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OF
SOUTH AFRICA



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No. 17939

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 31, 1997

ROAD ACCIDENT FUND ACT, 1996 (ACT No. 56 OF 1996)

In terms of section 29 of the Road Accident Fund Act, 1996 (Act No. 56 of 1996), I hereby determine **1 May 1997** as the date on which the said Act shall come into operation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria, this Ninth day of April, One thousand Nine hundred and Ninety-seven.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

S. R. MAHARAJ

Minister of the Cabinet

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 31, 1997****PADONGELUKFONDSWET, 1996 (WET No. 56 VAN 1996)**

Kragtens artikel 29 van die Padongelukfondswet, 1996 (Wet No. 56 van 1996), bepaal ek hierby **1 Mei 1997** as die datum waarop die genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Negende dag van April, Eenduisend Negehonderd Sewe-en-negentig.

N. R. MANDELA**President**

Op las van die President-in-Kabinet:

S. R. MAHARAJ**Minister van die Kabinet****PROCLAMATION***by the**President of the Republic of South Africa***No. R. 33, 1997****TRANSFER OF THE ADMINISTRATION OF THE STATISTICS ACT, 1976 (ACT No. 66 OF 1976),
AND THE CENTRAL STATISTICAL SERVICE**

In terms of paragraph 10 (c) of Annexure B of Schedule 6 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), and after consultation with the Executive Deputy President and the leader of the other participating party in the Government of National Unity, I hereby vary the determination of the portfolio of the Minister of Finance by—

- (1) entrusting to him in terms of section 97 (a) of the Constitution, 1996, the administration of the Statistics Act, 1976 (Act No. 66 of 1976);
- (2) conferring upon him in terms of section 97 (b) of the Constitution, 1996, the powers and functions as set out in the Statistics Act, 1976, for the Minister referred to in section 1 of the said Act; and
- (3) transferring to him the administration of the organisational component contemplated in section 7 (4) of the Public Service Act, 1994 (Proclamation No. 103 of 1994), known as the Central Statistical Service, which administration had in terms of section 82 (2) (c), read with section 84 (5), of the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), been assigned to Executive Deputy President T. M. Mbeki.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixteenth day of April, One thousand Nine hundred and Ninety-seven.

N. R. MANDELA**President**

By Order of the President-in-Cabinet:

T. A. MANUEL**Minister of the Cabinet**

PROKLAMASIE*deur die****President van die Republiek van Suid-Afrika*****No. R. 33, 1997****OPDRA VAN DIE ADMINISTRASIE VAN DIE WET OP STATISTIEKE, 1976 (WET No. 66 VAN 1976), EN DIE SENTRALE STATISTIEKDIENS**

Ingevolge paragraaf 10 (c) van Bylaag B van Skedule 6 van die Grondwet van die Republiek van Suid-Afrika, 1996 (Wet No. 108 van 1996), en na oorlegpleging met die Uitvoerende Adjunkpresident en die leier van die ander deelnemende party in die Regering van Nasionale Eenheid, wysig ek hiermee die bepaling van die portefeulje van die Minister van Finansies deur—

- (1) ingevolge artikel 97 (a) van die Grondwet, 1996, die administrasie van die Wet op Statistieke, 1976 (Wet No. 66 van 1976), aan hom toe te vertrou;
- (2) ingevolge artikel 97 (b) van die Grondwet, 1996, die bevoegdhede en werksaamhede soos uiteengesit in die Wet op Statistieke, 1976, van die Minister verwys na in artikel 1 van gemelde Wet, aan hom te verleen; en
- (3) die administrasie van die Organisasiekomponent, soos bedoel in artikel 7 (4) van die Staatsdienswet, 1994 (Proklamasie No. 103 van 1994), bekend as die Sentrale Statistiekdiens, aan hom op te dra, welke administrasie ingevolge artikel 82 (2) (c), saamgelees met artikel 84 (5), van die Grondwet van die Republiek van Suid-Afrika, 1993 (Wet No. 200 van 1993), opgedra was aan Uitvoerende Adjunkpresident T. M. Mbeki.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Sestiende dag van April, Eenduisend Negehoenderd Sewe-en-negentig.

N. R. MANDELA**President**

Op las van die President-in-Kabinet:

T. A. MANUEL**Minister van die Kabinet****MULEVHO***nga****Phuresidennde wa Riphabuĵiki ya Afurika Tshipembe*****No. R. 33, 1997****TSUDZULUSO YA NDAULO YA MULAYO WA ZWITATISTIKA (MULAYO No. 66 WA 1976), NA TSHUMELO YA VHUKATI YA ZWITATISTIKA**

Hu tshi tevhedzwa pharagirafu 10 (c) ya Muengedzo 6 wa Mulayotewa wa Riphabuĵiki ya Afurika Tshipembe, 1996 (Mulayo No. 108 wa 1996), nahone nga murahu ha vhukwamani na Mufarisa Phuresidennde wa Khorotshitumbe na murangaphanda wa lihwe lihoro line la khou shela mulenzhe kha muvhuso wa Vhuthihi ha Lushaka, ndi khou shandukisa afha vhuimo ha Minista wa Gwama nga u:

- (1) hwesa khæ hu tshi tevhedzwa khethekanyo 97 (a) ya Mulayotewa, 1996, ndaulo ya Mulayo wa Zwitatistika, 1976 (Mulayo No. 66 wa 1976);
- (2) nekedza khæ hu tshi tevhedzwa khethekanyo 97 (b) ya Mulayotewa, 1996, maanda na mishumo sa musi zwo bulwa kha Mulayo wa Zwitatistika, 1976, hu tshi itelwa Minista o bulwaho kha khethekanyo 1 ya Mulayo wo bulwaho; na u
- (3) sudzulusela khæ ndaulo ya tshipida tsha kudzudzanyele kwo bulwaho kha khethekanyo 7 (4) ya Mulayo wa Tshumelo ya Muvhuso, 1994 (Mulevho No. 103 wa 1994), kune kwa divhea sa Tshumelo ya Vhukati ya Zwitatistika, ndaulo ine hu tshi tevhedzwa khethekanyo 82 (2) (c), hu tshi vhalwa na khethekanyo 84 (5), ya Mulayotewa wa Riphabuĵiki ya Afurika Tshipembe, 1993 (Mulayo No. 200 wa 1993), ya vha yo nekedzwa Mufarisa Phuresidennde wa Khorotshitumbe T. M. Mbeki.

Zwo rekedzwa fhasi ha Tshanda tshanga na Tsilelo ya Riphabuḽiki ya Afurika Tshipembe Cape Town nga heli 16 duvha ja Lambamai Gidi Datahe na Futahe-sumbe.

N. R. MANDELA

Phuresidennde

Nga Ndaela ya Phuresidennde-kha-Khabinete:

T. A. MANUEL

Minista wa Khabinete

GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM DEPARTEMENT VAN OMGEWINGSAKE EN TOERISME

No. R. 604

25 April 1997

SEA FISHERY ACT, 1988 (ACT No. 12 OF 1988)

AMENDMENTS OF RREGULATIONS

The Minister of Environmental Affairs and Tourism has, after consultation with the Sea Fishery Advisory Committee, in terms of section 45 of the Sea Fishery Act, 1988 (Act No. 12 of 1988), amended the regulations promulgated in terms of the said Act, as set out in the Schedule.

SCHEDULE

1. "The Regulations" means the regulations published under Government Notice No. R. 2934 dated 23 October 1992, and amended by Government Notices No. R. 3248 of 27 November 1992, No. R. 5 of 8 January 1993, No. R. 1052 of 18 June 1993, No. R. 2003 of 15 October 1993, No. R. 2228 of 17 November 1993, No. R. 2556 of 31 December 1993, No. R. 656 of 8 April 1994 and No. R. 1371 of 12 August 1994, No. R. 987 dated 30 June 1995, No. R. 1073 dated 21 July 1995, No. R. 1644 dated 27 October 1995, No. R. 1026 dated 21 June 1996 and No. R. 1371 dated 23 August 1996.

2. Regulation 59 of the Regulations is hereby substituted by the following regulation:

59. (a) "Except on authority of a permit for own use, issued by the director-general, no person shall catch, attempt to catch or disturb any abalone from 1 May up to and including 31 October of any year.

(b) Except on authority of a permit for commercial purposes, issued by the director-general no person shall catch, attempt to catch or disturb any abalone from 1 August up to and including 31 October of any year."

3. Regulation 80 (b) of the Regulations is hereby amended by the substitution of the figure and word "1 June" with the following figure and word "1 May".

No. R. 604

25 April 1997

WET OP SEEVISSERY, 1988 (WET No. 12 VAN 1988)

WYSIGING VAN REGULASIES

Die Minister van Omgewingsake en Toerisme het, na oorleg met die Seevisserij-advieskomitee, kragtens artikel 45 van die Wet op Seevisserij, 1988 (Wet No. 12 van 1988), die Regulasies uitgevaardig kragtens genoemde Wet, gewysig soos in die Bylae uiteengesit.

BYLAE

1. "Die Regulasies" beteken die regulasies afgekondig by Goewermentskennisgewing No. R. 2934 gedateer 23 Oktober 1992, soos gewysig by Goewermentskennisgewings No. R. 3248 van 27 November 1992, No. R. 5 van 8 Januarie 1993, No. R. 1052 van 18 Junie 1993, No. R. 2003 van 15 Oktober 1993, No. R. 2228 van 17 November 1993, No. R. 2556 van 31 Desember 1993, No. R. 656 van 8 April 1994 en No. R. 1371 van 12 Augustus 1994, No. R. 987 van 30 Junie 1995, No. R. 1073 van 21 Julie 1995, No. R. 1644 van 27 Oktober 1995 en R. 1026 van 21 Junie 1996 en No. R. 1371 van 23 Augustus 1996.

2. Regulasie 59 word hierby deur die volgende regulasie vervang:

59. (a) "Behalwe op gesag van 'n permit wat deur die direkteur-generaal uitgereik is, mag niemand perlemoen vir eie gebruik gedurende die tydperk vanaf 1 Mei tot 31 Oktober van enige jaar vang, probeer vang of versteur nie.

(b) Behalwe op gesag van 'n permit wat deur die direkteur-generaal uitgereik is, mag niemand perlemoen vir kommersiële doeleindes gedurende die tydperk vanaf 1 Augustus tot 31 Oktober van elke jaar vang, probeer vang of versteur nie".

3. Regulasie 80 (b) van die Regulasies word hierby gewysig deur die uitdrukking woord "1 Junie" deur die uitdrukking "1 Mei" te vervang.

INDEPENDENT BROADCASTING AUTHORITY

No. R. 622

25 April 1997

REGULATIONS RELATING TO THE IMPOSITION OF SOUND BROADCASTING LICENCE CONDITIONS REGARDING SOUTH AFRICAN MUSIC

The Independent Broadcasting Authority has under section 53 (3) of the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993), made the regulations in the Schedule.

SCHEDULE**1. Definitions**

In these regulations any word to which a meaning has been assigned in the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993), shall have that meaning and, unless the context indicates otherwise—

“**Sound broadcasting licence**” means a broadcasting licence granted and issued for the purpose of providing a sound broadcasting service;

“**the performance period**” means the period of 126 hours in one week measured between the hours 05:00 and 23:00 each day.

2. Application of these regulations

These regulations shall apply to the holder of any category of sound broadcasting licence which devotes 15% or more of its broadcasting time during the performance period to the broadcasting of music and shall be incorporated into the licence—

- 2.1 in the case of a licensee holding a valid licence at the date of commencement of these regulations, on the day following the end of the sixth month after the date of commencement of these regulations;
- 2.2 in the case of a licence issued on or after the date of commencement of these regulations, from the date of commencement of broadcasting.

3. Imposition of sound broadcasting licence conditions regarding South African music

- 3.1 Every holder of a sound broadcasting licence to which these regulations apply must ensure that at least 20% of the musical works broadcast in the performance period consists of South African music and that such South African music is spread reasonably evenly throughout the said period.
- 3.2 The Authority may, upon written application and good cause shown by the holder of a sound broadcasting licence, grant exemption from any condition imposed by subregulation (1) or vary such condition, if it is satisfied that the exemption or variation is consistent with the objects of the Act and any regulations made thereunder.
- 3.3 The Authority will review these regulations within three years of their coming into effect with the intention of raising the quota for some or all categories of sound broadcasting licensees and reassessing the basis for calculating it.

4. Records

- 4.1 The holder of a sound broadcasting licence must keep and maintain logs, statistical forms and programme records in a format specified by the Authority containing—
 - (a) full particulars of—
 - (i) all the musical works broadcast in each hour of each day of the performance period, indicating which are South African music;
 - (ii) each item of South African music identified clearly as required by the Authority.
 - (b) such other particulars as may be required by the Authority.

- 4.2 The logs, statistical forms and records contemplated in subregulation (1) must be preserved in an original form for a period of not less than 12 months after the date of last entry.

5. Short title

These regulations may be cited as the Independent Broadcasting Authority South African Music Regulations, 1997.

No. R. 623

25 April 1997

REGULATIONS RELATING TO RECORDS TO BE KEPT BY SOUND BROADCASTING LICENSEES

The Independent Broadcasting Authority has under section 71 (1) of the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993), made the regulations in the Schedule.

SCHEDULE**1. Definitions**

In these regulations, unless the context indicates otherwise, any word to which a meaning has been assigned in the Independent Broadcasting Authority Act (Act No. 153 of 1993), shall have that meaning and, unless the context indicates otherwise—

“**sound broadcasting licensee**” means a person holding a broadcasting licence which has been issued for the purpose of providing a sound broadcasting service.

2. Records to be kept by all sound broadcasting licensees

2.1 A broadcasting licensee must, to the satisfaction of the Authority, in addition to Records prescribed by any other law, keep the following records relating to its broadcasting activities:

- (a) Documentation relating to the person or entity who or which is in control of or in a position to exercise control over the licensee concerned including documentation relating to—
 - (i) the legal status and the constitution and any other founding document of the licensee;
 - (ii) details of the directors, members or trustees and the gender, race and address of such persons; and
 - (iii) in the case of a licensee which is a company, the shareholding, the extent thereof and any changes which may occur in the control thereof;
- (b) a list of capital assets, books of account, financial records and audited financial statements;
- (c) all documentation pertaining to the opening, maintenance and changes in the status of banking accounts;
- (d) all contracts entered into by or on behalf of the licensee in connection with the daily operational activities of the licensee;
- (e) a log of all programmes broadcast in a form acceptable to the Authority;
- (f) proposed programme schedules in respect of future programming;
- (g) a public file, which includes the licence conditions of the licensee, for keeping—
 - (i) written complaints received by the licensee;
 - (ii) correspondence between the licensee and complainants;
 - (iii) a log of telephonic complaints received by the licensee;
- (h) information pertaining to personnel records including full details of individuals employed by the licensee on a full-time or part-time basis including an indication of the race and gender of each employee, the length of service and information pertaining to the status of each employee, as well as training programmes conducted by the licensee and attendance thereat;
 - (i) a log of all advertisements broadcast;
 - (j) a log of the percentage airtime per hour allocated to advertisements;
- (k) during an election period, a public file, for keeping—
 - (i) a log of all party-political advertisements broadcast by the licensee;
 - (ii) where applicable, a log of all party election broadcasts broadcast by the licensee;
- (l) a log of all sponsorships for programmes together with details of payment, financial or otherwise, received by the licensee for such sponsorship;
- (m) information pertaining to on-air fund-raising events, including details of the purpose for which such funds are to be utilised;

3. Community sound broadcasting services

3.1 In addition to the above-mentioned records, a community sound broadcasting licensee must keep the following records:

- (a) Minutes of the proceedings of all meetings including annual general meetings and special meetings of the licensee;

- (b) copies of membership records and surveys undertaken to ascertain community support;
- (c) a list of donors and details of all financial and non-monetary donations;
4. For the purposes of subregulation 3 (c), "donations" includes prizes, non-cash donations, grants or sponsorships made available for the licensee's use or awarded to the public, sections of the public, a community, or subscribers, and "donors" and "donated" shall have corresponding meanings.
5. The records prescribed by regulations 2 and 3 must be preserved for a period of two years.
6. A licensee may, by notice directed to him or her be required to produce or furnish to the Authority, at a time and place specified in the notice such records, including documents, accounts, estimates, returns and information as may be specified in such notice and relating to any matter in respect of which a duty or obligation is imposed on the licensee by the Act or these regulations or by the relevant licence.
7. **Short title**
These regulations may be cited as the Independent Broadcasting Authority Sound Broadcasting Service Records Regulations, 1997.

**SOUTH AFRICAN REVENUE SERVICE
SUID-AFRIKAANSE INKOMSTEDIENS**

No. R. 596

25 April 1997

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/351)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended to the extent set out in the Schedule hereto.

T. A. MANUEL

Minister of Finance

SCHEDULE

I Rebate Item	II			III Extent of Rebate	Annota- tions
	Tariff Heading	Rebate Code	C. D.			Description
312.01	"7117.19	01.06	67	By the insertion after tariff heading No. 70.18 of the following: Imitation jewellery of base metal	Full duty"

No. R. 596

25 April 1997

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/351)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig in die mate in die Bylae hiervan aangetoon.

T. A. MANUEL

Minister van Finansies

BYLAE

I Korting- Item	II			III Mate van Korting	Annota- sies
	Tarief- pos	Korting- kode	T. S.			Beskrywing
312.01	"7117.19	01.06	67	Deur na tariefpos No. 70.18 die volgende in te voeg: Nagemaakte juweliersware van onedelmetaal	Volle reg"

No. R. 597

25 April 1997

CUSTOMS AND EXCISE ACT, 1964

AMENDMENT OF SCHEDULE No. 3 (No. 3/350)

Under section 75 of the Customs and Excise Act, 1964, Schedule No. 3 to the said Act is hereby amended, to the extent set out in the Schedule hereto.

T. A. MANUEL

Minister of Finance

SCHEDULE

I Rebate Item	II				III Extent of Rebate	Annotations
	Tariff Heading	Rebate Code	C. D.	Description		
303.01				By the deletion of rebate code 02.06 to tariff heading No. 1511.90.		
306.10	"1511.90	01.06	6	By the deletion of tariff heading No. 3823.19.	Full duty"	
				By the insertion after tariff heading No. 11.08 of the following:		
				Palm stearine, not chemically modified, for the manufacture of stearine acid of subheading No. 3823.11		
"3823.19	01.06	6	By the insertion after tariff heading No. 3823.11 of the following:	Full duty		
			Acid oils from refining, for the manufacture of industrial monocarboxylic fatty acids of subheading No. 3823.1			
		02.06	6	Palm fatty acid distillate, for the manufacture of industrial monocarboxylic fatty acids of subheading No. 3823.1	Full duty"	

No. R. 597

25 April 1997

DOEANE- EN AKSYNSWET, 1964

WYSIGING VAN BYLAE No. 3 (No. 3/350)

Kragtens artikel 75 van die Doeane- en Aksynswet, 1964, word Bylae No. 3 by genoemde Wet hiermee gewysig, in die mate in die Bylae hiervan aangetoon.

T. A. MANUEL

Minister van Finansies

BYLAE

I Korting- item	II				III Mate van Korting	Annotations
	Tarief- pos	Korting- kode	T. S.	Beskrywing		
303.01				Deur korting kode 02.06 by tariefpos No. 1511.90 te skrap.		
306.10	"1511.90	01.06	6	Deur tariefpos No. 3823.19 te skrap.	Volle reg"	
				Deur na tariefpos No. 11.08 die volgende in te voeg:		
				Palmstearien, nie chemies gemodifiseer nie, vir die vervaardiging van steariensuur van subpos No. 3823.11		
"3823.19	01.06	6	Deur na tariefpos No. 3823.11 die volgende in te voeg:	Volle reg		
			Suur olies deur raffinering verkry, vir die vervaardiging van industriële monokarboksievetsure van subpos No. 3823.1			
		02.06	6	Palmvetsuurdistillaat, vir die vervaardiging van industriële monokarboksievetsure van subpos No. 3823.1	Volle reg"	

**DEPARTMENT OF TRANSPORT
DEPARTEMENT VAN VERVOER**

No. R. 609

25 April 1997

ROAD ACCIDENT FUND ACT, 1996

REGULATIONS

The Minister of Transport has, under section 26 of the Road Accident Fund Act, 1996 (Act No. 56 of 1996), made the regulations in the Schedule hereto.

