources to the party

- (1) Subject to the provisions of Section 35(1), (b) of the Act, every political party shall disclose to the Council information relating to any funds or other resources obtained by the party other than that allocated by the National Government from the Fund.
- (2) The authorized officer of the political party must make aggregated disclosure on all funds received from other sources separate from that received from the Fund for purposes of proper monitoring by the Council on all monies received in accordance to the Act.
- (3) Every political party shall appoint an accounting officer in accordance with its constitution to manage party resources.
- (4) The party official authorized to disclose information to the Council on behalf of the

party relating to the funds or other resources of the party who fails to disclose such information or gives false information in relation to such funds or resources obtained by a party, commits an offence and shall be liable on conviction to a fine equal to the amount or the value of the resources not disclosed or in relation to which false information was given or to imprisonment for a term of not exceeding twelve months or to both.

13. National Government Grant

- (1) The National Government shall, subject to section 35, disburse the approved amount by the National Legislature from the annual recurrent budget being not less than the agreed per centage of the revenue collected by the national government in the grant of funds to political parties in pursuance of the provisions of this Act.
- (2) The National Government shall, in addition to sub-regulation (1), grant 5% of the amount to the Council for administration of the fund.
- (3) No party shall qualify for the grant in accordance with this Act unless—
 - (a) it is a party which is fully registered under the Act;
 - (b) it has, in the immediately preceding general or local government election, had any of its candidates elected to be the President, Members of the National Assembly, State Governors and Members of State Assemblies.

14. Allocation of Funds and Disbursements

- (1) (The Council must make the payment contemplated in section 36 of the Act to a qualifying political party—
 - (a) All allocations to which a qualifying political party is entitled as determined in Section 36(1), (a), (b), (2) & (3) of the Act which must be paid to the represented political party in full.
 - (b) Only if the political party has provided the Council with the particulars of its bank account opened as per regulation (9).
- (2) All allocations from the Fund must be based on the money accumulated in the Fund from financial allocation by the National Government as approved in the national budget; and contributions and donations received to the Fund from any other lawful source as provided under Section 35 of the Act.
- (3) In allocating the monies from the Fund, the Council shall in addition to the requirements under section 36 of the Act have regard to —
 - (a) the approved political programme of the qualifying political party as per regulation (5); and
 - (b) a clearance certificate from the Auditor General after auditing of funds of the political party in the previous financial year.
- (4) The Council shall upon disbursement of the funds issue a confirmation letter of the disbursement of funds to the political party and require the political party to acknowledge receipt of the funds.

CHAPTER IV ACCOUNTING AND REPORTING

15. Accounting Officer of a Political Party

- (1) Every political party shall appoint an Accounting Officer for purposes of managing the fund in Form **PF 4** of the schedule.
- (2) The accounting officer of a qualifying political party, duly appointed in in sub-regulation (1) must keep separate books and records of account, in accordance with generally recognized accounting practice, in respect of money allocated from the Funds and all transactions involving that money.
- (3) The accounting officer of a political party must –
 - (a) submit the details of the political party's office bearers, its official addresses and the auditors appointed for auditing accounts of the party in pursuance to the Act.
 - (b) prepare the statements of accounts and submit them to the appointed auditor within three months of end of the financial year;
 - (c) in the preparation of the statements specifically account for the following –
 - (i) monies received from the National Treasury under Section 35(1), (a) of the Act.
 - (ii) any donations not accepted by the political party under section 35(1), (b) of the Act.
 - (iii) revenue from investments of its funds resulting from activities as specified under Section 35(3), (c) of the Act.
 - (iv) all donations received in aggregate or otherwise that exceed the disclosure threshold;
 - (v) any income received by the political party other than that provided for in the Act;
 - (vi) any loans made to the political party and the terms on which the money was lent;
 - (vii) a list of the bank accounts in which all donations, the membership fees, and levies imposed by the political party are deposited into a bank account opened in the name of the political party or that receive donations on behalf of the party or for use by the party.
 - (viii) A cash flow statement;
 - (ix) A summary of activities undertaken; and
 - (x) Any other information as may be required by the Council.
 - (d) Submit the auditor's opinion and audited financial statements to the Commission within six months of the end of the financial year.
- (4) If during any reporting period no donations have been accepted by the party the statement shall contain a report to that effect.
- (5) The accounting officer shall keep separate books and records of accounts in respect of funds of the political party and all transactions for each financial year.
- (6) The accounting officer commits an offence if he /she delivers a report to the Council which does not comply with any requirements of the Act.