SCHEDULE**Definitions**

1. In these Regulations, unless the context otherwise indicates, any expression to which a meaning has been assigned in the Act bears the meaning so assigned.

Further provision for liability of Fund in terms of section 17(1)(b)

2. (1) In the case of any claim for compensation referred to in section 17(1)(b) of the Act, the Fund shall not be liable to compensate any third party unless -

- (a) the bodily injury or death concerned arose from the negligent or other wrongful driving of the motor vehicle concerned;
- (b) the third party took all reasonable steps to establish the identity of the owner or the driver of the motor vehicle concerned;
- (c) the third party submitted, if reasonably possible, within 14 days after being in a position to do so an affidavit to the police in which particulars of the occurrence concerned were fully set out; and
- (d) the motor vehicle concerned (including anything on, in or attached to it) came into physical contact with the injured or deceased person concerned or with any other person, vehicle or object which caused or contributed to the bodily injury or death concerned.

(2) The liability of the Fund in the case of any claim for compensation referred to in section 17(1)(b) of the Act shall not exceed the amount for which the Fund would have been liable had it been a claim for compensation referred to in section 17(1)(a) of the Act.

(3) A claim for compensation referred to in section 17(1)(b) of the Act shall be sent or delivered to the Fund, in accordance with the provisions of section 24 of the Act, within two years from the date upon which the claim arose, irrespective of any legal disability to which the third party concerned may be subject and notwithstanding anything to the contrary in any law.

(4) The liability of the Fund in respect of any claim sent or delivered to it as provided for in subregulation (3) shall be extinguished upon the expiry of a period of five years from the date upon which the claim arose, irrespective of any legal disability to which the third party concerned may be subject and notwithstanding anything to the contrary in any law, unless a summons to commence legal proceedings has been properly served on the Fund before the expiry of the said period.

(5) The court in which the legal proceedings referred to in subregulation (4) have been instituted shall not hear the case unless the third party concerned has lodged with the court a certificate of *probabilis causa* by an independent advocate or attorney of not less than 10 years' standing who has considered all the evidence concerning causation and liability available to each of the litigants.

(6) The Fund shall at any time after having received a claim for compensation referred to in section 17(1)(b) of the Act be entitled to require the injured person concerned to submit to interrogation by the Fund at a place indicated by the Fund and to make a sworn statement fully setting out the circumstances of the occurrence concerned.

(7) The liability of the Fund in the case of any claim for compensation referred to in section 17(1)(b) of the Act shall be subject to the provisions of the Act only to the extent that those provisions are consistent with this regulation and capable of being applied in the circumstances mentioned in the said section 17(1)(b).

Forms

3. (1) A claim for compensation and accompanying medical report referred to in section 24(1)(a) of the Act shall be combined in Form 1 set out in the Annexure to these Regulations.

(2) A claim by a supplier referred to in section 24(3) of the Act shall be in Form 2 set out in the Annexure to these Regulations.

(3) The particulars and statements referred to in section 22(1)(a) of the Act shall be furnished to the Fund in Form 3 (called an accident report form) set out in the Annexure to these Regulations.

Commencement

4. These Regulations shall come into operation on 1 May 1997.

ANNEXURE

FORM 1

CLAIM FOR COMPENSATION AND MEDICAL REPORT

(Sections 17(1) and 24(1)(a) of Act No. 56 of 1996 and regulation 3(1) of the Regulations under the Act.)

Notes:

- (i) A separate form must be completed and lodged with regard to each injured or deceased person in respect of whose bodily injury or death compensation is claimed.
- (ii) In order for the Fund to be able to deal with this claim expeditiously it is essential that all the required supporting vouchers and statements should accompany this form and in the case of item 8 of this form it is desirable also to-
 - (a) attach all medico-legal reports in the possession of the claimant; and
 - (b) indicate, with regard to a claim for future loss of earnings, on a separate statement how such loss is calculated.
- (iii) Written authority for inspection by or on behalf of the Fund of all records regarding the injured or deceased person which may be in the possession of any hospital or medical practitioner must accompany this form.
- (iv) Items 1 to 5 of this form must be completed before this form is submitted to the medical practitioner for completion of the medical report.
- (v) Where blocks are provided for the purpose of replying to a question, place a cross in the appropriate block.

1. CLAIMANT:

- (a) (i) Full name and residential address of claimant.....
- (ii) Citizenship..... (iii) Identity/Passport No.....
- (iv) Telephone No: Home Work
- (b) If the claimant is claiming in a representative capacity on behalf of another person, state-

- (i) Capacity in which claimant is acting
 - (ii) Full name and address of person on whose behalf compensation is being claimed
 - (iii) Identity/Passport number of such person
 - (iv) Relationship of claimant to such person
- (Photocopies of relevant identity documents/passports and marriage and birth certificates, as the case may be, should accompany this form.)

2. PARTICULARS OF MOTOR VEHICLE FROM THE DRIVING OF WHICH THIS CLAIM ARISES:

- (a) Registration letters and numbers..... (i) Make.....
 - (ii) Type of body.....
 - (b) Name and address of owner at time of accident.....
 - (c) Name and address of driver at time of accident.....
 - (d) If the identity of neither the owner nor the driver has been established, state-
 - (i) Any additional information about motor vehicle
 - (ii) What steps were taken to establish the identity of the owner or the driver of the motor vehicle.....
- (Attach a separate statement if necessary.)

3. PARTICULARS OF ACCIDENT:

- (a) Date.....(b)Time.....(c)Place.....
- (d) Police station at which reported and police reference number.....
- (e) Attach an affidavit (supported by a rough sketch of the scene of the accident) in which particulars of the accident are fully set out.
- (f) Attach copies of all available statements (including eyewitness accounts) and documents (including police accident report and plan).

4. PARTICULARS OF ANY OTHER MOTOR VEHICLES INVOLVED IN ACCIDENT:

	Vehicle(i)	Vehicle(ii)
(a) Registration letters and numbers
(b) (i) Name of owner at time of accident.....
(ii) Address.....
(iii) Occupation
(c) (i) Name of driver at time of accident.....
(ii) Address.....

(If more than two other motor vehicles were involved the particulars should be set out on a separate statement attached to this form.)

5. PARTICULARS OF INJURED OR DECEASED PERSON:

- (a) Full name and address.....
- (b) Identity/Passport No.
- (c) Sex..... (d) Date of birth.....
- (e) Marital status at time of accident: never married married divorced widowed
- (f) If married : in community of property out of community of property customary union
- (g) Business or occupation.....
- (h) At the time of the accident, was the person travelling in one of the motor vehicles described in either item 2 or item 4? YES NO
- (i) If YES, state:
 - (i) Registration letters and numbers of motor vehicle.....; and
 - (ii) whether as a passenger or driver.....
- (j) If the person was not travelling as a passenger or driver in one of the motor vehicles described in either item 2 or 4, (i) what was his/her mode of conveyance?.....
- or (ii) was he/she a pedestrian? YES NO

- (k) Name and address of usual medical practitioner.....
- (l) Name and address of all medical practitioners who attended him/her after the accident.....
- (m) (i) At which hospital or nursing home or other place did he/she receive treatment after the accident?.....
- (ii) For what period as in-patient (from to) and/or out patient (from to)?
- (iii) Classification for hospital purposes : hospital patient private patient
- (iv) Hospital reference number
- (n) Was he/she suffering from any physical defect or infirmity immediately prior to the accident? YES NO
- (o) If YES, give details
- (p) (i) Name and address of employer at date of accident (if more than one employer, state names and addresses of all)
- (ii) Period in employment, from..... to
- (iii) Nature of work
- (iv) Date of resumption of work
- (q) Was he/she injured or killed in the course of his/her employment? YES NO
- (r) State his/her income for the 12 months immediately preceding the accident-

R

- (i) from employment.....
- (ii) from any other source (give details).....
- Total..... R.....

6. IF THE PERSON MENTIONED IN ITEM 5 WAS KILLED, THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED IN RESPECT OF SUCH PERSON:

- (a) Place where death occurred..... (b) Date of death.....
- (c) Is it known whether an inquest was held? YES NO
- (d) If known, state in what court..... Date..... and reference number..... (attach a copy of the relevant inquest record if available).
- (e) Name and address of the executor of the deceased's estate.....

7. IF THE PERSON MENTIONED IN ITEM 5 WAS KILLED AND COMPENSATION IS CLAIMED BY OR ON BEHALF OF A DEPENDANT OF THAT PERSON, THE FOLLOWING INFORMATION IS REQUIRED IN RESPECT OF SUCH DEPENDANT. (If compensation is claimed by or on behalf of more than one dependant the information required by this paragraph in respect of each dependant should be set out on a separate statement, which should be attached to this form.)

- (a) Full name and address.....
- (b) Identity/Passport No.
- (c) Sex (d) Date of birth.....
- (e) Relationship to deceased person..... (Attach a photocopy of relevant marriage and/or birth certificates, as the case may be)
- (f) Marital status at time of accident: never married married divorced widowed
- (g) If married: in community of property out of community of property customary union
- (h) Business or occupation
- (i) Is he/she suffering from any physical defect or infirmity? YES NO
- (j) If YES, give full particulars.....
- (k) Name and address of employer at date of accident and how long employed by such employer (if more than one employer, state names and addresses of all).....
- (l) State his/her income for the 12 months immediately preceding the accident -

R

- (i) from employment.....

- (ii) from any other source (give details).....
- Total*..... R.....
- (m) Details and amount of any inheritance or any other benefits received from the estate of the deceased or accruing from any other source as a result of the death of the person referred to in item 5, other than insurance and/or pension moneys.....

8. COMPENSATION CLAIMED:

Precise details must be given in respect of the following items and must be supported by vouchers, where applicable. (If necessary, the information required by this item may be set out on a separate statement duly signed and attached to this form.) [See also Note (ii) at top of form.]

<i>Item</i>	<i>Amount</i>
	R
(a) Hospital expenses (provincial hospitals).....
(b) Hospital expenses (other hospitals).....
(c) Medical expenses.....
(d) Estimated future medical expenses.....
(e) Loss of earnings/support from date of accident to date hereof.....
(f) Estimated future loss of earnings/support.....
(g) Funeral expenses.....
(h) General damages (pain and suffering, permanent disability, etc).....
<i>Total</i>	R.....

9. IF THE PERSON MENTIONED IN ITEM 5 WAS KILLED OR INJURED IN THE COURSE OF HIS/HER EMPLOYMENT STATE:

- (a) Whether the claimant is entitled to compensation under the Compensation for Occupational Injuries and Diseases Act, 1993 YES NO
- (b) If the claimant has already been compensated in terms of the Compensation for Occupational Injuries and Diseases Act, 1993, state amount received..... and Compensation Commissioner's reference.....

I hereby declare that to the best of my knowledge and belief the information set out in this form is true and correct in every respect.

Signed at..... this day of.....19.....

As witnesses:

1.

2.

.....
Signature of claimant (mentioned in item 1) or authorised legal representative. (In the latter case, proof in writing that he/she is authorised to act as legal representative of the claimant must accompany this form.)

MEDICAL REPORT

Notes:

- (i) Section 24(2)(a) provides that this report shall be completed by the medical practitioner who treated the injured or deceased person for the bodily injuries sustained by him/her in the accident from which this claim arises or by the superintendent (or his/her representative) of the hospital in which the injured or deceased person was treated for such bodily injuries.
- (ii) Where blocks are provided for the purpose of replying to a question, place a cross in the appropriate block.

1. (a) Name of person to whom this report relates.....

- (b) Are you satisfied that this is the person mentioned in item 5 of the claim form? YES NO
2. Date when first seen after accident.....
3. Did you treat him/her at any time before the accident? YES NO
If YES, give date of last such treatment and nature of ailment.....
4. Parts of body injured and degree of injuries:
- | | Head | Chest | Neck | Abdomen | Back | Upper limbs | Lower limbs | Pelvis |
|--------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Minor..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Fairly severe..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Severe..... | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
5. (a) Give full details of the nature of the injuries and any complications (e.g. fractured ribs with haemothorax, compound fracture left tibia, disfigurement, etc.)
.....
.....
.....
- (b) State treatment given to date.....
.....
.....
.....
.....
6. Is permanent disability expected? YES NO
If YES, give full details.....
If NO, has his/her condition stabilised?.....
7. Is specialist treatment being given? YES NO
If YES, give name and address of specialist.....
8. (a) Is future medical treatment foreseen? YES NO
(b) If YES:
(i) What will the probable nature of such treatment be and in respect of which injuries.....
(ii) Expected date thereof.....
(iii) Expected duration thereof.....
(iv) Estimated cost thereof R.....
(c) Is hospitalisation foreseen in connection with the future treatment referred to in (a) above? YES NO
(d) If YES, state:
(i) Expected date of such hospitalization.....
(ii) Expected duration thereof.....
9. Have the injuries aggravated any pre-existing pathological condition? YES NO
10. Has any such pre-existing pathological condition aggravated the effects of trauma? YES NO
11. If the answer to either item 9 or 10 above is YES, give full details.....
12. Has the person been confined to a hospital/nursing home? YES NO
If YES, state:
(a) Name and address of hospital/nursing home.....
(b) Hospital reference number.....
(c) Date when discharged or when discharge is expected.....
13. If in employment at date of accident, state date when return to employment is expected.....
14. In the case of death, state:
(a) Date of death..... (b) Cause.....
(c) Did any pre-existing pathological condition contribute to death? YES NO
(d) If YES, give full details.....

.....
 Name of medical practitioner..... Qualifications.....
 Address.....
 Signature..... Date.....

FORM 2

CLAIM BY SUPPLIER

(Sections 17(5) and 24(3) of Act No. 56 of 1996 and regulation 3(2) of the Regulations under the Act.)

Notes:

- (i) A separate form must be completed and lodged in respect of each injured or deceased person who was accommodated in a hospital or nursing home, or was treated, or to whom any service was rendered or goods supplied.
- (ii) This form must be completed in all its particulars. A clear reply must be given to each question, and if a question is not applicable the words "not applicable" must be inserted. A form on which ticks, dashes, deletions and alterations have been made that are not confirmed by a signature, will not be regarded as properly completed.
- (iii) This claim must be sent by registered post or delivered by hand to the Fund.
- (iv) Where blocks are provided for the purpose of replying to a question, place a cross in the appropriate block.

1. Claimant (medical or dental practitioner/nurse/supplier/pharmacist/hospital/nursing home):

- (a) Full name.....
- (b) Registered qualifications
- (c) Address.....

2. Injured or deceased person:

- (a) Full name.....
- (b) (i) Registration letters and numbers of motor vehicle from the driving of which this claim arises:.....
- (ii) Name and address of owner at time of accident.....
- (iii) Name and address of driver at time of accident.....
- (c) Accident: (i) Date..... (ii) Time.....
- (iii) Place.....
- (d) Nature of injuries.....
- (e) Names of hospitals/institutions in which he/she was treated or is being treated.....
- (f) Classification for hospital purposes:
 Private patient Hospital patient
- (g) Hospital reference number.....

3. Treatment/services rendered/goods supplied:

- (a) Dates/duration of treatment/services rendered/goods supplied:
 From..... to.....
- (b) Nature/details of treatment/services rendered/goods supplied (specify each item):

.....	R.....
.....	R.....
.....	R.....
.....	R.....
.....	R.....
<i>Total</i>	<u>R.....</u>

4. Accommodation in hospital/nursing home:

- (a) Period of accommodation:
 from..... to.....
- (b) Number of days..... at..... per day R.....
- (c) Out-patient treatment-
 Number..... at R..... each..... R.....

(d) Operating theatre fee.....	R.....
(e) Other (specify).....	R.....
.....	R.....
.....	R.....
.....	R.....
<i>Total</i>	<u>R.....</u>

.....
Signature *Date*

FORM 3

ACCIDENT REPORT FORM

(Section 22(1)(a) of Act No. 56 of 1996 and regulation 3(3) of the Regulations under the Act.)

- Notes:** (i) When any person has been injured or killed as a result of the driving of a motor vehicle, the owner and the driver of that motor vehicle must report that accident to the Fund on this form within 14 days, failing which the compensation paid to the third party may be recovered from that owner or driver.
- (ii) Where blocks are provided for the purpose of replying to a question, place a cross in the appropriate block.

Postage
paid by
addressee

**THE CHIEF EXECUTIVE OFFICER
ROAD ACCIDENT FUND
P. O. BOX 2743
PRETORIA
0001**

Date of accident.....

1. **Motor vehicle:**
 - (a) Registration letters and numbers Type of body
 - (b) Propulsion: Petrol Diesel Gas Electricity
2. **Owner at time of accident :**

Full name Occupation.....
Postal address.....
Telephone No: Business: Home.....
3. **Driver at time of accident:**

Full name Occupation.....
Postal address.....
Telephone No.: Business..... Home.....
Driver's Licence No. Date issued.....
Endorsements (if any).....
Physical/Mental defects (if any).....
4. **Other motor vehicle(s) involved in accident concerned:**

	Vehicle (i)	Vehicle (ii)	Vehicle (iii)
(a) Registration letters and numbers
(b) Name of owner at time of accident
(c) Address of owner.....

(d) Name of driver at time of accident
 (e) Address of driver.....

5. *Witness(es) to accident:*

	Witness (i)	Witness (ii)	Witness (iii)
(a) Name.....	.....	.....	.....
(b) Address.....	.....	.....	.....

6. *Person(s) injured or killed:*

	(i)	(ii)	(iii)
(a) Name.....	.....	.....	.....
(b) Address.....	.....	.....	.....

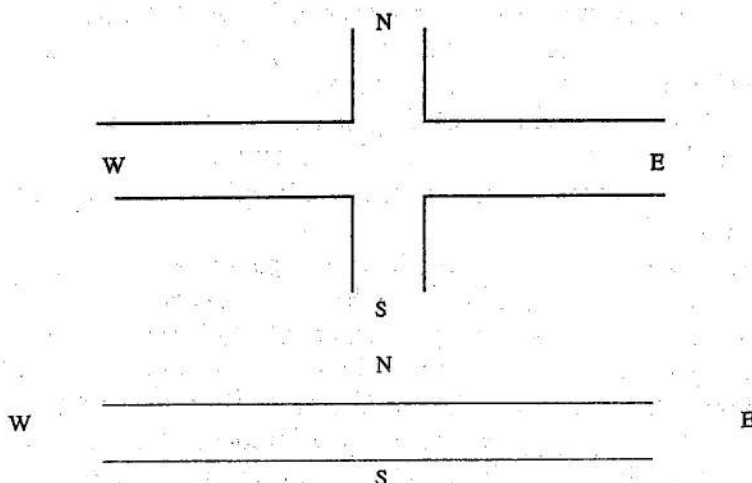
7. *Accident:*

(a) Date..... (b) Time.....
 (c) Place.....
 (d) Police station at which reported.....
 (e) Police reference number.....

8. *Conditions during accident:*

(a) Weather conditions: Sunny Dark Cloudy Rain
 (b) Visibility: Good Reasonable Bad
 (c) Road surface: Gravel Sand Tar
 (d) Street lights: On Off
 (e) Own vehicle's lights: Bright Dim None
 (f) Other vehicle's lights: Bright Dim None
 (g) Speed of own vehicle at time of accident km/h

9. *Sketch plan of accident:*
 (Furnish approximate distances)



10. *Detailed description of accident:*

.....

I declare that to the best of my knowledge the information set out in this form is true and correct.

Date.....

Signature of driver

Signature of owner

No. 609

25 April 1997

PADONGELUKFONDSWET, 1996

REGULASIES

Die Minister van Vervoer het, kragtens artikel 26 van die Padongelukfondswet, 1996 (Wet No. 56 van 1996), die regulasies in die Bylae hiertoe uitgevaardig.

BYLAE

Woordomskrywing

1. In hierdie Regulasies, tensy uit die samehang anders blyk, het enige uitdrukking waaraan 'n betekenis toegeskryf is in die Wet, die betekenis aldus toegeskryf.

Verdere voorsiening vir aanspreeklikheid van Fonds ingevolge artikel 17(1)(b)

2. (1) In die geval van enige eis vir skadevergoeding na verwys in artikel 17(1)(b) van die Wet, is die Fonds nie aanspreeklik om enige derde party te vergoed nie, tensy-

- (a) die betrokke liggaamlike besering of dood voortgevloei het uit die nalatige of ander onregmatige bestuur van die betrokke motorvoertuig;
- (b) die derde party alle redelike stappe geneem het om die identiteit van die eienaar of die bestuurder van die betrokke motorvoertuig vas te stel;
- (c) die derde party, indien redelikerwys moontlik, binne 14 dae nadat hy of sy in 'n posisie was om dit te doen, 'n beëdigde verklaring aan die polisie voorgelê het waarin besonderhede van die betrokke voorval volledig uiteengesit was; en
- (d) die betrokke motorvoertuig (met inbegrip van enigiets daarop, daarin of daaraan geheg) in fisiese kontak gekom het met die betrokke beseerde of oorlede persoon of met enige ander persoon, voertuig of voorwerp wat die betrokke liggaamlike besering of dood veroorsaak het of daartoe bygedra het.

(2) Die aanspreeklikheid van die Fonds in die geval van enige eis vir skadevergoeding na verwys in artikel 17(1)(b) van die Wet oorskry nie die bedrag waarvoor die Fonds aanspreeklik sou gewees het indien dit 'n eis vir skadevergoeding na verwys in artikel 17(1)(a) van die Wet was nie.

(3) 'n Eis vir skadevergoeding na verwys in artikel 17(1)(b) van die Wet word aan die Fonds gestuur of afgelewer, in ooreenstemming met die bepalings van artikel 24 van die Wet, binne twee jaar vanaf die datum waarop die eis ontstaan het, ongeag enige handelingsonbevoegdheid waaraan die betrokke derde party onderhewig mag wees en nieteenstaande enigiets tot die teendeel in enige wet.

(4) Die aanspreeklikheid van die Fonds ten opsigte van enige eis wat aan die Fonds gestuur of afgelewer is soos bepaal in subregulasie (3), word by die afloop van 'n periode van vyf jaar vanaf die datum waarop die eis ontstaan het, uitgewis, ongeag enige handelingsonbevoegdheid waaraan die betrokke derde party onderhewig mag wees en nieteenstaande enigiets tot die teendeel in enige wet, tensy 'n dagvaarding om 'n regsgeding te begin voor die afloop van die vermelde periode behoorlik op die Fonds beteken is.

(5) Die hof waarin die regsgeding na verwys in subregulasie (4), ingestel is, hoor nie die saak aan nie tensy die betrokke derde party 'n sertifikaat van *probabilis causa* deur 'n onafhanklike advokaat of prokureur van nie minder nie as 10 jaar se ondervinding wat al die getuienis betreffende veroorsaking en aanspreeklikheid tot beskikking van elk van die litigante oorweeg het, by die hof ingedien het.

(6) Die Fonds is te eniger tyd nadat dit 'n eis vir skadevergoeding na verwys in artikel 17(1)(b) van die Wet ontvang het, geregtig om van die betrokke beseerde persoon te vereis om hom of haar te onderwerp aan ondervraging deur die Fonds op 'n plek deur die Fonds aangedui en om 'n geswore verklaring af te lê wat die omstandighede van die betrokke voorval volledig uiteensit.

(7) Die aanspreeklikheid van die Fonds in die geval van enige eis vir skadevergoeding na verwys in artikel 17(1)(b) van die Wet is aan die bepalings van die Wet onderhewig alleenlik tot die mate waarin daardie bepalings bestaanbaar is met hierdie regulasie en vatbaar vir toepassing in die omstandighede genoem in die vermelde artikel 17(1)(b).

Vorms

3. (1) 'n Eis vir skadevergoeding en gepaardgaande mediese verslag na verwys in artikel 24(1)(a) van die Wet word saamgevat in Vorm 1, in die Aanhangsel tot hierdie Regulasies uiteengesit.

(2) 'n Eis deur 'n verskaffer na verwys in artikel 24(3) van die Wet is in Vorm 2, in die Aanhangsel tot hierdie Regulasies uiteengesit.

(3) Die besonderhede en verklarings na verwys in artikel 22(1)(a) van die Wet word aan die Fonds verskaf in Vorm 3 (genoem 'n ongeluksverslagvorm), in die Aanhangsel tot hierdie Regulasies uiteengesit.

Inwerkingtreding

4. Hierdie Regulasies tree op 1 Mei 1997 in werking.

AANHANGSEL

VORM 1

EIS VIR SKADEVERGOEDING EN MEDIESE VERSLAG

(Artikels 17(1) en 24(1)(a) van Wet No. 56 van 1996 en regulasie 3(1) van die Regulasies kragtens die Wet.)

Opmerkings:

- (i) 'n Afsonderlike vorm moet voltooi en ingedien word met betrekking tot elke beseerde of oorlede persoon ten opsigte van wie se liggaamlike besering of dood skadevergoeding geëis word.
- (ii) Sodat die Fonds in staat kan wees om spoediglik met hierdie eis te handel, is dit wesenlik dat al die vereiste ondersteunende bewyse en verklarings hierdie vorm moet vergesel en in die geval van item 8 van hierdie vorm is dit wenslik om ook-
 - (a) alle regsmediese verslae in die besit van die eiser aan te heg; en
 - (b) met betrekking tot 'n eis vir toekomstige verlies van verdienste, op 'n afsonderlike verklaring aan te dui hoe sodanige verlies bereken word.
- (iii) Skriftelike magtiging vir insae deur of namens die Fonds in alle rekords met betrekking tot die beseerde of oorlede persoon wat in die besit van enige hospitaal of mediese praktisyn mag wees, moet hierdie vorm vergesel.
- (iv) Items 1 tot 5 van hierdie vorm moet voltooi word voordat hierdie vorm aan die mediese praktisyn voorgelê word vir voltooiing van die mediese verslag.
- (v) Waar blokke voorsien word vir die doel van beantwoording van 'n vraag, plaas 'n kruis in die toepaslike blok.

1. EISER:

- (a) (i) Volle naam en woonadres van eiser.....

- (i) Indien JA, verklaar:
 - (i) Registrasieletters en -nommers van motorvoertuig.....; en
 - (ii) of as 'n passasier of bestuurder.....
- (j) Indien die persoon nie as 'n passasier of bestuurder in een van die motorvoertuie beskryf in òf item 2 òf 4 gereis het nie, (i) wat was sy/haar wyse van vervoer?.....
 of (ii) was hy/sy 'n voetganger? JA NEE
- (k) Naam en adres van gewone geneesheer.....
- (l) Naam en adres van alle mediese praktisyns wat hom/haar na die ongeluk behandel het.....
- (m) (i) By welke hospitaal of verpleeginrigting of ander plek het hy/sy na die ongeluk behandeling ontvang?

 (ii) Vir welke periode as binne-pasiënt (van..... tot)
 en/of buite-pasiënt (van..... tot)?
 (iii) Klassifikasie vir hospitaaldoeleindes : hospitaalpasiënt privaatpasiënt
 (iv) Hospitaalverwysingsnommer
- (n) Het hy/sy onmiddellik voor die ongeluk aan enige fisiese gebrek of swakheid gely?
 JA NEE
- (o) Indien JA, gee besonderhede.....
- (p) (i) Naam en adres van werkgewer op datum van ongeluk (indien meer as een werkgewer, verklaar name en adresse van almal).....

 (ii) Periode in diens, van..... tot
- (iii) Aard van werk
- (iv) Datum van hervatting van werk.....
- (q) Is hy/sy beseer of gedood in die loop van sy/haar diens? JA NEE
- (r) Verklaar hy/sy haar inkomste vir die 12 maande onmiddellik voorafgaande die ongeluk -
 R
 (i) uit diens.....
 (ii) uit enige ander bron (gee besonderhede).....
 Totaal..... R.....

6. INDIEN DIE PERSOON GENOEM IN ITEM 5, GEDOOD IS, WORD DIE VOLGENDE ADDISIONELE INLIGTING TEN OPSIGTE VAN SODANIGE PERSOON VEREIS:

- (a) Plek waar dood plaasgevind het..... (b) Datum van dood.....
- (c) Is dit bekend of 'n geregtelike doodsondersoek gehou is? JA NEE
- (d) Indien bekend, verklaar in welke hof..... Datum.....
 en verwysingsnommer..... (heg 'n afskrif van die relevante geregtelike doodsondersoekrekord aan indien beskikbaar).
- (e) Naam en adres van die eksekuteur van die oorledene se boedel.....

7. INDIEN DIE PERSOON GENOEM IN ITEM 5, GEDOOD IS EN SKADEVERGOEDING WORD DEUR OF NAMENS 'N AFHANKLIKE VAN DAARDIE PERSOON GEËIS, WORD DIE VOLGENDE INLIGTING TEN OPSIGTE VAN SODANIGE AFHANKLIKE VEREIS. (Indien skadevergoeding geëis word deur of namens meer as een afhanklike, moet die inligting vereis deur hierdie paragraaf ten opsigte van elke afhanklike op 'n afsonderlike verklaring uiteengesit word, wat by hierdie vorm aangeheg moet word.)

- (a) Volle naam en adres.....
- (b) Identiteits-/Paspootnr.
- (c) Geslag (d) Geboortedatum.....
- (e) Verwantskap aan oorlede persoon.....
 (Heg 'n fotostaat van relevante huwelik- en/of geboortesertifikaat, na gelang van die geval, aan)
- (f) Huwelikstatus ten tye van ongeluk: nooit getroud getroud geskei weduwee/wewenaar
- (g) Indien getroud: binne gemeenskap van goedere buite gemeenskap van goedere gebruikelike verbintenis
- (h) Besigheid of beroep.....
- (i) Ly hy/sy aan enige fisiese gebrek of swakheid? JA NEE
- (j) Indien JA, gee volle besonderhede.....

- (k) Naam en adres van werkgewer op datum van ongeluk en hoe lank in diens by sodanige werkgewer (indien meer as een werkgewer, verklaar name en adresse van almal).....
- (l) Verklaar sy/haar inkomste vir die 12 maande onmiddellik voorafgaande die ongeluk - R
- (i) uit diens.....
- (ii) uit enige ander bron (gee besonderhede).....
- Totaal..... R.....
- (m) Besonderhede en bedrag van enige erfenis of enige ander voordele uit die boedel van die oorledene ontvang of toevallende uit enige ander bron as gevolg van die dood van die persoon na verwys in item 5, anders as versekerings- en/of pensioengelde.....

8. SKADEVERGOEDING GEËIS:

Noukeurige besonderhede moet ten opsigte van die volgende items gegee word en moet ondersteun word deur bewyse, waar van toepassing. (Indien nodig, kan die inligting vereis deur hierdie item uiteengesit word op 'n afsonderlike verklaring, behoorlik onderteken en by hierdie vorm aangeheg.) [Sien ook Opmerking (ii) bo-aan vorm.]

<i>Item</i>	<i>Bedrag</i>
	R
(a) Hospitaaluitgawes (provinsiale hospitale).....
(b) Hospitaaluitgawes (ander hospitale).....
(c) Mediese uitgawes.....
(d) Beraamde toekomstige mediese uitgawes.....
(e) Verlies van verdienste/onderhoud vanaf datum van ongeluk tot datum hiervan.....
(f) Beraamde toekomstige verlies van verdienste/onderhoud.....
(g) Begrafnisuitgawes.....
(h) Algemene skade (pyn en lyding, permanente ongeskiktheid, ens.).....
<i>Totaal</i>	<i>R</i>

9. INDIEN DIE PERSOON GENOEM IN ITEM 5 GEDOOD OF BESEER IS IN DIE LOOP VAN SY/HAAR DIENS, VERKLAAR:

- (a) Of die eiser geregtig is op vergoeding kragtens die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993 JA NEE
- (b) Indien die eiser reeds vergoed is ingevolge die Wet op Vergoeding vir Beroepsbeserings en -siektes, 1993, verklaar bedrag ontvang..... en Vergoedingskommissaris se verwysing.....

Ek verklaar hiermee dat, na my beste wete en oortuiging, die inligting in hierdie vorm uiteengesit waar en korrek is in elke opsig.

Geteken te..... hierdie dag van..... 19.....

As getuies:

1.

2.

Handtekening van eiser (genoem in item 1) of gemagtigde regsverteenvoerder. (In laasgenoemde geval moet skriftelike bewys dat hy/sy gemagtig is om as regsverteenvoerder van die eiser op te tree, hierdie vorm vergesel.)

Posadres.....
 Telefoonnr.: Besigheid: Huis.....

3. *Bestuurder ten tye van ongeluk:*

Volle naam..... Beroep.....
 Posadres.....

Telefoonnr.: Besigheid..... Huis.....

Bestuurderslisensienr. Datum uitgereik.....

Endossemente (indien enige).....

Fisiese/Geestelike gebreke (indien enige).....

4. *Ander motorvoertuig(e) in betrokke ongeluk betrokke:*

	Voertuig (i)	Voertuig (ii)	Voertuig (iii)
(a) Registrasieletters en -nommers.....
(b) Naam van eienaar ten tye van ongeluk
(c) Adres van eienaar.....
(d) Naam van bestuurder ten tye van ongeluk.....
(e) Adres van bestuurder.....

5. *Getuie(s) van ongeluk:*

	Getuie (i)	Getuie (ii)	Getuie (iii)
(a) Naam.....
(b) Adres.....

6. *Persoon(e) beseer of gedood:*

	(i)	(ii)	(iii)
(a) Naam.....
(b) Adres.....

7. *Ongeluk:*

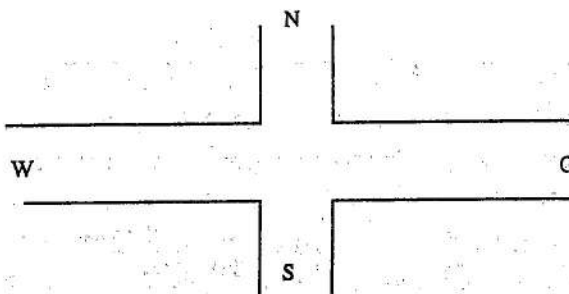
(a) Datum..... (b) Tyd.....
 (c) Plek.....
 (d) Polisie-stasie waar aangemeld.....
 (e) Polisie-verwysingsnommer.....

8. *Toestande tydens ongeluk:*

- (a) Weersomstandighede: Sonlig Donker Bewolk Reën
- (b) Sigbaarheid: Goed Redelik Swak
- (c) Padoppervlakte: Gruis Sand Teer
- (d) Straatligte: Aan Af
- (e) Eie voertuig se ligte: Helder Gedomp Geen
- (f) Ander voertuig se ligte: Helder Gedomp Geen
- (g) Spoed van eie voertuig ten tye van ongeluk..... km/h

9. *Sketsplan van ongeluk:*

(Verskaf benaderde afstande)



1. SCOPE OF APPLICATION OF AGREEMENT

- (1) The terms of this Agreement shall be observed in the Hairdressing and Cosmetology Trade—
- by all employers who are members of the employers' organisation and by all employees who are members of the trade union;
 - in the Magisterial Districts of Pretoria and Wonderboom.
- (2) Notwithstanding the provisions of subclause (1), the terms of this Agreement shall—
- apply only to employees for whom wages are prescribed in this Agreement and to the employers of such employees;
 - apply to apprentices only in so far as they are not inconsistent with the provisions of the Manpower Training Act, 1981, or any contract entered into or any condition fixed thereunder.

2. CLAUSE 5: WAGES

Substitute the following for the schedule of wages:

"Wage scale as from 1 March 1997

	Per month	Per week	Per hour
(a) Qualified hairdresser:			
First year after qualification	R1 365,00	R315,24	R 7,51
Thereafter	R1 955,00	R451,50	R10,75
(b) Operator	R1 210,00	R279,45	R 6,65
(c) Clerical employee, receptionist and/or telephonist.....	R1 419,00	R327,71	R 7,80
(d) Manicurist/nail technician and/or beauty therapist	R1 419,00	R327,71	R 7,80
(e) Trainee manicurist/nail technician and/or beauty therapist	60% of the prescribed salary until qualified		
(f) Part-time employee	Two-thirds of the prescribed wage".		

Signed at Pretoria, for and on behalf of the parties, this 20th day of December 1996.

D. S. CLUTTON

Chairman of the Council

J. WEINTRAUD

Vice-Chairman of the Council

J. P. FORBES

Secretary of the Council

No. R. 602

25 April 1997

WET OP ARBEIDSVARHOUDINGE, 1956

HAARKAPPERS- EN KOSMETOLOGIENYWERHEID, PRETORIA: WYSIGING VAN OOREENKOMS

Ek, Tito Titus Mboweni, Minister van Arbeid, verklaar hierby—

- krachtens artikel 48 (1) (a) van die Wet op Arbeidsverhoudinge, 1956, dat die bepalings van die Ooreenkoms (hierna die Wysigingsooreenkoms genoem) wat in die Bylae hiervan verskyn en betrekking het op die Onderneming, Nywerheid, Bedryf of Beroep in die opskrif by hierdie kennisgewing vermeld, met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 eindig, bindend is vir die werkgewersorganisasie en die vakvereniging wat die Wysigingsooreenkoms aangegaan het en vir die werkgewers en werknemers wat lede van genoemde organisasie of vereniging is; en
- krachtens artikel 48 (1) (b) van genoemde Wet, dat die bepalings van die Wysigingsooreenkoms, uitgesonderd dié vervat in klousule 1 (1) (a), met ingang van die tweede Maandag na die datum van publikasie van hierdie kennisgewing en vir die tydperk wat op 10 Mei 1998 eindig, bindend is vir alle ander werkgewers en werknemers as dié genoem in paragraaf (a) van hierdie kennisgewing wat betrokke is by of in diens is in genoemde Onderneming, Nywerheid, Bedryf of Beroep in die gebiede in klousule 1 van die Wysigingsooreenkoms gespesifiseer.

T. T. MBOWENI

Minister van Arbeid

BYLAE**NYWERHEIDSRAAD VIR DIE HAARKAPPERS- EN KOSMETOLOGIEBEDRYF (PRETORIA)****OOREENKOMS**

ooreenkomstig die Wet op Arbeidsverhoudinge, 1956, gesluit deur en aangegaan tussen die

S.A. Hairdressers' and Cosmetologists' Association (Northern Gauteng Division)

(hierna die "werkgewers" of die "werkgewersorganisasie" genoem), aan die een kant, en die

S.A. Hairdressers' Employees' Industrial Union (Northern Gauteng Branch)

(hierna die "werknemers" of die "vakvereniging" genoem), aan die ander kant,

wat die partye is by die Nywerheidsraad vir die Haarkappers- en Kosmetologiebedryf (Pretoria),

tot wysiging van die Ooreenkoms gepubliseer by Goewermentskennisgewing R. 1684 van 18 Oktober 1996, soos gewysig by Goewermentskennisgewing No. R. 2064 van 13 Desember 1996.

1. TOEPASSINGSBESTEK VAN OOREENKOMS

- (1) Hierdie Ooreenkoms moet in die Haarkappers- en Kosmetologiebedryf nagekom word—
- deur alle werkgewers wat lede van die werkgewersorganisasie is en deur alle werknemers wat lede van die vakvereniging is;
 - in die landdrostdistrikte Pretoria en Wonderboom.
- (2) Ondanks subklousule (1) is hierdie Ooreenkoms—
- van toepassing slegs op werknemers vir wie lone in hierdie Ooreenkoms voorgeskryf word en op die werkgewers van sodanige werknemers;
 - van toepassing op vakleerlinge slegs vir sover dit nie onbestaanbaar is nie met die Wet op Mannekragopleiding, 1981, soos gewysig, of 'n kontrak wat daarkragtens aangegaan of 'n voorwaarde wat daarkragtens vasgestel is.