16. Auditing of Accounts

- (1) A financial year of a fully registered political party shall conform to that of the Government;
- (2) Notwithstanding any provisions of the Act, every political party shall—
 - (a) submit to the Auditor General financial statements of its accounts at the end of each calendar year;

- (b) submit audited reports to the Council within one month after it has received the report from the Auditor General.
- (3) Each return under regulation (2) must, when delivered to the Council, be accompanied by a declaration signed by the authorized party official in Form **PF 5**.
- (4) The declaration must state—that the authorized party official has examined the returns in question an (b) that to the best of his knowledge and belief—
 - (i) it is a complete and correct return as required by law, and
 - (ii) all expenses shown in it as paid have been paid by the accounting officer or a authorised official of the party.
- (4) A person commits an offence if—
 - (a) he knowingly or recklessly makes a false declaration under this regulation; or
 - (b) contravenes data to which the return relates.
- (5) Subject to sub-regulation (2) above, the Council shall implement any recommendations of the Auditor-General.

17. Inspection of Audited Accounts

Any person shall be entitled to inspect the audited accounts filed by a political party, and upon payment of the fee set out in the Second Schedule by the Council be issued copies of the audited accounts.

18. Publication of Returns

- (1) A political party shall within ninety (90) days of the end of its financial year publish in the gazette or at least two daily newspapers with nationwide circulation the amount of money received from the Fund and its expenditure
- (2) The Council shall publish a report not later than three months of the reporting period in a least one newspaper of wide-circulation and on its website indicating-
 - (a) The amounts distributed to each qualifying party;
 - (b) Administrative expenses covered by the Fund; and
 - (c) Provisions for implementation of the regulations.
- (3) Where the Commission receive any return under regulation 16 they shall—
 - (a) as soon as reasonably practicable after receiving the return, make a copy of the return, and of any documents accompanying it, available for public inspection; and
 - (b) keep any such copy available for public inspection for the period for which the return or other document is kept by them.
- (4) The Council must publish the disclosures made in terms of Regulations 16 quarterly and online. The Council may —
 - (a) publish reports submitted by political parties;
 - (b) determine the manner and form of publishing such reports.

CHAPTER V GENERAL PROVISIONS

19. Declaration of Assets and Liabilities after elections

- (1) Subject to the Act, the accounting officer of the party shall be required to submit to the Council a statement of its assets and liabilities immediately after the publication of results by the National Election Commission.
- (2) The Declaration in sub-regulation (1) shall be submitted before application for funds under section 36 of the Act.

17. Administrative expenses of the Council

For purposes of section 36 (1) (c) of the Act, administrative and staff expenses includes the payment of—

- (a) office rent and stationery;
- (b) office equipment;
- (c) property rates;
- (d) utility bills;
- (e) postage and other forms of communication expenses; and
- (f) staff salaries.

18. Offences

- (1) A political party commits an offence if the party, its accounting officer or any other authorised person-
 - (a) makes false statements to qualify for receipt of monies from the fund.
 - (b) submits inaccurate, incorrect or misleading information.
 - (b) knowingly enters into, or does any act in furtherance of, any arrangement which facilitates or is likely to facilitate, whether by means of any concealment or disguise or otherwise, the making of or receipt of donations or body other than a permissible donor.
 - (c) knowingly gives false information relating to—
 - (i) the amount of any donation made to the party, or
 - (ii) the person or body making such a donation, which is false in a material particular; or
 - (d) with intent to deceive, withholds any material information relating to a matter within provisions of the Act.
 - (e) utilizes the monies from the fund fraudulently or contrary to the provisions of section 37 of the Act.
- (2) Any person who contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable on conviction to a fine of not less than three million SSP but not exceeding ten million SSP or to imprisonment for a term of not less than six months but not

exceeding one year or to both.

- (3) Any political party which contravenes any provision of this Act to which no specific penalty is prescribed, shall be liable to a fine of not less than ten million SSP and not exceeding fifty million SSP or to suspension or de-registration.
- (4) Notwithstanding the provisions of sub-regulation (2) and (3) a political party that fails to comply with the provisions of section 37 of the Act, shall during the period of non-compliance, be disqualified from receiving money from the Fund.
- (5) Where a person is charged with an offence under this section, it shall be a defense to prove that he took all reasonable steps, and exercised all due diligence, to ensure that any such requirements were complied with in relation to donations received by the party during the relevant reporting period.