2. KLOUSULE 5: LONE

Vervang die loonskaal deur die volgende:

"Loonskaal soos vanaf 1 Maart 1997

	Per maand	Per week	Per uur
(a) Gekwalifiseerde haarkapper:			
Eerste jaar na kwalifikasie.....	R1 365,00	R315,24	R 7,51
Daarna.....	R1 955,00	R451,50	R10,75
(b) Operateur.....	R1 210,00	R279,45	R 6,65
(c) Klerk, ontvangsdame en/of telefoniste.....	R1 419,00	R327,71	R 7,80
(d) Manikuris/naeltegnikus en/of skoonheidsterapeut.....	R1 419,00	R327,71	R 7,80
(e) Leerlingmanikuris/naeltegnikus en/of skoonheidsterapeut.....	60% van die voorgeskrewe salaris tot gekwalifiseerd		
(f) Deeltydse werknemer.....	Twee derdes van die voorgeskrewe loon".		

Vir en namens die partye op hede die 20ste dag van Desember 1996, te Pretoria onderteken.

D. S. CLUTTON

Voorsitter van die Raad

J. WEINTRAUD

Ondervoorsitter van die Raad

J. P. FORBES

Sekretaris van die Raad

No. R. 606

25 April 1997

MANPOWER TRAINING ACT, 1981

**TRAINING SCHEME FOR THE CARGO HANDLING SECTOR OF THE MARITIME INDUSTRY
CORRECTION NOTICE**

The following correction to Government Notice No. R. 135 of 31 January 1997 is published hereby for general information:

Substitute subclause 7.3 with the following:

The levy shall be payable by every employer in the Cargo Handling Sector to the Fund.

No. R. 617

25 April 1997

MANPOWER TRAINING ACT, 1981

TRAINING SCHEME FOR THE HAIRDRESSING AND COSMETOLOGY SERVICES INDUSTRY

I, Tito Titus Mboweni, Minister of Labour, hereby, in terms of section 39 (5) of the Manpower Training Act, 1981, withdraw Government Notice No. R. 1863 of 3 July 1992 and declare that the provisions of the Scheme which appear in the Schedule hereto shall be binding with effect from the second Monday after the date of publication of this notice and upon all employers and employees who are engaged or employed in the Hairdressing and Cosmetology Services Industry in the area specified in the Schedule hereto, and shall terminate on the date of withdrawal of the Scheme in terms of section 39 (3) of the Act.

T. T. MBOWENI**Minister of Labour**

SCHEDULE

The training scheme for the Hairdressing and Cosmetology Services Industry ("the industry") has been established by the South African Hairdressers and Cosmetologists Association for the training of employees in the industry and provides for the establishment of a fund for the purpose of the scheme, the payment of contributions to the fund by employers in the industry and the establishment of an education and training board to administer the fund, to be called the "Hairdressing and Cosmetology Services Industry Education and Training Fund".

1. NAME OF THE SCHEME

The name of the scheme is the "Hairdressing and Cosmetology Services Industry Education and Training Scheme".

2. SCOPE OF APPLICATION OF THE SCHEME

The provisions of the scheme must be observed by all employers and employees who are engaged or employed in the Hairdressing and Cosmetology Services Industry in the Republic of South Africa.

3. DEFINITIONS

Any expression used in this scheme is defined in the Manpower Training Act, has the same meaning as in the Act and any reference to the Act includes any amendments and regulations. Unless inconsistent with the context—

3.1 "Act" means the Manpower Training Act, 1981 (Act No. 56 of 1981);

3.2 "apprentice", for the purpose of clause 8.3.1 and 8.3.2 excludes any minor employed in terms of the provisions of section 15 of the Act;

3.3 "Board" means the Hairdressing and Cosmetology Services Industry Education and Training Board;

3.4 "employer" means any employer, as defined in the Act, who employs or provides work for any employee and includes someone who is self employed in the industry;

3.5 "Industry" means the Hairdressing and Cosmetology Services Industry, as defined in clause 4;

3.6 "Registrar" means the Registrar of Manpower Training as defined in the Act.

4. THE INDUSTRY TO WHICH THE SCHEME APPLIES

The industry to which the scheme applies is the Hairdressing and Cosmetology Services Industry, where—

4.1 "cosmetology" means any one or more of the services usually performed by the cosmetologists in a salon and includes, but is not limited to—

4.1.1 manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used including acrylic, fibre glass or gel;

- 4.1.2 eyebrow shaping and plucking including the application of false or artificial eyebrows and eyelashes;
- 4.1.3 cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means;
- 4.1.4 facial skin care;
- 4.1.5 removal of unwanted or superfluous hair from the head or face by whatever means are used, other than shaving, but including waxing, chemical depilatories, electrical or mechanical means,

whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;

4.2 "Hairdressing" means any one or more of the services usually performed by hairdressers in a salon, and includes, but is not limited to—

4.2.1 any service to the scalp or the hair of the head or face, including the following:

4.2.1.1 Shampooing and cleansing, and conditioning and treating;

4.2.1.2 chemical reformation of the hair including permanent waving, relaxing and straightening of the hair;

4.2.1.3 hair colouring, including tinting, dyeing and colouring by means of permanent, semi permanent or temporary means, and including the use of colour rinses, shampoos, gels or mousses; and lightening by means of tints, bleaches, highlights or high lifting tints or toners;

4.2.1.4 hair cutting and shaping;

4.2.1.5 barbering services including shaving and singeing of hair;

4.2.1.6 hair styling and arranging, including design, curling, waving (whatever means are used including water, the Marcel method, or heat), blow drying and blow waving and styling, tonging, pressing and silking,

whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations;

4.2.2 massage or stimulative treatment or exercise of the face, scalp or neck;

4.2.3 the adding to hair of natural and artificial hair and hair extensions, board work, postiche, wigmaking or the performing of any operation on any wig or hairpiece to be worn by any person;

4.2.4 trichology and trichological treatment including the treatment of abnormalities and disorders of the hair;

4.3 "salon" means a place where any one or more of the following services are performed for gain:

4.3.1 Any hairdressing service;

4.3.2 any hairdressing service and any cosmetology service;

4.3.3 any cosmetology service mentioned in clause 4.1.1 whether or not it is combined with any hairdressing service;

4.3.4 any cosmetology service mentioned in clause 4.1.1 and any other cosmetology service;

but excludes any cosmetology mentioned in clauses 4.1.2 to 4.1.5 if any one or more of those services are performed on their own and not together with any hairdressing service or any cosmetology service mentioned in clause 4.1.1.

5. OBJECTS OF THE SCHEME

5.1 The object of the scheme is to assist the Board to attain its objectives as set out in its constitution. The principal object of the Board is to promote the common interests of employers and employees in the industry by assuming joint responsibility for the education and training needs of employees in the industry, and all other objects are subsidiary to this principal objective. The activities of the Board are to be wholly directed to the furtherance of this principal objective.

6. HAIRDRESSING AND COSMETOLOGY SERVICES INDUSTRY EDUCATION AND TRAINING FUND

- 6.1 The fund is to be administered by the Board.
- 6.2 Into the fund is to be paid—
 - 6.2.1 training levies in terms of clause 8 of this scheme;
 - 6.2.2 interest and/or capital appreciation derived from the investment of any moneys of the fund;
 - 6.2.3 any other moneys to which the fund may become entitled in terms of the constitution of the Board.
- 6.3 The money in the fund is to be applied to the attainment of the objects of the scheme as set out in clause 5.

7. ESTABLISHMENT AND FUNCTION OF THE HAIRDRESSING AND COSMETOLOGY INDUSTRY EDUCATION AND TRAINING BOARD

- 7.1 The Hairdressing and Cosmetology Services Industry Education and Training Board has been established by the South African Hairdressers and Cosmetologists Association and the South African Hairdressers Employees Industrial Union in accordance with a constitution approved by the Registrar.
- 7.2 The Board has the power to deal with all matters falling within the scope of the objects of this scheme, as set out in clause 5.

8. RETURNS AND CONTRIBUTIONS TO THE FUND

- 8.1 From the date of coming into operation of the scheme, every employer in the industry must pay to the fund at P.O. Box 1967, Roodepoort, 1725, or such other address as may be advised in writing and posted by prepaid registered post to the employer, by the 14th day of the month, in respect of each establishment owned or operated by him, the levy in clause 8.3, which payment must be made monthly by crossed cheque payable to the Board.
- 8.2 Costs incurred in collecting late levies or contributions may be charged to and paid by the employer concerned.
- 8.3 The levy referred to in clause 8.1 is the sum of—
 - 8.3.1 R28,75 (twenty-eight rand and seventy-five cents) per month in the case of an employer who has in his or her employ at least one apprentice for the month to which the levy relates; and
 - 8.3.2 R40,25 (forty rand and twenty-five cents) per month in the case of an employer who does not have in his or her employ at least one apprentice for the month to which the levy relates;plus, in either case, VAT thereon at the standard rate (if applicable).

9. INFORMATION FOR CONTRIBUTORS

The Board is obliged to furnish every employer in the industry who is obliged to contribute to the scheme details concerning the scheme in such form as it may from time to time determine, such details to include the levies payable to the fund, the financial incentives to be provided under the scheme, and the procedure to be followed for the lodging of claims against the fund. Any such employer is entitled to a copy of the constitution of the Board on payment of the fee therefor prescribed from time to time by the Board, but not exceeding R25.

10. FINANCE

- 10.1 All money received for purposes of the Fund must be deposited into a banking account in the name of the Board, within seven (7) days of receipt thereof.
- 10.2 All payments made on behalf of the fund are to be made by cheque drawn on the bank account and signed by the Executive Director of the board and countersigned by the Chairman or any other office bearer or official designated in writing by the Board.
- 10.3 Funds which are not required for immediate use may at the discretion of the Board be invested in terms of the constitution of the Board or in such other manner as may be approved by the Registrar.
- 10.4 The Board must annually appoint a public auditor, paid out of the fund, to audit the accounts of the fund for the period ending 31 December. Copies of the audited accounts are to be made available to the persons who are entitled to them in terms of the constitution of the Board.

11. DISSOLUTION OF THE SCHEME

- 11.1 Upon the termination of the scheme the assets of the fund must be transferred to the Board for disposal in accordance with its constitution, and the Board is responsible for the satisfaction of all the liabilities of the scheme.
- 11.2 The Registrar must be notified of the termination of the scheme in good time.

12. AGENTS

- 12.1 The Board may appoint agents on such terms and subject to such conditions as the Board may deem fit to give effect to the objects of the scheme.
- 12.2 The appointment of an agent may be revoked by the Board at any time and for any reason.
- 12.3 The agent shall be empowered to enter any establishment and may question the employer or any employee for the purpose of ascertaining whether or not the provisions of clause 8 are being observed.

13. INDEMNITY

- 13.1 The office bearers, officials, employees and members of the Board and the committees of the Board ("the servant") are not liable for any claims whatsoever that may be made against them arising out of or in connection with the fund and its administration, provided that—
- 13.1.1 the claim arose due to an act or omission on the part of the servant acting in the course and within the scope of his duties; and
- 13.1.2 the claim did not arise due to dishonesty, fraud, breach of trust, wilful default or wilful breach of duty on the part of the servant.
- 13.2 All expenses or disbursements incurred by the servant in defending any claim against him or her whether of a civil or criminal nature shall be reimbursed to him by the Board provided that the action giving rise to the claim is covered by the indemnity set out above.

14. EXEMPTIONS

Exemptions from any provision of this scheme may be granted by the Minister of Labour. An application for exemption must be submitted to the Board at the address referred to in clause 8. The Board must within 30 days of receiving such an application submit it, together with any recommendation by the Board, to the Director-General: Labour.

No. R. 618**25 April 1997****MANPOWER TRAINING ACT, 1981****JEWELLERY AND PRECIOUS METAL INDUSTRY TRAINING BOARD:
AMENDMENT OF CONDITIONS OF APPRENTICESHIP**

I, Tito Titus Mboweni, acting in terms of section 13 of the Manpower Training Act, 1981, hereby amend with effect from the date of publication of this notice, Government Notice No. R. 1989 of 25 November 1994, by the substitution in clause 3 of the conditions for paragraph (1) of the following paragraph:

- "(1) An employer shall pay an apprentice weekly in accordance with the apprentice's achieved stage of training, at not less than the rates specified below:

ACHIEVED STAGE OF TRAINING

- Stage 1: R200 per week.
- Stage 2: 40% of prescribed minimum journeyman's rate.
- Stage 3: 60% of prescribed minimum journeyman's rate.
- Stage 4: 70% of prescribed minimum journeyman's rate.
- Stage 5: 90% of prescribed minimum journeyman's rate.

T. T. MBOWENI
Minister of Labour

No. R. 627

25 April 1997

UNEMPLOYMENT INSURANCE BOARD**NOTICE TO CONTRIBUTORS AND DEPENDANTS OF DECEASED CONTRIBUTORS TO THE UNEMPLOYMENT INSURANCE FUNDS OF THE FORMER REPUBLICS OF TRANSKEI, BOPHUTHATSWANA, VENDA AND CISKEI**

1. The Unemployment Insurance Board hereby gives notice that, all contributors and dependants of deceased contributors who lodged applications for benefits or payments in terms of the Unemployment Insurance Acts of the former TBVC countries prior to **1 July 1996**, and who have not received any payment or response from the relevant Funds, should report at the nearest Magistrate's Office or office of the Department of Labour in order to report that fact.

2. Contributors and dependants of deceased contributors may report such non payment/response within a period of two months from the date of publication of this Notice, after which date no further complaints, representations or enquiries will be entertained or considered.

T. T. MBOWENI

Minister of Labour

No. R. 627

25 April 1997

WERKLOOSHEIDVERSEKERINGSRAAD**KENNISGEWING AAN BYDRAERS EN AFHANKLIKES VAN OORLEDE BYDRAERS TOT DIE WERKLOOSHEID-VERSEKERINGSFONDSE VAN DIE VOORMALIGE REPUBLIEKE VAN TRANSKEI, BOPHUTHATSWANA, VENDA EN CISKEI**

1. Die Werkloosheidversekeringsraad gee hiermee kennis dat alle bydraers en afhanklikes van oorlede bydraers wat voor **1 Julie 1996** aansoek gedoen het om voordele of betalings ingevolge die Werkloosheidversekeringswette van die voormalige TBVC-lande, en wat nie enige betaling of reaksie van die relevante Fondse ontvang het nie, by die naaste Magistraatskantoor of kantoor van die Departement van Arbeid behoort aan te meld om die aangeleentheid te rapporteer.

2. Bydraers en afhanklikes van bydraers kan sodanige nie betaling/reaksie aanmeld binne 'n tydperk van twee maande vanaf die datum van publikasie van hierdie Kennisgewing waarna geen verdere klagtes, verhoë of navrae ontvang of oorweeg sal word nie.

T. T. MBOWENI

Minister van Arbeid

**DEPARTMENT OF FINANCE
DEPARTEMENT VAN FINANSIES**

No. R. 619

25 April 1997

FINANCIAL SERVICES BOARD

FINANCIAL MARKETS CONTROL ACT, 1989 (ACT No. 55 OF 1989)

The Minister of Finance has under section 37 of the Financial Markets Control Act, 1989 (Act No. 55 of 1989), made the regulations set out in the Schedule.

SCHEDULE

Definitions

- 1 In these regulations any word or expression to which a meaning has been assigned in the Act, has that meaning and unless the context indicates otherwise-

"auditor" means a public accountant and auditor as defined in the Public Accountant and Auditors' Act, 1991 (Act No 8 of 1991);

"client" means any person on whose behalf financial instruments are bought, sold or held by a member or held in safe custody in terms of the Safe Deposits of Securities Act, 1992 (Act No 85 of 1992);

"generally accepted accounting practice" means accounting practices which are in accordance with Statements of Generally Accepted Accounting Practice approved for issue by the South African Accounting Practices Board or, in the absence of any relevant statement, practices which are generally accepted in South Africa;

"the Act" means the Financial Markets Control Act, 1989 (Act No 55 of 1989);

"the appeal board" means the board established by section 18 of the Act.

Application for issue or renewal of financial market licence

- 2(1) Any person who applies for the issue of a financial market licence in terms of the Act shall submit to the Registrar a written application on Form FM 1 accompanied by -
- (a) the information specified in Annexure 1 to Form FM 1;
 - (b) the documentation, statements and undertakings specified in Annexure 2 to

Form FM 1 in support of the application;

- (c) an application for the recognition of a clearing house contemplated in regulation 3; and
 - (d) an application for the approval of a list of financial instruments contemplated in regulation 4.
- 2(2) Any person who applies for the renewal of a financial market licence in terms of the Act, shall submit to the Registrar a written application on Form FM 2 not earlier than 90 days and not later than 60 days prior to expiry of the previous licence period. Such application shall be accompanied by the information specified in Annexure 1 to Form FM 2.

Clearing house

- 3 Any financial exchange which applies for the recognition of a clearing house recognized in respect of that exchange, shall submit to the Registrar an application in the form prescribed by Annexure 3 to Form FM 1, which form shall be accompanied by the information required in the said Annexure.

List of approved financial instruments

- 4 Any financial exchange which applies for approval of a list of financial instruments which may be dealt with on the financial exchange in question, shall submit to the Registrar an application in the form prescribed in Annexure 4 to Form FM1.

Appeals to appeal board

- 5(1) An appeal under section 19(1) of the Act against a decision of the executive committee or the disciplinary tribunal referred to in section 13(b) of the Act, shall be noted not later than 20 business days after the date on which an appellant is furnished, in writing, with the reasons for the decision.
- 5(2) The appeal referred to in subregulation (1) shall be noted by lodging with the secretary of the appeal board -
- (a) a written notice of appeal in which the grounds of appeal are fully set out;

- (b) a copy of the decision appealed against and the reasons for that decision; and
 - (c) an address where any document or notice relating to the appeal may be served on the appellant.
- 5(3) A copy of the notice of appeal referred to in subregulation (2)(a) shall be served on the executive committee or the said disciplinary tribunal, as the case may be, by the appellant within two business days of the noting of the appeal and proof of such service shall be lodged with the secretary of the appeal board.
- 5(4) The executive committee or the said disciplinary tribunal, as the case may be, shall within one month after the noting of an appeal, furnish a complete certified record of the proceedings at which the decision appealed against was taken -
- (a) in septuple to the secretary of the appeal board; and
 - (b) in duplicate to the appellant:
- Provided that in the case of an urgent appeal the chairperson of the appeal board may reduce the said period of one month to a period of not less than seven days.
- 5(5) The secretary of the executive committee or the said disciplinary tribunal, as the case may be, shall certify that the record concerned is a complete record of the proceedings at which the decision appealed against was taken and that all the documentary evidence considered at those proceedings is included in the record.
- 5(6) The appellant may amplify the grounds of appeal within 10 days of receipt of the certified record of the proceedings contemplated in subregulation (4).
- 5(7) The appellant shall provide to the appeal board such security for costs and in such a form as determined by the chairperson of the appeal board within 10 (ten) business days after the appellant had been notified of the determination in writing.
- 5(8) The secretary of the appeal board shall give the appellant and the executive committee or the said disciplinary tribunal, as the case may be, not less than 10 (ten) business days notice, in writing, by registered post or by hand, of the date, time and place determined by the appeal board for the hearing of the appeal.
- 5(9) The appellant may conduct such appeal in person or through a representative.
- 5(10) The executive committee or the said disciplinary tribunal, as the case may be, may

- oppose the appeal in person or through a representative.
- 5(11) At the conclusion of the evidence the parties to the appeal or their representatives shall be entitled to be heard in argument.
- 5(12) After conclusion of argument the appeal board shall -
- (a) decide the appeal or reserve its decision until a later date which must not be later than three months after the hearing of the appeal; and
 - (b) make an order as to costs.
- 5(13) Such decision and order shall be given in writing and shall be accompanied by the reasons for the decision.
- 5(14) A copy of the decision and the reasons therefor shall be forwarded to the parties to the appeal by the secretary of the appeal board within five business days of receipt thereof.
- 5(15) The appeal board may decide an appeal even if the appellant or the executive committee or the disciplinary tribunal, as the case may be, does not appear or is not represented at the hearing.
- 5(16) Subject to the provisions of these regulations, the general practice and procedure of the appeal board shall be determined by the chairperson of the appeal board.
- 5(17) The secretary of the appeal board and an alternate, who shall not be persons employed by any financial exchange, shall be appointed from time to time by the Minister.

Accounting records of members

- 6(1) A member shall maintain, in accordance with generally accepted accounting practice, in one of the official languages and in the currency of the Republic of South Africa, accounting records on a continual basis so that at all times records are up-to-date or are capable of being brought up-to-date within a reasonable time.
- 6(2) A member's accounting records shall reflect the member's transactions and financial commitments, clients' transactions and payments by or to the member in such a manner that they reflect with substantial accuracy the financial position of the member

and the position of clients towards the member, at the close of business on any day.

6(3) Clients' accounts shall be designated as such and be clearly distinguishable from the member's business accounts.

6(4) A member's accounting records shall reflect at least the following:

- (a) Entries from day to day of all sums of money received and expended by the member, whether on its behalf or on behalf of others, and the matters in respect of which the receipt and expenditure took place;
- (b) a record of funds held in trust for clients;
- (c) a record of all income and expenditure of the member explaining the nature thereof;
- (d) a record of all assets and liabilities of the member, including any provision for financial commitments or contingent liabilities;
- (e) a record of all purchases and sales by the member of financial instruments, which reflects the following:
 - (i) The date and, if the financial exchange does not maintain records of the time of each transaction concluded on the financial exchange, the time of each transaction;
 - (ii) the person from whom the financial instruments were bought or to whom they were sold, unless it is a transaction which is processed through an automated trading system recognized by the relevant financial exchange;
 - (iii) the person on whose behalf the financial instruments were bought or sold;
 - (iv) the quantity and full description and the terms of the contract, where applicable, of the financial instruments which were bought or sold;
 - (v) the name of the issuer of the financial instruments, if applicable;
 - (vi) the price per unit of the financial instruments and the total consideration, as applicable, and

- (vii) the brokerage or service fees charged where the transaction was for a client; and
 - (f) where relevant, a record of the receipt and delivery of documents or records of title to the financial instruments which are in the possession, safe custody or under the control of the member, in which the following is reflected:
 - (i) The name of the client or principal on whose behalf financial instruments have been received, purchased, disposed of or sold;
 - (ii) the name of the issuer of the financial instruments;
 - (iii) the quantity and full description and, if applicable, the terms of the contract, of the financial instruments;
 - (iv) the person from whom the financial instruments were received and to whom the financial instruments were delivered;
 - (v) a trace identification of the documents or records of title to these financial instruments;
 - (vi) the name of the registered holder and where the registered holder is a nominee, the beneficial owner or owners of the financial instruments;
 - (vii) the location of the documents or records of title to the financial instruments;
 - (viii) the purpose for which the documents or records of title are held;
 - (ix) details of any charge to which the financial instruments may be subject; and
 - (x) the dates on which the financial instruments were received and delivered, where applicable.
- 6(5) A member shall reconcile balances with the financial exchange and other exchanges, and where applicable, clearing houses, central securities depositories, depository institutions and banks as frequently as is appropriate for the volume of transactions on the accounts of the member and in any event not less than weekly. Any differences, other than differences in timing between the records of the member and the financial exchange, other exchanges, clearing houses, central securities

depositories, depository institutions or banks, as the case may be, shall be investigated immediately and corrected as soon as is practicable.

- 6(6) A member shall daily reconcile the balances between the accounting records and the number of financial instruments in the possession of the member. Any differences shall forthwith be investigated, justified or corrected, if necessary.
- 6(7) A member or a duly appointed agent shall keep the member's accounting records for a period of five years after the date on which they are first made or prepared. Records pertaining to the current and preceding year, shall be kept at the place where the member carries on business. Thereafter, it should be possible to make them available at a place of business of the member within 48 hours.
- 6(8) A member may keep computerised records provided that such records can be reproduced in printed form.

Internal control and risk management of members

7(1) A member shall as far as is reasonable -

- (a) establish and maintain adequate systems of internal control;
- (b) adopt sound risk management principles and procedures; and
- (c) be able to describe and demonstrate the objectives and operation of such systems, principles and procedures to its auditor, the executive committee and the Registrar.

7(2) The systems of internal control of the member shall be designed to ensure that -

- (a) all transactions and financial commitments entered into are recorded and are within the scope of authority of the member or the officer or employee acting on behalf of the member;
- (b) there are procedures to safeguard the member's assets and assets belonging to any other person for which the member is accountable, and to control liabilities;
- (c) there are measures, so far as is reasonably practicable, to minimise the risk of losses to the member or the member's clients from any irregularity, fraud

or error and to detect any irregularity, fraud or error should they occur so that prompt remedial action may be taken by the member or the member's management;

- (d) the member's trust account is monitored daily to ensure that all receipts to and payments from the trust account are properly made; and
- (e) the member's safe custody records are reconciled weekly.

7(3) The principles and procedures of risk management shall be designed to ensure that the member's records are maintained in such a manner as to promptly disclose financial and business information which will enable the member or the member's management to -

- (a) identify, quantify, control and manage the member's risk exposures;
- (b) make timely and informed business decisions;
- (c) monitor the performance and all aspects of the member's business; and
- (d) monitor the member's capital to ensure compliance with the capital adequacy requirement imposed in terms of the rules.

Appointment of Auditor by member

8(1) A member shall cause its accounting records to be audited by an auditor, not later than three months after its financial year end, or such later date as the Registrar may allow.

8(2) Such member shall, not later than four months after the financial year end or such later date as the Registrar may allow, transmit the following to the executive committee and, on request, to the Registrar:

- (a) A copy of the audited annual financial statements of that member, for the year to which the audit relates, signed by the member if the member is a natural person and if the member is a partnership or company, by at least two partners or two directors, as the case may be; and

(b) a report by the auditor setting forth -

- (i) whether or not all the necessary accounting records have been kept by the member during the period to which the audit relates, whether or not they have been properly kept, and if not, in what respects they are defective;
- (ii) whether or not all the information and explanations required were obtained and if not, the nature of the information not obtained and the matters which have not been explained;
- (iii) whether or not any loan stock, which according to the relevant accounting records, is held by the member on behalf of any other person including that loan stock held in safe custody, is in the possession of the member and if not, in whose possession or custody it is and for what purpose;
- (iv) whether investigations carried out indicate that the member appears to comply with the provisions of -
 - (aa) section 17B of the Act;
 - (bb) these regulations relating to accounting records and the auditing thereof; and
 - (cc) rules governing the maintenance and operation of the trust account referred to in section 17B of the Act, capital adequacy, the recording of documents of title or details of persons entitled to ownership of loan stock under the control of the member, the granting of credit, the lending or pledging of loan stock and the issuing of receipts,and whether or not the auditor during the course of the audit became aware of any contravention of the said provisions; and
- (v) whether the financial statements fairly present the financial position of the member concerned as at the date thereof and the results of its operations and cash flow information for the period under review in conformity with generally accepted accounting practice.
- (vi) whether loan stock which has been entrusted to the member or for which the member was accountable to any person was registered and held in terms of the Act, the regulations and the applicable mandates

as at the financial year end;

- (vii) whether contracts entered into with the member or by the member on behalf of a client, have been properly recorded;
- (viii) if it has come to the attention of the auditor that the member did not, for a material portion of the period under review, have adequate capital as required by the Act and the rules; and

8(3) An auditor who audits the accounting records of a member in terms of subregulations (1) and (2) who becomes aware, during the course of the audit, that the member has failed to comply with a material requirement of any provision referred to in subregulation (2)(b)(iv), shall report the matter forthwith to the executive officer of the financial exchange concerned.

8(4) (a) If a member ceases to carry on business as a member before the last day of the financial year of that member, that member shall cause an audit of its business to be conducted within three months after the ceasing of business or on such other date as the Registrar may determine and the audit shall cover the period from the first day of the financial year to the date of such ceasing: Provided that if a member is a partnership, the partnership shall, for the purposes of this paragraph, be deemed not to have been dissolved by virtue of the admission of a new partner.

(b) If a member ceases to carry on business as a member as contemplated in subregulation (1), that member shall -

- (i) advise the financial exchange of which he or she was a member immediately, in writing, of such ceasing;
- (ii) not later than one month after the date of ceasing to be a member, send to every client whom the member dealt with during the preceding six months, a letter notifying the client that the member has ceased to carry on business as a member;
- (iii) return all mandates and powers of attorney to the clients concerned;
- (iv) forward final statements of account to the clients concerned;
- (v) effect delivery to the clients concerned of all financial instruments,

funds and any other assets entrusted to such member; and

- (vi) furnish the executive committee and, on request, the Registrar with -
 - (aa) the auditor's report referred to in subregulations (2) and (4) for the period mentioned in paragraph (a); and
 - (bb) a report by the auditor which confirms that -
 - (AA) the member complies with the provisions of paragraphs (i),(ii),(iii),(iv) and (v); and
 - (BB) according to the accounting and other records the member has met, in full, all the financial commitments and obligations arising out of the member's business or has transferred, with the consent of the executive committee, such financial commitments and obligations to another member.
- (c) The provisions of subregulations (5)(a) and (5)(b) shall also apply to the liquidator, curator or trustee of the estate of a past member, where appropriate.

Accounting records and audit of financial exchange and clearing house

- 9(1) A financial exchange and clearing house shall maintain, in accordance with generally accepted accounting practice, in one of the official languages and in the currency of the Republic of South Africa, accounting records on a continual basis so that at all times records are up-to-date or are capable of being brought up-to-date within a reasonable time.
- 9(2) A financial exchange and a clearing house or their duly appointed agents shall keep the relevant accounting records for a period of five years after the date on which they are first made or prepared. Records pertaining to the current and preceding year, shall be kept at the place where such financial exchange or clearing house carries on business. Thereafter, it should be possible to make them available at the place of business within 48 hours.
- 9(3) A financial exchange and clearing house may keep computerised records provided that such records can be reproduced in printed form.

- 9(4) A financial exchange and clearing house shall cause its accounting records to be audited, not later than three months after its financial year end, or such later date as the Registrar may determine, by an auditor approved by the Registrar.
- 9(5) Such financial exchange and clearing house shall, not later than four months after the financial year end or such later date as the Registrar may allow, submit to the Registrar a copy of its audited annual financial statements for the year to which the audit relates signed by a duly authorised representative.

Remuneration of members of Advisory Board

- 10 The remuneration and allowances payable to members of the advisory board contemplated in section 3(1) of the Act, shall be determined by the Minister after consultation with the Registrar.

Amalgamation and transfer of business of financial exchanges

- 11(1) Two or more financial exchanges may not amalgamate nor may all the assets and liabilities of any financial exchange be transferred to or taken over by any other exchange, except with the written consent of the Minister.
- 11(2) When a transaction contemplated in subregulation (1) takes effect -
- (a) all the assets and liabilities of the amalgamating financial exchanges or in the case of a transfer of assets and liabilities, of the transferor financial exchange, vest in and become binding upon the amalgamated financial exchange or, as the case may be, the transferee financial exchange;
 - (b) the amalgamated financial exchange, or in the case of a transfer of assets and liabilities, the transferee financial exchange, has the same rights and is subject to the same obligations as were immediately prior to the amalgamation or transfer possessed by or binding upon the amalgamating financial exchanges or, as the case may be, the transferee financial exchange by which the transfer has been effected;
 - (c) all agreements, appointments, transactions and documents made, entered into, drawn or executed by, with or in favour of any of the amalgamating exchanges or, as the case may be, the transferor financial exchange and in force immediately prior to the amalgamation or transfer, remains of full force

and effect, and shall be construed for all purposes as if they had been made, entered into, drawn or executed by, with or in favour of the amalgamated financial exchange, or the case may be, the transferee financial exchange; and

- (d) any bond, pledge, guarantee or other instrument to secure future advances, facilities or services by any of the amalgamating financial exchanges, or as the case may be, by the transferor financial exchange, which was in force immediately prior to the amalgamation or transfer, remains of full force and effect, and shall be construed as a bond, pledge, guarantee or instrument given to or in favour of the amalgamated financial exchange or, as the case may be, the transferee financial exchange, as security for future advances, facilities or services by that financial exchange.

11(3) A financial exchange which proposes to transfer a subordinate part of its business to another financial exchange shall -

- (a) obtain approval of the transferee financial exchange from the Minister; and
- (b) furnish the Minister with -
- (i) a return of all its assets and liabilities; and
- (ii) a return of those assets and liabilities which it proposes to transfer.

11(4) The part of the business referred to in subregulation (3) may, with the written consent of the Minister and on the conditions determined by him or her, be transferred to another financial exchange: Provided that no such consent shall be given by the Minister unless -

- (a) he or she is satisfied that the transfer in question will not be detrimental to the public interest;
- (b) he or she is satisfied that, taking into consideration all the circumstances, a reasonable and fair division of the assets, capital and reserves and the other liabilities of the exchange concerned has been made for the purposes of the transfer; and
- (c) the transferee financial exchange furnishes the Minister with an undertaking to his satisfaction that, for such period or periods as are

acceptable to the Minister, it will be in a position to meet its obligations in respect of the liabilities transferred to it.

Fine for failure to submit documents or to furnish information

- 12 For the purposes of section 36(3)(a) of the Act, the amount prescribed in respect of the fine for every day during which the failure in question continues is R200-00: Provided that, in the case of any one continuing failure, the sum of the daily fines imposed upon a person in respect thereof shall not exceed R20 000-00.

Fees

- 13(1) The fees set out in the last column of the following table, which include Value Added Tax, shall be payable in respect of each item mentioned opposite thereto in the table:

Item	Fees
(a) Application for issue of a financial market licence	R75 000,00
(b) Application for renewal of a financial market licence	R5 000,00
(c) Application for approval in terms of section 5 of the Act	R5 000,00
(d) Application for addition, amendment or rescission of rule in terms of section 17(3)(b)(i)	R100,00

- 13(2) Fees referred to in subregulation (1) shall be payable -

- (a) by the applicant concerned at the time of submission of the application; and
- (b) by cheque, postal order or money order made out in favour of the Financial Services Board or by electronic means.

- 13(3) Fees which are not paid whenever they are payable in terms of this regulation, shall carry interest at a rate per year equal to the prevailing prime overdraft rate of The Standard Bank of South Africa.

Repeal of regulations

- 14 The regulations promulgated by Government Notice No. R1885 of 10 August 1990, are hereby repealed.

FORM FM 1

FINANCIAL MARKETS CONTROL ACT, 1989 (ACT NO 55 OF 1989)

Application under section 7(1) of the Financial Markets Control Act, 1989 (Act No. 55 of 1989), for the issue by the Registrar of Financial Markets of a financial market licence.

The Registrar of Financial Markets

- 1. We and of an association known as the, being specifically authorised thereto by the members of the said association hereby, on behalf of the said association, apply for the issue of a financial market licence for the year ending 31 December 19.....
- 2. The prescribed application fee of is enclosed.
- 3. (a) The place at which the business of the financial exchange will be carried on is ; and
 (b) the trading method or facility by means of which the business of the financial exchange will be carried on is
- 4. Five copies of the proposed rules of the association, approved by the members of the association, are enclosed.

Signed at on

Witnesses:

- 1.
- 2.

ANNEXURE 1 TO FORM FM 1***Information which has to accompany an application for the issue of a financial market licence*****1. Administrative information**

- 1.1 The name of the association and the name it will adopt if it is issued with a financial market licence.
- 1.2 The postal, physical and electronic mail addresses of the association's registered or head office at which it will receive all documents for the purpose of this application.
- 1.3 The telephone and facsimile numbers of the association and the members of its management team.
- 1.4 A list which reflects the full names, addresses and telephone numbers of each member of the association as at the date of application for a financial market licence.
- 1.5 A list which reflects the full names of the members of the executive committee of the association.
- 1.6 A list which reflects the names, physical and postal addresses, telephone and facsimile numbers of-
 - 1.6.1 the bank of the association;
 - 1.6.2 the auditor of the association; and
 - 1.6.3 the attorney of the association.

2. A copy of the memorandum and articles of association, constitution, partnership agreement, trust deed or any other document specifying the structure of the association and which regulates at least the following:

- 2.1 The nature of the association;

- 2.2 the objects of the association;
- 2.3 the powers of the association;
- 2.4 the categories of membership and admission criteria and procedures in respect of membership;
- 2.5 the composition, powers and responsibilities of the executive committee;
- 2.6 the procedures for election or appointment and withdrawal of members of the executive committee and their terms of office;
- 2.7 the procedures for the calling of meetings of members of the Association;
- 2.8 the voting powers of members of the association;
- 2.9 the appointment of an auditor; and
- 2.10 the procedures for the dissolution of the association.

3. **Adequacy of financial resources**

- 3.1 If the association has been in existence for more than a year, a copy of its audited annual financial statements as at its latest financial year-end.
- 3.2 A copy of the budgeted income statement, balance sheet and cash flow statement according to the following guidelines -
 - (a) in respect of an association in existence for more than one year, for the period from the date of the latest annual financial statements to a date not earlier than one year and not later than 18 months after the date of application for a financial market licence; or
 - (b) in respect of an association in existence for less than one year, for a period ending not earlier than one year and not later than eighteen months after the date of application for a financial market licence.

4. Adequacy of management resources

- 4.1 A copy of the management structure of the association including the names of the individuals responsible for major functional areas and the number of personnel employed in each functional area.
- 4.2 A copy of the projections of management and staff requirements for the period covered by the budgets provided for in paragraph 3.2 above.

5. Proposed business of the financial exchange

A copy of the business plan of the association which has been approved by the executive committee which deals at least with the following matters:

- 5.1 The range of investments proposed to be listed on the financial exchange and the requirements for listing;
- 5.2 the range of investors, both local and foreign, expected to invest through the medium of the financial exchange;
- 5.3 the benefits to such investors of investment through the medium of the financial exchange;
- 5.4 the planned development of the systems and infrastructure of the association;
- 5.5 plans to ensure the integrity of the market and its members;
- 5.6 the extent and manner of publication of prices;
- 5.7 the surveillance procedures which have been established to ensure the compliance by members with the proposed rules of the association and the requirements of the Act and the resources of the association available to perform this function;
- 5.8 procedures to be followed to effectively discipline members of the association who fail to comply with its Rules, the Regulations and the Act;
- 5.9 security procedures to ensure the integrity of the systems for recording trades and the ownership of financial instruments, the capacity of these systems in relation to the budgeted number of trades and the back-up resources available in the event of a systems failure; and

- 5.10 reports and publications to be made available to the investing public in relation to the membership of the association, trades executed on the financial exchange and the financial instruments listed by the financial exchange and the manner in which such information will be disseminated.

6. Guarantee Fund

- 6.1 A copy of the rules of the proposed Guarantee Fund.
- 6.2 A statement by a duly authorised representative of the association as to the manner of the funding of the Guarantee Fund including the extent to which the fund will be underwritten by a policy of insurance.
- 6.3 A copy of the *pro forma* policy document.

7. Public interest

A memorandum outlining any further factors, not referred to above, which could indicate that the granting of a financial market licence will serve the interests of the public.

ANNEXURE 2 TO FORM FM 1

Documentation, statements and undertakings to be provided in support of the information supplied in terms of Annexure 1

1. A statement by the executive officer of the association confirming that the executive committee has satisfied itself that -
- 1.1 all members of the association or, where a member is a corporate entity, all persons managing and controlling its activities, have been evaluated and on the information available found to be of good character and integrity;
- 1.2 all members comply with the minimum capital adequacy requirements for membership; and
- 1.3 the association comprises of at least 10 (ten) members.