SCHEDULE

FORM PF 1

[Reg. 7 (1).]

APPLICATION FOR FUNDING OF A POLITICAL PARTY

A. Political Party Information:

1. Date of Application.....

2. Name of Political Party.....

3. Registration No:.....

4. Physical Address:.....

5. Postal Address:.....

6. Tel No:..... Fax:.....

7. Website URL:..... Email.....

B. Contact Information:

(Please provide contact information of person responsible for programme/project)

Name:.....

Designation:.....

Tel No:..... Fax:.....

Email:.....

C. Bank account details

Name of Bank:.....

Bank Account No:.....

Bank Account Name:.....

Branch:.....

PARTICULARS OF SIGNATORIES TO POLITICAL PARTIES FUND ACCOUNT AND OTHER ACCOUNTS

Notice is hereby given by the undermentioned political party of all its banking accounts. The details are set out below. Name of political party

Banking Details

Financial institution

Branch.....

Branch Code

Account holder

Account number

Declaration

I, the undersigned, do hereby declare and certify that I have been duly authorised by resolution of the abovementioned political party to:

1. Submit this details;
2. That the banking details set out above are true and correct in every respect; and

Name and signatures of three political party officials

1. Name.....

Signature.....

ID/ Passport No..... 2.

Name.....

Signature.....

ID/ Passport No..... 3.

Name.....

Signature.....

ID/Passport No.....

In the presence of a
Commissioner for Oaths/Magistrate

NOTICE OF CHANGE OF BANK DETAILS OF A POLITICAL PARTY

Notice is hereby given that the undermentioned Political Party has changed its banking account. The changes are set out below.

Name of political party

Old Banking Details

- Financial institution
- Branch.....
- Branch Code
- Account holder
- Account number
- Name of political party.....

New Banking Details

- Financial Institution.....
- Branch.....
- Branch Code.....
- Account holder
- Account number

The Notice shall be accompanied by the following documentation:

1. Copy of the resolution confirming the authority of the signatory as passed by the Executive of the political party;

2. Proof of closure of old banking account; and
3. Confirmation of new bank account from the relevant financial institution

Declaration

I, the undersigned, do hereby declare and certify that I have been duly authorised by resolution of the above mentioned political party to:

Submit this notice;

1. That the new/ changed banking details set out above are true and correct in every respect; and
2. That the new banking details provided above are in accordance and/or compliance with the Act and Regulations.
3. Should any of the information above or documentation submitted be found to be false or inaccurate or misleading, in any manner whatsoever, I am aware that I could be held liable as prescribed in section 19(1)(b) of the Act.

Signature

Full names of Signatory

Designation

NOTICE OF APPOINTMENT OF ACCOUNTING OFFICER

Appointment of Accounting Officer

Full name of Accounting Officer

As appointed Accounting Officer for (Name of Political Party):

Address of political party

Date of appointment

Identity number

Accounting Officer's address for correspondence

Telephone number

Mobile number

Email address

Accounting officer's signature

Postal Code

Accounting Officer's Confirmation

I (name of
Accounting
Officer), hereby
confirm my
appointment as
Accounting
Officer

Postal Code

Telephone number

Mobile number

Email address

Accounting officer's signature

Declaration

I, the undersigned, in my capacity as _____ for and on behalf of the above mentioned political party do hereby declare and confirm that:

1. I am duly authorised to submit this notice to the Commission;
2. The information set out herein is true and correct in all respects;
3. The aforementioned appointment will remain effective until written notice of resignation is received from the said Accounting officer, of Notice of his/her appointment being terminated;
4. Written confirmation of any changes effected or new appointment made will be submitted to the Commission with 30 (thirty) days of such change or new appointment becoming effective;
5. I confirm and agree that any failure to comply with the provisions of Regulations may result in penalties for breach or non-compliance;

DECLARATION

I, the undersigned, hereby confirm and declare that:

The information furnished above is correct and true in every respect; and

6. The information contained in all supporting documents attached to this request is correct and true and the supporting documents are authentic in all respects; and

7. That the source of the funds in respect of any donation received by the party is not from an Organ of State, State Owned Enterprise, Foreign Government or Foreign Government Entity or Foreign Agency; and

8. The expenditure ref monies monies received from the fund reflect activities as per the political programme in pursuant to provisions of Section 37 of the Act.

Signed at _____ on this ____ day of _____ 20 ____

Signature

Full names of Signatory

Designation