2. An undertaking by each founding member of the association that he or she will carry on business as a member of the proposed financial exchange independently of and in competition with other members.
3. A *curriculum vitae* in respect of each member of the executive committee indicating his or her relevant experience and training.
4. A statement signed by each executive committee member to the effect that he or she knows of no reason why he or she should not fulfil his or her term of office as a committee member.
5. A statement signed by the executive officer of the association specifying the critical assumptions made in the preparation of budgets presented in terms of Annexure 1 and, in particular, the sources from which the financial exchange will derive its funding.
6. Where arrangements have been made for the funding of any temporary shortfall in available cash resources, a statement shall be provided by the party or parties concerned setting out the extent and terms of the commitment.
7. A *curriculum vitae* in respect of each member of the management of the association who is responsible for a major functional area which indicates his or her relevant experience and training.

ANNEXURE 3 TO FORM FM 1

FINANCIAL MARKETS CONTROL ACT, 1989 (ACT NO 55 OF 1989)

Application for the recognition by the Registrar of Financial Markets of a clearing house

The Registrar of Financial Markets

We, and, of an association known as being authorised thereto by the members of the said association, hereby apply to have recognized as a clearing house in respect of, for which a financial market licence is hereby applied.

We confirm that the clearing house meets with the requirements of the association and its members.

Signed at on

Witnesses:

1.

2.

Information which has to accompany an application for the recognition of a clearing house

1. The name of the clearing house and the name it will adopt if recognized.
2. The postal, physical and electronic mail addresses of its registered or head office at which it will receive all documents for the purpose of this application.
3. The telephone and facsimile numbers of the clearing house.
4. The names of shareholders, directors, partners or proprietor.
5. The structure of the clearing house which shall include:
 - (a) A copy of the memorandum and articles of association, constitution, partnership agreement, trust deed or any other founding document specifying the structure and administration of the clearing house;
 - (b) details of capital and funding;
 - (c) the envisaged method of deriving income;
 - (d) the name of the bank of the clearing house;
 - (e) the name of the auditor;
 - (f) the name of the attorney;
 - (g) the names of any other professional advisers which the clearing house uses;
and
 - (h) particulars of the place at which business will be conducted.

Documentation and statements to be provided in support of the application for the recognition of a clearing house where applicable

1. A statement by a duly authorised representative of the clearing house setting out the following:
 - (a) The nature of the clearing and/or settlement service to be provided to the financial exchange;
 - (b) details of the financial resources of the clearing house;
 - (c) a description of its systems capacity;
 - (d) a description of its systems of internal control; and
 - (e) a description of its disaster recovery facility.
2. A copy of the service agreement with the financial exchange.

ANNEXURE 4 TO FORM FM 1

FINANCIAL MARKETS CONTROL ACT, 1989 (ACT NO. 55 OF 1989)

Application for approval of financial instruments to be included in the list in terms of section 14 of the Financial Markets Control Act, 1989

The Registrar of Financial Markets

I of the association known as, being authorised thereto by the members of the said association, hereby apply to have the following financial instruments included in the list of financial instruments which may be dealt with on the..... Exchange and certify that the information contained in the annexure hereto is true and correct:

- 1.
- 2.
- 3.
- 4.

Signed at on

Witnesses:

- 1.
- 2.

Information which shall accompany an application for the approval of the list kept by the executive committee in terms of section 14 of the Act, and an application for approval of an amendment to the said list

1. FUTURES CONTRACTS

1.1 CONTRACT SPECIFICATIONS

The specifications of a futures contract which shall include the following:

- (a) Contract name;
- (b) contract code;
- (c) underlying instrument;
- (d) contract size;
- (e) contract months;
- (f) expiry date and time;
- (g) quotations;
- (h) minimum price movement;
- (i) standard quote size;
- (j) mark-to-market;
- (k) expiry price valuation method;
- (l) settlement;
- (m) margin requirements; and
- (n) exchange booking fees.

1.2 CASH MARKET

If the underlying instrument of the futures contract is not an index as referred to in the definition of "securities" in section 1 of the Stock Exchanges Control Act, 1985 (Act No 1 of 1985), a description of the cash market. The term "cash market" includes all aspects of the spot and forward markets in which the underlying instrument of the futures contract is traded and for which the futures contract has a hedging or price basing function.

In respect of commodities, the description of the cash market, shall include the following, if applicable:

- (a) Production of the underlying instrument, including geographical locations and seasonal patterns;
- (b) consumption of the underlying instrument, including geographical locations and seasonal patterns of intermediate and ultimate consumption;
- (c) the nature and structure of the cash marketing channels, including the nature and number of marketing institutions, the nature of the forward contracting market, and the manner in which the price of the instrument is determined at various stages;
- (d) the prevalent means of communications, methods of financing ownership of instruments and the manner in which tangible instruments are transported and stored; and

- (e) statistical data when reasonably available. Such data shall cover a period of time sufficient to show accurately the historical patterns of production, consumption and the marketing of the instrument which are relevant to the pricing or hedging functions of the futures contract and/or the specification of its terms and conditions. If sufficient data cannot be obtained through reasonable effort, interviews with or statements by, persons having knowledge of the cash market may be used to supplement or, if necessary, substitute the quantitative information.

1.3 TERMS AND CONDITIONS OF FUTURES CONTRACT

An analysis and motivation of the individual terms and conditions of a futures contract, which shall, if applicable, include -

- (a) evidence of conformity with the underlying cash market;
- (b) evidence that the terms and conditions of the futures contract will provide for a deliverable supply which will not be conducive to price manipulation or distortion and that such a supply reasonably can be expected to be obtainable by a buyer and saleable by a seller at its market value in normal cash marketing channels;
- (c) for futures contracts which require delivery, -
- (i) a motivation that the terms and conditions of the futures contract, as a whole, will result in a deliverable supply which will not be conducive to price manipulation or distortion;
- (ii) complete specifications and characteristics of the underlying instrument for par and non-par delivery (such as grade, class, weight, issuer, maturity, rating) including the economic basis for the premiums and discounts, or lack thereof, for different characteristics;
- (iii) all delivery points, including for each point -
- (aa) the nature of the cash market at the delivery point (for example auction market, buying station or export terminal);
- (bb) a description of the composition of the market;
- (cc) the normal commercial practice for establishing cash market

- values and the availability of published cash prices reflecting the value of the deliverable instrument;
- (dd) the level of deliverable supplies normally available, including the seasonal distribution of such supplies; and
 - (ee) any differences in delivery points, including the economic basis for discounts or premiums, or lack thereof, applying to delivery points;
- (iv) a description of the delivery facility including -
- (aa) the type of delivery facility at each delivery point;
 - (bb) the number and total capacity of facilities meeting the requirements of the futures contract;
 - (cc) the proportion of such capacity expected to be available for traders who may wish to make delivery and seasonal changes in such proportions; and
 - (dd) the extent to which ownership and control of such facilities is dispersed or concentrated; and
- (v) the delivery months of the futures contract and a description of the relationship of each delivery month of the futures contract to cyclical variations in deliverable supplies, availability of warehouse space, transportation facilities, cash market activity, and any other factors which may affect the viability of delivery or ascertaining a cash settlement price in each such month.
- (d) in the case of futures contracts in respect of which cash settlements may serve as an alternative to, or a substitute for, physical delivery, evidence that the cash settlement of the contract is at a price reflecting the underlying cash market and will not be subject to price manipulation or distortion, including:
- (i) An analysis of the price series upon which such settlement will be based, including the series' reliability, acceptability, public availability and timeliness; and
 - (ii) an analysis of the potential for manipulation or distortion of the cash-price series; and

- (e) in respect of futures contracts required to have in effect speculative position limits, an analysis of the consistency of the speculative position limits.

1.4 CONSISTENCY WITH PREVAILING CASH MARKET PRACTICES

A stipulation that, where applicable, the terms and conditions of a futures contract are consistent with prevailing cash market practices.

1.4.1 For the terms and conditions which are contrary to such a stipulation -

- (a) a reason for the variance shall be provided;
- (b) it shall be demonstrated that the term or condition of the futures contract is necessary or appropriate to the contract; and
- (c) if the futures contract requires delivery, it shall be demonstrated that it will result in sufficiently available, saleable and deliverable supplies.

1.4.2 The terms and conditions shall also include, where applicable, the following:

- (a) The permissible delivery pack or composition of delivery units;
- (b) the size of a unit of the futures contract;
- (c) the minimum price change (tick size);
- (d) a separate stipulation that any restrictions on daily price movements (maximum price fluctuations) are not overly restrictive in relation to price movements in the cash market; and
- (e) in the case of commodities:
 - (i) The inspection and certification procedures for the verification of delivery eligibility and, for perishable instruments, the duration of the inspection certificate and any discounts applied to deliveries of a given age;
 - (ii) the delivery instrument (such as a warehouse receipt) and the conditions under which such instrument is negotiable;

- (iii) the transportation terms at point of delivery; and
- (iv) the provisions for payment of costs when making or taking delivery, including a description of significant costs (such as inspection, certification, warehouse or rail charges).

2. OPTION CONTRACTS

The specifications of the option contract which shall include at least -

- (a) a description of the underlying instrument of the option contract; and
- (b) the expiry dates of the option contract.

3. LOAN STOCK

- (a) Name of the loan stock;
- (b) issuer;
- (c) issue date;
- (d) coupon rate;
- (e) payment periods;
- (f) payment dates;
- (g) maturity date;
- (h) amount and date of issue;
- (i) a copy of the resolution authorising the issue of the loan stock by the governing authority of the institution whose loan stock is to be listed;
- (j) legislative provisions authorising the issue of the loan stock;
- (k) a copy of a document evidencing a government guarantee, if any;
- (l) a copy of the placing document or prospectus, as the case may be; and
- (m) copies of all marketing material used in connection with the issue of the loan stock.

FORM FM 2

FINANCIAL MARKETS CONTROL ACT 1989 (ACT NO 55 OF 1989)***Application in terms of section 7(2) of the Financial Markets Control Act, 1989 (Act No. 55 of 1989) for the renewal by the Registrar of Financial Markets of a financial market licence***

The Registrar of Financial Markets

1. I of the financial exchange known as being specifically authorised thereto by the executive committee of the said financial exchange apply on behalf of the financial exchange for the renewal of a financial market licence for the year ending 31 December 19.....
2. The prescribed fee of is enclosed.

Signed at on

As Witnesses:

1.
2.

ANNEXURE 1 TO FORM FM 2***Information which has to accompany an application for the renewal of a financial market licence***

1. A copy of the latest annual financial statements of the financial exchange.
2. A copy of the latest annual budget of the financial exchange, approved by the executive committee.
3. A copy of the latest strategic planning document of the exchange which has been approved by the executive committee, if any.

4. 'n Memorandum onderteken deur 'n gevolmagtigde wat die wesentlike veranderinge wat plaasgevind het in die inligting wat voorheen ingevolge paragrawe 2, 4.1, 5.7, 5.8, 5.9 en 6 van Bylae 1 by Vorm FM 1 ingedien is, aantoon en of daar enige veranderinge in die beurs se prosedures plaasgevind het.
5. Bevestiging deur 'n gevolmagtigde van die beurs dat gedurende die jaar wat die datum van aansoek voorafgaan -
 - (a) die reëls van die finansiële beurs behoorlik toegepas is; indien sekere reëls nie toegepas is nie, moet redes daarvoor verskaf word;
 - (b) die finansiële beurs te alle tye aan die bepalings van die Wet en Regulasies voldoen het;
 - (c) die finansiële beurs te alle tye bestaan het uit minstens 10 persone wat besigheid gedryf het as kopers en verkopers van finansiële instrumente, onafhanklik van mekaar en in mededinging met mekaar;
 - (d) die finansiële beurs voldoen het aan alle geskrewe voorskrifte, versoeke, voorwaardes of vereistes van die Registrateur wat nie deur die appèlraad tersyde gestel is nie; en
 - (e) die finansiële beurs uitvoering aan alle beslissings van die appèlraad gegee het.
6. In die geval van 'n *beurs* wat reeds bestaan op die datum van afkondiging van hierdie Regulasies, moet 'n memorandum wat onderteken is deur 'n gevolmagtigde van die beurs en wat die inligting beoog in paragrawe 3, 4 en 5 van Bylae 1 by Vorm FM 1 uiteensit, die eerste aansoek om hernuwing na daardie datum vergesel.

No. R. 619

25 April 1997

RAAD OP FINANSIËLE DIENSTE

WET OP BEHEER VAN FINANSIËLE MARKTE, 1989 (WET No. 55 VAN 1989)

Die Minister van Finansies het kragtens artikel 37 van die Wet op Beheer van Finansiële Markte, 1989 (Wet No. 55 van 1989), die regulasies in die Bylae uitgevaardig.

BYLAE

Woordomskrywings

1 In hierdie regulasies het enige woord of uitdrukking waaraan 'n betekenis in die Wet geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken -

"algemeen aanvaarde rekeningkundige praktyk" rekeningkundige praktyk wat in ooreenstemming is met Verklarings van Algemeen Aanvaarde Rekeningkundige Praktyk goedgekeur vir uitgereiking deur die Rekeningkundige Praktyksraad of, indien daar geen relevante verklaring bestaan nie, praktyke wat algemeen in Suid-Afrika aanvaar word.

"die Wet" die Wet op Beheer van Finansiële Markte, 1989 (Wet No. 55 van 1989);

"die appèlraad" die raad ingestel by artikel 18 van die Wet;

"kliënt" enige persoon namens wie finansiële instrumente deur 'n lid gekoop, verkoop of gehou word of in veilige bewaring gehou word ingevolge die Wet op Veilige Bewaring van Effekte, 1992 (Wet No. 85 of 1992).

"ouditeur" 'n openbare rekenmeester en ouditeur soos omskryf in die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No 8 van 1991).

Aansoek om uitreiking of hernuwing van finansiële mark-lisensie

2(1) Iemand wat aansoek doen om die uitreiking van 'n finansiële mark-lisensie ingevolge die Wet, moet by die Registrateur 'n skriftelike aansoek op Vorm FM 1 indien wat vergesel word van -

(a) die inligting in Bylae 1 by Vorm FM 1 gespesifiseer;

- (b) die dokumentasie, verklarings en ondernemings in Bylae 2 by Vorm FM 1 gespesifiseer ter ondersteuning van die aansoek;
 - (c) 'n aansoek om die erkenning van 'n verrekeningshuis beoog in regulasie 3; en
 - (d) 'n aansoek om die goedkeuring van 'n lys van finansiële instrumente beoog in regulasie 4.
- 2(2) 'n Persoon wat aansoek doen om die hernuwing van 'n finansiële mark-lisensie, moet by die Registrateur 'n skriftelike aansoek op Vorm FM 2 indien, nie vroeër as 90 dae en nie later as 60 dae nie voor die verstryking van die vorige lisensie tydperk. Sodanige aansoek word vergesel van die inligting bepaal in Bylae 1 by Vorm FM 2.

Verrekeningshuis

- 3 'n Finansiële beurs wat aansoek doen om die erkenning van 'n verrekeningshuis ten opsigte van daardie beurs, moet 'n aansoek in die vorm voorgeskryf in Bylae 3 by Vorm FM 1 by die Registrateur indien, welke vorm vergesel word van die inligting wat in die betrokke Bylae vereis word.

Lys van finansiële instrumente

- 4 'n Finansiële beurs wat aansoek doen om die goedkeuring van 'n lys van finansiële instrumente waarmee op die betrokke finansiële beurs handel gedryf kan word, moet 'n aansoek in die vorm voorgeskryf in Bylae 4 by Vorm FM 1, by die Registrateur indien.

Appèlle na appèlraad

- 5(1) 'n Appèl kragtens artikel 19(1) van die Wet teen 'n besluit van die uitvoerende komitee of die dissiplinêre tribunaal na verwys in artikel 13(b) van die Wet, word aangeteken nie later as 20 besigheidsdae na die datum waarop 'n appellant skriftelik van die redes vir die besluit voorsien is.
- 5(2) Die appèl bedoel in subregulasie (1), word aangeteken deur indiening by die sekretaris van die appèlraad van -
- (a) 'n skriftelike kennisgewing van appèl waarin die gronde van appèl volledig uiteengesit word;

- (b) 'n afskrif van die besluit waarteen geappelleer word en die redes vir daardie besluit; en
- (c) 'n adres waar enige dokument of kennisgewing in verband met die appèl op die appellants bestel kan word.

5(3) 'n Afskrif van die kennisgewing van appèl bedoel in subregulasie (2)(a), word binne twee besigheidsdae vanaf die aantekening van die appèl, op die uitvoerende komitee of die vermelde dissiplinêre tribunaal, na gelang van die geval, deur die appellants bestel en bewys van sodanige bestelling word by die sekretaris van die appèlraad ingedien.

5(4) Die uitvoerende komitee of die vermelde dissiplinêre tribunaal, na gelang van die geval, lewer binne een maand na die aantekening van die appèl 'n volledig gesertifiseerde rekord van die verrigtinge waartydens die besluit waarteen geappelleer word, geneem is -

(a) in sewevoud aan die sekretaris van die appèlraad; en

(b) in duplikaat aan die appellants:

Met dien verstande dat die voorsitter van die appèlraad in die geval van 'n dringende appèl, die vermelde tydperk van een maand na minstens sewe dae kan verminder.

5(5) Die sekretaris van die uitvoerende komitee of die vermelde dissiplinêre tribunaal, na gelang van die geval, sertifiseer dat die betrokke rekord 'n volledige rekord van die verrigtinge is waartydens die besluit waarteen geappelleer word, geneem is en dat alle bewysstukke wat tydens daardie verrigtinge oorweeg is, deel van die rekord uitmaak.

5(6) Die appellants kan die gronde van appèl binne 10 dae na ontvangs van die gesertifiseerde rekord van die verrigtinge beoog in subregulasie (4) aanvul.

5(7) Die appellants verskaf binne 10 besigheidsdae nadat die appellants skriftelik daarvan in kennis gestel is, aan die appèlraad sodanige sekerheid vir koste en in sodanige vorm as wat deur die voorsitter van die raad bepaal word.

5(8) Die sekretaris van die appèlraad gee die appellants en die uitvoerende komitee of die vermelde dissiplinêre tribunaal, na gelang van die geval, minstens 10 besigheidsdae

skriftelike kennis per aangetekende pos of per hand van die datum, tyd en plek wat deur die appèlraad vir die verhoor van die appèl vasgestel is.

- 5(9) Die appellant kan sodanige appèl persoonlik of by wyse van 'n verteenwoordiger voer.
- 5(10) Die uitvoerende komitee of die vermelde dissiplinêre tribunaal, na gelang van die geval, kan die appèl persoonlik of by wyse van 'n verteenwoordiger teenstaan.
- 5(11) By die afsluiting van die getuienis is die partye by die appèl of hulle verteenwoordigers geregtig om te betoog.
- 5(12) Na afsluiting van betoog moet die appèlraad -
- (a) die appèl beslis of sy beslissing voorbehou tot 'n latere datum, maar hoogstens drie maande na die aanhoor van die appèl; en
 - (b) 'n kostebevel maak.
- 5(13) Sodanige beslissing en bevel word skriftelik gegee en word van die redes vir die beslissing vergesel.
- 5(14) Die sekretaris van die appèlraad stuur 'n afskrif van die beslissing en die redes daarvoor aan die partye by die appèl binne vyf besigheidsdae na ontvangs daarvan.
- 5(15) Die appèlraad kan 'n appèl beslis selfs as die appellant of die uitvoerende komitee of die vermelde dissiplinêre tribunaal, na gelang van die geval, nie verskyn of by die verhoor verteenwoordig word nie.
- 5(16) Behoudens die bepalings van hierdie regulasies, word die algemene praktyk en prosedure van die appèlraad deur die voorsitter van die appèlraad bepaal.
- 5(17) Die sekretaris van die appèlraad en 'n plaasvervanger, wat nie persone in diens van enige finansiële beurs mag wees nie, word van tyd tot tyd deur die Minister aangestel.

Rekeningkundige rekords van lede

- 6(1) 'n Lid moet rekeningkundige rekords hou in ooreenstemming met algemeen aanvaarde rekeningkundige praktyk, in een van die amptelike tale en in die geldeenheid van die Republiek van Suid-Afrika, op 'n aaneenlopende basis sodat rekords te alle tye op datum is of binne 'n redelike tyd op datum gebring kan word.
- 6(2) 'n Lid se rekeningkundige rekords moet die lid se transaksies en finansiële verpligtinge, kliënte se transaksies en betalings deur of aan 'n lid aantoon op so 'n wyse dat daardie rekords met aansienlike akkuraatheid die finansiële posisie van die lid en die posisie van kliënte teenoor die lid aan die einde van enige besigheidsdag weerspieël.
- 6(3) Kliënte se rekenings word as sodanig aangedui en moet duidelik onderskeibaar wees van die lid se besigheidsrekenings.
- 6(4) 'n Lid se rekeningkundige rekords moet minstens die volgende aantoon:
- (a) Inskrywings van dag tot dag van alle geldbedrae ontvang en bestee deur die lid, hetsy ten behoeve van homself of ander persone, en die aangeleenthede ten opsigte waarvan die ontvangste en uitgawes plaasgevind het;
 - (b) 'n rekord van fondse in trust gehou namens kliënte;
 - (c) 'n rekord van alle inkomste en uitgawes van die lid wat die aard daarvan omskryf;
 - (d) 'n rekord van alle bates en laste van die lid met inbegrip van enige voorsiening vir finansiële verpligtinge of voorwaardelike verpligtinge;
 - (e) 'n rekord van alle aankope en verkope van finansiële instrumente deur die lid, waarin die volgende weerspieël word:
 - (i) Die datum en, indien die finansiële beurs nie rekords van die tyd waarop elke transaksie beklink is, hou nie, die tyd van elke transaksie;
 - (ii) die persoon van wie die finansiële instrumente gekoop of aan wie dit verkoop is, tensy dit 'n transaksie is wat deur 'n outomatiese verhandelingsstelsel, erken deur die betrokke beurs, verwerk is;

- (iii) die persoon namens wie die finansiële instrumente gekoop of verkoop is;
 - (iv) die hoeveelheid, 'n volledige beskrywing, en die bepalings van die kontrak waar van toepassing, van die finansiële instrumente wat gekoop of verkoop is;
 - (v) indien van toepassing, die naam van die uitreiker van die finansiële instrumente;
 - (vi) die prys per eenheid van die finansiële instrumente en die totale teenprestasie soos van toepassing;
 - (vii) die makelaarsloon of diensfooie gehef waar die transaksie vir 'n kliënt was; en
- (f) waar van toepassing, 'n rekord van die ontvangs en lewering van die titelbewyse van die finansiële instrumente wat in die besit, veilige bewaring of onder die beheer van die lid is, waarin die volgende weerspieël word:
- (i) Die naam van die kliënt of prinsipaal ten behoeve van wie finansiële instrumente ontvang, gekoop, van die hand gesit of verkoop is;
 - (ii) die naam van die uitreiker van die finansiële instrumente;
 - (iii) die hoeveelheid en volle beskrywing en indien van toepassing, die kontrakbepalings van die finansiële instrumente;
 - (iv) die persoon van wie die finansiële instrumente ontvang is en aan wie die finansiële instrumente gelewer is;
 - (v) 'n spooridentifikasie van die titelbewyse van hierdie finansiële instrumente;
 - (vi) die naam van die geregistreerde houer en waar die geregistreerde houer 'n benoemde is, die begunstigde eienaar of eienaars van die finansiële instrumente;
 - (vii) die plek waar die titelbewyse van die finansiële instrumente gehou word;

- (viii) die doel waarvoor die titelbewyse gehou word;
 - (ix) besonderhede van enige heffing waaraan die finansiële instrumente onderworpe mag wees; en
 - (x) die datums waarop die finansiële instrumente ontvang en gelewer is, waar van toepassing.
- 6(5) 'n Lid moet saldo's met die finansiële beurs en ander beurse, en waar van toepassing, verrekeningshuise, sentrale bewaarnemers, bewaarnemende instellings en banke so dikwels as wat wenslik is vir die volume transaksies op die rekenings van die lid en in elk geval, minstens weekliks, rekonsilieer. Enige verskille, uitgesonderd tydsverskille tussen die rekords van die lid en die finansiële beurs, ander beurse, verrekeningshuise, sentrale bewaarnemers, bewaarnemende instellings of banke, na gelang van die geval, moet onmiddellik ondersoek word en so gou as moontlik reggestel word.
- 6(6) 'n Lid moet daagliks die saldo's tussen die rekeningkundige rekords en die getal finansiële instrumente in besit van die lid, rekonsilieer. Enige verskil moet onverwyld ondersoek, geregverdig of waar nodig, reggestel word.
- 6(7) 'n Lid of sy gevolmagtigde moet die lid se rekeningkundige rekords vir 'n tydperk van vyf jaar na die datum waarop die rekords die eerste keer opgestel of voorberei is, hou. 'n Lid moet die rekeningkundige rekords met betrekking tot die huidige en onmiddellik voorafgaande jaar op die plek hou waar sodanige lid sake bedryf. Daarna moet dit moontlik wees om die rekords binne 48 uur op 'n plek waar die lid sake bedryf, beskikbaar te stel.
- 6(8) 'n Lid kan gerekenariseerde rekords hou mits sodanige rekords in gedrukte vorm reproduseer kan word.

Interne beheer en risikobestuur van lede

- 7(1) 'n Lid moet in sover dit redelik is -
- (a) voldoende stelsels van interne beheer vestig en handhaaf;
 - (b) gesonde risiko bestuursbeginsels en -prosedures aanneem; en
 - (c) in staat wees om die doelwitte en werking van sodanige stelsels, beginsels en

prosedures aan sy ouditeur, die uitvoerende komitee en die Registrateur te beskryf en te demonstreer.

7(2) Die stelsels van interne beheer van die lid moet ontwerp word om te verseker dat -

- (a) alle transaksies en finansiële verpligtinge aangegaan, aangeteken word en binne die bevoegdheidsbestek is van die lid of die beampte of werknemer wat namens die lid optree;
- (b) daar prosedures is om die lid se bates en bates wat aan enige ander persoon behoort waarvoor die lid verantwoordelik is, te beveilig en om laste te beheer;
- (c) daar maatreëls is, sover redelikerwys moontlik, om die risiko van verliese deur die lid of die lid se kliënte as gevolg van enige onreëlmatigheid, bedrog of fout te minimaliseer en om enige onreëlmatigheid, bedrog of fout vas te stel indien dit sou plaasvind sodat spoedige regstellende aksie deur die lid of die lid se bestuur geneem kan word;
- (d) die lid se trustrekening daaglik gemoniteer word om te verseker dat alle ontvangste deur en betalings uit die trustrekening korrek aangebring word; en
- (e) die lid se rekords van veilige bewaring weekliks gerekonsilieer word.

7(3) Die beginsels en prosedures van risikobestuur moet ontwerp word om te verseker dat die lid se rekords op so 'n wyse gehou word ten einde finansiële en besigheidsinligting tydig te openbaar wat die lid of die lid se bestuur in staat sal stel om -

- (a) die lid se risikoblootstelling te identifiseer, kwantifiseer, beheer en te bestuur;
- (b) tydige en ingeligte besigheidsbesluite te neem;
- (c) die prestasie en alle aspekte van die lid se besigheid te moniteer; en
- (d) die lid se kapitaal te moniteer om nakoming van die kapitaaltoereikendheidsvereiste, ingevolge die reëls voorgeskryf, te verseker.

Aanstelling van ouditeur deur lid

8(1) 'n Lid moet sy rekeningkundige rekords deur 'n ouditeur laat oudit hoogstens drie

maande na sy finansiële jaareinde of sodanige latere datum as wat die Registrateur mag toelaat.

- 8(2) Sodanige lid moet hoogstens vier maande na die finansiële jaareinde, of sodanige latere datum as wat die Registrateur mag toelaat, die volgende aan die uitvoerende komitee en, op versoek, aan die Registrateur, versend:
- (a) 'n Afskrif van die geouditeerde jaarlikse finansiële state van daardie lid, vir die jaar waarop die oudit betrekking het, onderteken deur die lid indien die lid 'n natuurlike persoon is en indien die lid 'n vennootskap of maatskappy is, deur minstens twee vennote of twee direkteure, na gelang van die geval; en
 - (b) 'n verslag deur die ouditeur wat uiteensit -
 - (i) of al die nodige rekeningkundige rekords deur die lid gedurende die tydperk waarop die oudit betrekking het, gehou is al dan nie, of die rekords behoorlik gehou is al dan nie, en indien nie, in watter opsigte die rekords gebrekkig is;
 - (ii) of al die inligting en verduidelikings benodig, verkry is al dan nie en indien nie, die aard van die inligting wat nie verkry is nie en die aangeleentede wat nie verduidelik is nie;
 - (iii) of enige leningseffekte, wat volgens die relevante rekeningkundige rekords deur die lid namens enige ander persoon gehou word, met inbegrip van daardie leningseffekte in veilige bewaring gehou, in die besit van die lid is al dan nie en indien nie, in wie se besit of bewaring die leningseffekte is en vir watter doel;
 - (iv) of ondersoeke uitgevoer aandui dat die lid oënskynlik aan die bepalinge voldoen van -
 - (aa) artikel 17B van die Wet;
 - (bb) hierdie regulasies met betrekking tot rekeningkundige rekords en die ouditering daarvan; en
 - (cc) reëls met betrekking tot die instandhouding en werking van die trustrekening beoog in artikel 17B van die Wet, kapitaaltoereikendheid, die aantekening van titelbewyse of besonderhede van persone wat geregtig is op eienaarskap van

leningseffekte onder die beheer van die lid, die toestaan van krediet, die uitleen of verpanding van leningseffekte en die uitreik van kwitansies,

en of die ouditeur tydens die verloop van die oudit bewus geword het al dan nie van enige oortreding van die gemelde bepalings; en

- (v) of die finansiële state die finansiële posisie van die betrokke lid behoorlik weergee op die datum daarvan en die resultate van sy bedrywighede en kontantvloei inligting vir die tydperk van oorsig ooreenstem met algemeen aanvaarde rekeningkundige praktyk.
- (vi) of leningseffekte wat toevertrou is aan die lid of waarvoor die lid teenoor enige persoon aanspreeklik is; ingevolge die Wet, die regulasies en die toepaslike mandate geregistreer en gehou is; en
- (vii) of kontrakte met die lid of deur die lid namens 'n kliënt aangegaan, behoorlik aangeteken is; en
- (viii) of dit tot die kennis van die ouditeur gekom het dat die lid nie vir 'n wesentlike gedeelte van die onderhawige tydperk voldoende kapitaal, soos vereis ingevolge die Wet en die reëls, gehandhaaf het nie.

8(3) 'n Ouditeur wat die rekeningkundige rekords van 'n lid ingevolge subregulasies (1) en (2) ouditeer en tydens die verloop van die oudit bewus word dat die lid versuim het om te voldoen aan 'n wesentlike vereiste van enige bepaling in subregulasie (2)(b)(iv) bedoel, moet die aangeleentheid onverwyld aan die uitvoerende beampte van die betrokke finansiële beurs rapporteer.

8(4) (a) Indien 'n lid ophou om as 'n lid besigheid te dryf voor die laaste dag van die finansiële jaar van daardie lid, moet daardie lid 'n oudit van sy besigheid binne drie maande na die beëindiging daarvan laat onderneem, of op so 'n latere datum as wat die Registrateur mag bepaal en die oudit moet die tydperk vanaf die eerste dag van die finansiële jaar tot die datum van sodanige beëindiging dek. Met dien verstande dat indien 'n lid 'n vennootskap is, die vennootskap vir die doeleindes van hierdie paragraaf nie geag word ontbind te wees op grond van die toelating van 'n nuwe vennoot nie.

(b) Indien 'n lid ophou om as 'n lid besigheid te dryf soos in subregulasie (1) bedoel, moet daardie lid -

- (i) die finansiële beurs waarvan hy of sy 'n lid was, onmiddellik skriftelik in kennis stel van sodanige beëindiging;
- (ii) nie later nie as een maand na die datum waarop sy lidmaatskap beëindig is, aan elke kliënt met wie die lid gedurende die voorafgaande ses maande besigheid gedoen het, 'n brief stuur, ten einde die kliënt in te lig dat die lid opgehou het om as lid besigheid te doen;
- (iii) alle mandate en volmagte aan die betrokke kliënte terugbesorg;
- (iv) finale rekeningstate aan die betrokke kliënte stuur;
- (v) die lewering van alle finansiële instrumente, fondse en enige ander bates toevertrou aan sodanige lid aan die betrokke kliënte bewerkstellig; en
- (vi) die uitvoerende komitee en, op versoek, die Registrateur voorsien van -
- (aa) die ouditeursverslag vermeld in subregulasie (2) en (4) vir die tydperk in paragraaf (a) genoem; en
- (bb) 'n verslag deur die ouditeur wat bevestig dat -
- (AA) die lid voldoen aan die bepalings van paragrawe (i),(ii),(iii),(iv) en (v); en
- (BB) die lid ooreenkomstig die rekeningkundige- en ander rekords al die finansiële verbintenisse en verpligtinge voortspruitend uit die lid se besigheid, nagekom het of sodanige finansiële verbintenisse en verpligtinge met die toestemming van die uitvoerende komitee aan 'n ander lid oorgedra het.
- (c) Waar toepaslik, is die bepalings van subregulasies (5)(a) en (5)(b) ook van toepassing op die likwidateur, kurator of trustee van die boedel van 'n voormalige lid.

Rekeningkundige rekords en oudit van finansiële beurs en verrekeningshuis

- 9(1) 'n Finansiële beurs en verrekeningshuis moet rekeningkundige rekords hou in ooreenstemming met algemeen aanvaarde rekeningkundige praktyk, in een van die amptelike tale en in die geldeenheid van die Republiek van Suid-Afrika, op 'n aaneenlopende basis sodat rekords te alle tye op datum is of binne 'n redelike tyd op datum gebring kan word.
- 9(2) 'n Finansiële beurs en 'n verrekeningshuis of hulle behoorlik gemagtigde agente moet die betrokke rekeningkundige rekords hou vir 'n tydperk van vyf jaar na die datum waarop die rekords die eerste keer opgestel of voorberei is. Rekords met betrekking tot die huidige en onmiddellik voorafgaande jaar moet op die plek waar sodanige finansiële beurs en erkende verrekeningshuis sake bedryf, gehou word. Daarna moet dit moontlik wees om die rekords binne 48 uur op die plek waar die gemelde beurs of verrekeningshuis sake bedryf, beskikbaar te stel.
- 9(3) 'n Finansiële beurs en erkende verrekeningshuis kan gerekenariseerde rekords hou mits sodanige rekords in gedrukte vorm reproduseer kan word.
- 9(4) 'n Finansiële beurs en verrekeningshuis moet hul rekeningkundige rekords deur 'n ouditeur, goedgekeur deur die Registrateur, laat oudit hoogstens drie maande na die finansiële jaareinde of sodanige latere datum as wat die Registrateur mag bepaal.
- 9(5) Sodanige finansiële beurs en verrekeningshuis moet hoogstens vier maande na die finansiële jaareinde, of sodanige latere datum as wat die Registrateur mag bepaal, 'n afskrif van die geouditeerde jaarlikse finansiële state vir die jaar waarop die oudit betrekking het, onderteken deur 'n gevolmagtigde, aan die Registrateur voorlê.

Besoldiging van lede van Adviesraad

- 10 Die besoldiging en toelaes betaalbaar aan lede van die adviesraad beoog in artikel 3(1) van die Wet, word deur die Minister bepaal na oorleg met die Registrateur.

Samesmelting en oordrag van besigheid van finansiële beurse

- 11(1) Twee of meer finansiële beurse mag nie saamsmelt en al die bates en laste van 'n finansiële beurs mag nie oorgedra word aan of oorgeneem word deur enige ander finansiële beurs nie, behalwe met die skriftelike goedkeuring van die Minister.

11(2) Wanneer 'n transaksie beoog in subregulasie (1) in werking tree -

- (a) gaan al die bates en laste van die samesmeltende finansiële beurse of in die geval 'n oordrag van bates en laste, van die oordraggewende finansiële beurs oor op en word dit bindend op die saamgesmelte finansiële beurs, of na gelang van die geval, die oordragnemende finansiële beurs;
- (b) het die saamgesmelte finansiële beurs of in die geval van 'n oordrag van bates en laste, die oordragnemende finansiële beurs, dieselfde regte en is hy onderworpe aan dieselfde verpligtings wat onmiddellik voor die samesmelting of oordrag by die samesmeltende finansiële beurse of, na gelang van die geval, die oordraggewende finansiële beurs, berus het of daarop bindend was;
- (c) bly alle ooreenkomste, aanstellings, transaksies en dokumente gemaak, aangegaan, opgestel of verly deur, met of ten gunste van enigeen van die samesmeltende finansiële beurse, of na gelang van die geval, die oordraggewende finansiële beurs, en van krag was onmiddellik voor die samesmelting of oordrag, ten volle van krag, en word dit vir alle doeleindes uitgelê asof dit deur, met of ten gunste van die saamgesmelte finansiële beurs of, na gelang van die geval, die oordragnemende finansiële beurs, gemaak, aangegaan, opgestel of vervul was; en
- (d) bly enige verbandakte, verpanding, waarborg of ander dokument vir die dekking van toekomstige voorskotte, fasiliteit of dienste deur enigeen van die samesmeltende finansiële beurse of, na gelang van die geval, die oordraggewende finansiële beurs, wat onmiddellik voor die samesmelting of oordrag van krag was, ten volle van krag, en word dit uitgelê as 'n verbandakte, verpanding, waarborg of dokument gegee aan of ten gunste van die saamgesmelte finansiële beurs of, na gelang van die geval, die oordragnemende finansiële beurs, tot dekking van toekomstige voorskotte, fasiliteite of dienste deur daardie finansiële beurs.

11(3) 'n Finansiële beurs wat voornemens is om 'n ondergeskikte gedeelte van sy besigheid aan 'n ander finansiële beurs oor te dra, moet -

- (a) die goedkeuring deur die Minister van sodanige ander finansiële beurs verkry; en
- (b) die Minister voorsien van -
 - (i) 'n opgawe van al sy bates en laste; en

- (ii) 'n opgawe van daardie bates en laste wat hy voornemens is om oor te dra.

11(4) Die in subregulasie (3) bedoelde gedeelte van die besigheid kan, met die skriftelike toestemming van die Minister en op voorwaardes wat hy of sy bepaal, aan 'n ander finansiële beurs oorgedra word: Met dien verstande dat die Minister nie sodanige toestemming verleen nie tensy -

- (a) hy of sy oortuig is dat die betrokke oordrag nie vir die openbare belang skadelik sal wees nie;
- (b) hy of sy oortuig is dat, met inagneming van al die omstandighede, 'n redelike en billike verdeling van die bates, kapitaal en reserwes en die ander verpligtings van die betrokke finansiële beurs gemaak is vir die doeleindes van die oordrag; en
- (c) die oordragnemende finansiële beurs 'n onderneming aan die Minister tot sy of haar bevrediging verstrek dat, vir die tydperk of tydperke wat vir die Minister aanneemlik is, die oordragnemende beurs in 'n posisie sal wees om sy aanspreeklikheid na te kom ten opsigte van sy verpligtings teenoor die publiek, wat aan hom oorgedra is.

Boete ten opsigte van versuim om dokumente in te dien of inligting te verskaf

12 Vir doeleindes van artikel 36(3)(a) van die Wet, is die bedrag van die boete vir elke dag waarop die betrokke versuim voortduur, R200,00: Met dien verstande dat, in die geval van enige een voortdurende versuim, die som van die daaglikse boetes wat aan 'n persoon ten opsigte daarvan opgelê kan word, nie R20 000,00 mag oorskry nie.

Foie

13(1) Die foie uiteengesit in die laaste kolom van die volgende tabel, wat Belasting op Toegevoegde Waarde insluit, is betaalbaar ten opsigte van elke item wat daarteenoor in die tabel vermeld word:

Item	Foie
(a) Aansoek om die uitreiking van 'n finansiële mark-lisensie	R75 000,00
(b) Aansoek om die hernuwing van 'n finansiële mark-lisensie	R 5 000,00
(c) Aansoek om goedkeuring ingevolge artikel 5 van die Wet	R 5 000,00
(d) Aansoek om toevoeging, wysiging of opskorting van 'n reël ingevolge artikel 17(3)(b)(i)	R 100,00

13(2) Foie bedoel in subregulasie (1) is betaalbaar -

- (a) deur die betrokke applikant op die tydstip van die indiening van die aansoek; en
- (b) by wyse van 'n tjek, posorder of geldorder uitgemaak ten gunste van die Raad op Finansiële Dienste of by wyse van elektroniese medium.

13(3) Foie wat nie betaal word wanneer dit ingevolge hierdie regulasie betaalbaar is nie, dra rente teen 'n koers per jaar wat gelykstaan aan die heersende prima uitleenkoers van Die Standard Bank van Suid-Afrika.

Herroeping van Regulasies

14 Die regulasies afgekondig by Goewermentskennisgewing No. R1885 van 10 Augustus 1990, word hierby herroep.

WET OP BEHEER VAN FINANSIËLE MARKTE, 1989 (WET NO. 55 VAN 1989)***Aansoek kragtens artikel 7(1) van die Wet op Beheer van Finansiële Markte, 1989 (Wet No. 55 van 1989), om die uitreik van 'n finansiële mark-lisensie deur die Registrateur van Finansiële Markte***

Die Registrateur van Finansiële Markte

1. Ons en, van 'n vereniging bekend as die, spesifiek deur die lede van genoemde vereniging daartoe gemagtig, doen hiermee namens die gemelde vereniging aansoek om die uitreiking van 'n finansiële mark-lisensie vir die jaar wat op 31 Desember 19..... eindig.
2. Die voorgeskrewe aansoekfooï van is ingesluit.
3. (a) Die plek waar die besigheid van die finansiële beurs gedryf sal word, is; en
(b) die handelsmetode of fasiliteit waardeur die besigheid gedryf sal word is
4. Vyf afskrifte van die voorgestelde reëls van die vereniging, goedgekeur deur die lede van die vereniging, is ingesluit.

Onderteken te op

Getuies:

1.
2.

BYLAE 1 TOT VORM FM 1***Inligting wat 'n aansoek om die uitreiking van 'n finansiële mark-lisensie moet vergesel*****1. Administratiewe inligting**

- 1.1 Die naam van die vereniging en die naam wat dit gaan aanneem indien 'n finansiële mark-lisensie daaraan uitgereik word.

- 1.2 Die pos-, fisiese en elektroniese pos adresse van die vereniging se geregistreerde of hoofkantoor waar alle dokumente vir doeleindes van hierdie aansoek ontvang sal word.
 - 1.3 Die telefoon en faksimileenommers van die vereniging en die lede van die bestuurspan.
 - 1.4 'n Lys wat die volle name, adresse, en telefoonnommers van elke lid van die vereniging soos op die datum van aansoek vir 'n finansiële mark-lisensie, bevat.
 - 1.5 'n Lys waarin die volle name van die lede van die uitvoerende komitee van die vereniging uiteengesit word.
 - 1.6 'n Lys waarin die name, fisiese- en posadresse, telefoon- en faksimileenommers van die volgende verskaf word -
 - 1.6.1 die vereniging se bank;
 - 1.6.2 die vereniging se ouditeur; en
 - 1.6.3 die vereniging se prokureur.
2. 'n Afskrif van die akte van oprigting en statute, grondwet, vennootskapsooreenkoms, trustakte of enige ander dokument waarin die struktuur van die vereniging bepaal word en wat minstens vir die volgende voorsiening maak:
- 2.1 Die aard van die vereniging;
 - 2.2 die oogmerke van die vereniging;
 - 2.3 die bevoegdhede van die vereniging;
 - 2.4 die klasse van lidmaatskap en toelatingskriteria en prosedures ten opsigte van lidmaatskap;
 - 2.5 die samestelling, bevoegdhede en verantwoordelikhede van die uitvoerende komitee;
 - 2.6 die prosedures vir die verkiesing of aanstelling en onttrekking van lede van die uitvoerende komitee en hulle ampstermyne;

- 2.7 die prosedures vir die belê van vergaderings van lede van die Vereniging;
- 2.8 die stemreg van lede van die vereniging;
- 2.9 die aanstelling van 'n ouditeur; en
- 2.10 die prosedures vir die ontbinding van die vereniging.

3. Toereikendheid van finansiële bronne

- 3.1 Indien die vereniging reeds vir meer as 'n jaar bestaan, 'n afskrif van sy jaarlikse finansiële state soos op sy jongste finansiële jaareinde.
- 3.2 'n Afskrif van die begrote inkomstestaat, balansstaat en kontantvloeistaat in ooreenstemming met die volgende riglyne -
 - (a) ten opsigte van 'n vereniging wat reeds meer as 'n jaar bestaan, vir die tydperk vanaf die datum van die mees onlangse jaarlikse finansiële state tot 'n datum nie vroeër as een jaar en nie later nie as 18 maande na die datum van aansoek om 'n finansiële mark-lisensie; of
 - (b) ten opsigte van 'n vereniging wat minder as 'n jaar bestaan, vir 'n tydperk wat eindig nie vroeër as een jaar maar nie later nie as 18 maande na die datum van aansoek om 'n finansiële mark-lisensie.

4. Toereikendheid van bestuursbronne

- 4.1 'n Afskrif van die struktuur van die bestuur van die vereniging met inbegrip van die name van die individue wat verantwoordelik is vir vername funksionele areas en die aantal personeel wat in elke funksionele area in diens is.
- 4.2 'n Afskrif van die projeksie van bestuurs- en personeelvereistes vir die tydperk gedek deur die begrotings voorsien ingevolge 3.2 hierbo.

5. Voorgestelde besigheid van die finansiële beurs

'n Afskrif van die besigheidspan van die vereniging wat goedgekeur is deur die uitvoerende komitee en minstens oor die volgende sake handel:

- 5.1 Die verskeidenheid van beleggings wat op die beurs genoteer gaan word en die vereistes vir notering;
- 5.2 die verskeidenheid van beleggers, plaaslik sowel as buitelandse, wat na verwagting deur middel van die finansiële beurs sal belê;
- 5.3 die voordele verbonde aan beleggings deur middel van die finansiële beurs vir sodanige beleggers;
- 5.4 die beplande ontwikkeling van die stelsels en infrastruktuur van die vereniging;
- 5.5 planne om die integriteit van die mark en sy lede te bewaar;
- 5.6 die mate waarin en die wyse waarop pryse gepubliseer gaan word;
- 5.7 die toesighoudingsprosedures wat neergelê is om nakoming deur lede van die voorgestelde reëls van die vereniging en die vereistes van die Wet te verseker en die hulpmiddele van die vereniging om hierdie funksie uit te voer;
- 5.8 prosedures wat gevolg gaan word om lede van die vereniging wat versuim om aan die Reëls, die Regulasies of die Wet te voldoen, effektiewelik te dissiplineer;
- 5.9 sekuriteitsprosedures om die integriteit van die stelsels wat transaksies en die eienaarskap van finansiële instrumente boekstaaf, te verseker, die vermoë van hierdie stelsels met betrekking tot die begrote aantal transaksies en die hulpbronne beskikbaar om die stelsel te rugsteun in geval van 'n stelselmislukking; en
- 5.10 verslae en publikasies wat aan die beleggerspubliek beskikbaar gestel gaan word met betrekking tot die lidmaatskap van die vereniging, transaksies uitgevoer op die finansiële beurs en die finansiële instrumente deur die finansiële beurs genoteer en die wyse waarop sodanige inligting versprei gaan word.

6. Waarborgfonds

- 6.1 'n Afskrif van die reëls van die voorgename Waarborgfonds.
- 6.2 'n Verklaring deur 'n gevolmagtigde van die vereniging ten opsigte van die wyse waarop die Waarborgfonds befonds gaan word, met inbegrip van die mate waartoe die fonds deur 'n versekeringspolis onderskryf gaan word.
- 6.3 'n Afskrif van die *pro forma* beleidsdokument.

7. Openbare belang

'n Memorandum wat enige verdere faktore, wat nie hierbo vermeld is nie, uiteensit, wat kan aandui dat die toestaan van 'n finansiële mark-lisensie die openbare belang sal dien.

BYLAE 2 TOT VORM FM 1

Dokumentasie, verklarings en ondernemings wat voorsien moet word ter ondersteuning van die inligting verstrek ingevolge Bylae 1

1. 'n Verklaring deur die uitvoerende beampte van die vereniging wat bevestig dat die uitvoerende komitee homself tevrede gestel het dat -
 - 1.1 alle lede van die vereniging of, waar 'n lid 'n regspersoon is, dat alle persone wat sy aktiwiteite bestuur en beheer, geëvalueer is en, op die beskikbare inligting, van goeie karakter en integriteit bevind is;
 - 1.2 alle lede aan die minimum kapitaaltoereikendheidsvereistes vir lidmaatskap voldoen; en
 - 1.3 die vereniging uit ten minste 10 (tien) persone bestaan.
2. 'n Onderneming deur elke stigterslid van die vereniging dat hy of sy as 'n lid van die voorgename finansiële beurs onafhanklik van en in mededinging met ander lede van die finansiële beurs besigheid sal doen.
3. 'n *Curriculum vitae* ten opsigte van elke lid van die uitvoerende komitee wat sy of haar relevante ondervinding en opleiding aantoon.
4. 'n Verklaring onderteken deur elke lid van die uitvoerende komitee tot die effek dat

hy of sy van geen rede weet waarom hy of sy nie sy of haar ampstermyn as 'n komiteelid sal voltooi nie.

5. 'n Verklaring onderteken deur die uitvoerende beampte van die vereniging wat die kritieke aannames gemaak in die voorbereiding van die begrotings voorgelê ingevolge Bylae 1 uiteensit en, in besonder, die bronne waaruit die finansiële beurs befonds sal word.
6. Indien iemand onderneem het om 'n tydelike tekort in die beskikbare kontantvloei van die vereniging te befonds, moet 'n verklaring waarin hy of sy die onderneming bevestig en waarin die omvang en voorwaardes van die onderneming uiteengesit word, voorsien word.
7. 'n *Curriculum vitae* ten opsigte van elke lid van die bestuur van die vereniging wat verantwoordelik is vir 'n vername funksionele gedeelte daarvan, waarin sy of haar relevante ondervinding en opleiding aangetoon word.

BYLAE 3 TOT VORM FM 1

WET OP BEHEER VAN FINANSIËLE MARKTE, 1989 (WET NO 55 VAN 1989)

Aansoek om die erkenning van 'n verrekeningshuis deur die Registrateur van Finansiële Markte

Die Registrateur van Finansiële Markte

Ons en van 'n vereniging bekend as, daartoe gemagtig deur die lede van die vereniging, doen hiermee aansoek dat as 'n verrekeningshuis erken word ten opsigte van ten opsigte waarvan hiermee aansoek om 'n finansiële mark-lisensie gedoen word.

Ons bevestig dat die verrekeningshuis aan die vereistes van die vereniging en sy lede voldoen.

Onderteken te op

Getuies:

1.

2.

Inligting wat die aansoek om die erkenning van die verrekeningshuis, moet vergesel

1. Die naam van die verrekeningshuis en die naam wat dit sal aanneem as dit erken word.
2. Die pos-, fisiese en elektroniese posadresse van sy geregistreerde of hoofkantoor waar alle dokumente vir doeleindes van hierdie aansoek ontvang sal word.
3. Die telefoon- en faksimileenommers van die verrekeningshuis.
4. Die name van aandeelhouders, direkteure, vennote of eienaar.
5. Die struktuur van die verrekeningshuis wat sal insluit:
 - (a) 'n Afskrif van die akte van oprigting en statute, grondwet, vennootskapsooreenkoms, trustakte of enige ander dokument wat die struktuur en administrasie van die verrekeningshuis bepaal;
 - (b) besonderhede van kapitaal en befondsing;
 - (c) die voorgestelde wyse van die verkryging van 'n inkomste;
 - (d) die naam van die bank van die verrekeningshuis;
 - (e) die naam van die ouditeur;
 - (f) die naam van die prokureur;

- (g) die name van enige ander professionele adviseurs wat die verrekeningshuis gebruik; en
- (h) besonderhede van die plek waar besigheid bedryf gaan word.

Dokumente en verklarings wat voorsien moet word ter ondersteuning van die aansoek om die erkenning van 'n verrekeningshuis

1. 'n Verklaring deur 'n gevolmagtigde van die verrekeningshuis waarin die volgende uiteensit word:
 - (a) Die aard van die verrekenings- en vereffeningsdiens wat aan die finansiële beurs verskaf gaan word; en
 - (b) besonderhede van die finansiële hulpbronne van die verrekeningshuis.
 - (c) 'n beskrywing van die stelsel se kapasiteit;
 - (d) 'n beskrywing van die stelsels van interne kontrole; en
 - (e) 'n beskrywing van die rampspoed herstellfasiliteite.
2. 'n Afskrif van die diensooreenkoms met die finansiële beurs.

BYLAE 4 TOT VORM FM 1

WET OP BEHEER VAN FINANSIËLE MARKTE, 1989 (WET NO 55 VAN 1989)***Aansoek om goedkeuring van finansiële instrumente wat ingesluit moet word in die lys beoog in artikel 14 van die Wet op Beheer van Finansiële Markte, 1989***

Die Registrateur van Finansiële Markte

Ek van die vereniging bekend as,
daartoe gemagtig deur die lede van die gemelde vereniging, doen hiermee aansoek om die
volgende finansiële instrumente in te sluit by die lys van finansiële instrumente waarin handel
gedryf kan word op die Beurs.

1.
2.
3.
4.

Onderteken te op

Getuies:

1.
2.

Inligting wat 'n aansoek om goedkeuring van die lys wat deur die uitvoerende komitee ingevolge artikel 14 van die Wet gehou word, en 'n aansoek om goedkeuring van 'n wysiging van die genoemde lys, moet vergesel

1. TERMYNKONTRAKTE

1.1 KONTRAKSPESIFIKASIES

Die spesifikasies van die termynkontrak moet die volgende insluit:

- (a) Kontraknaam;
- (b) kontrakkode;
- (c) onderliggende instrument;
- (d) kontrakgrootte;

- (e) kontrakmaande;
- (f) vervaldatum en -tyd;
- (g) kwotasies;
- (h) minimum prysbeweging;
- (i) standaard kwoteergrootte;
- (j) waardasie teenoor prys;
- (k) vervalpryswaardasiemetode;
- (l) vereffening;
- (m) marge-vereistes; en
- (n) beurs transaksiefoeie.

1.2 KONTANTMARK

Indien die onderliggende instrument van die termynkontrak nie 'n indeks bedoel in die woordskrywing van "effekte" in artikel 1 van die Wet op Beheer van Effektebeurse, 1985 (Wet No 1 van 1985), is nie, 'n beskrywing van die kontantmark. Die begrip "kontantmark" sluit in alle aspekte van die loko- en termynmarkte waarin die onderliggende instrument van die termynkontrak verhandel word en waarvoor die termynkontrak 'n verskansings- of 'n prysbaseringsfunksie het.

Ten opsigte van kommoditeite, moet die beskrywing van die kontantmark die volgende, indien van toepassing, insluit:

- (a) Produksie van die onderliggende instrument, met inbegrip van die geografiese liggings en seisoenale patrone;
- (b) verbruik van die onderliggende instrument, met inbegrip van geografiese liggings en seisoenale patrone van tussentydse en uiteindelijke verbruik;
- (c) die aard en struktuur van die kontantbemarkingskanale, met inbegrip van die aard en aantal bemarkingsinstellings, die aard van die vooruitkontrakmark, en die wyse waarop die prys van die instrument op onderskeie stadia, bepaal word;
- (d) die gebruikelike vorme van kommunikasie, metodes waarop eienaarskap van instrumente gefinansier word, en, die wyse waarop tasbare instrumente vervoer en bewaar word; en
- (e) statistiese gegewens wanneer redelikerwys beskikbaar. Sodanige data moet strek oor 'n tydperk wat voldoende is om die historiese patrone van produksie, verbruik en die bemarking van die instrument wat van belang is by die prysbaserings- of verskansingsfunksie van die termynkontrak en die spesifikasie van die terme en

voorwaardes daarvan, noukeurig aan te toon. Indien voldoende data nie deur redelike pogings verkry kan word nie, moet onderhoude met of verklarings deur persone wat kennis dra van die kontantmark, gebruik word om die inligting aan te vul of, indien nodig, die kwantitatiewe inligting te vervang.

1.3 TERME EN VOORWAARDES VAN TERMYNKONTRAK

'n Ontleding en motivering van individuele terme en voorwaardes van die termynkontrak, wat die volgende moet insluit:

- (a) Bewys van ooreenstemming met die onderliggende kontantmark;
- (b) bewys dat die terme en voorwaardes van die termynkontrak voorsiening maak vir 'n lewerbare voorraad wat nie tot prysmanipulasie of -distorsie sal lei nie en dat sodanige voorraad redelikerwys verwag kan word om verkrygbaar te wees deur 'n koper en verkoopbaar te wees deur 'n verkoper teen sy markwaarde in normale kontantbemarkingskanale;
- (c) ten opsigte van termynkontrakte wat lewering vereis-
 - (i) 'n motivering dat die terme en voorwaardes van die termynkontrak as geheel sal lei tot 'n lewerbare voorraad wat nie bevorderlik sal wees vir prysmanipulasie of -distorsie nie;
 - (ii) volledige spesifikasies en eienskappe van die instrument vir gelyke of nie-gelyke lewering (soos graad, klas, gewig, uitreiker, vervaldatum, gradering) met inbegrip van die ekonomiese basis vir die premiums en diskonto's, of gebrek daaraan, vir verskillende eienskappe;
 - (iii) alle leweringspunte, wat ten opsigte van elke gebied insluit-
 - (aa) die aard van die kontantmark by die leweringspunt (bv veiling, koopstasie of uitvoerterminaal);
 - (bb) 'n beskrywing van die samestelling van die mark;
 - (cc) die normale handelspraktyk vir die bepaling van kontantmarkwaardes en die beskikbaarheid van gepubliseerde kontantpryse wat die waarde van die lewerbare instrument aantoon;

- (dd) die vlak van lewerbare voorraad normaalweg beskikbaar, met inbegrip van die seisoenale verspreiding van sodanige voorraad; en
 - (ee) enige verskille in leweringspunte, met inbegrip van die ekonomiese basis vir diskonto's en premies, of gebrek daaraan, wat op leweringspunte van toepassing is;
- (iv) 'n beskrywing van die leweringsfasiliteit met inbegrip van -
- (aa) die soort leweringsfasiliteit by elke leweringspunt;
 - (bb) die aantal en die volle kapasiteit van fasiliteite wat aan die vereistes van die termynkontrak voldoen;
 - (cc) die gedeelte van sodanige kapasiteit wat na verwagting vir handelaars wat lewering wil doen, beskikbaar sal wees, en seisoenale veranderings in sodanige gedeelte wil aanbring; en
 - (dd) die mate waarin eienaarskap en beheer van sodanige fasiliteite versprei of gekonsentreerd is; en
- (v) die leweringsmaande van die termynkontrak en 'n beskrywing van die verhouding van elke leweringsmaand van die termynkontrak tot sikliese veranderinge in lewerbare voorraad, beskikbaarheid van pakhuisruimte, vervoerfasiliteite, kontantmarkaktiwiteit en enige ander faktore wat die uitvoerbaarheid van lewering of die vasstelling van 'n kontantvereffeningsprys in elke sodanige maand kan beïnvloed;
- (d) in die geval van termynkontrakte ten opsigte waarvan kontantvereffening as 'n alternatief tot, of vervanging van, fisiese lewering kan dien, bewys dat die kontantvereffening van die termynkontrak plaasvind teen 'n prys wat die onderliggende kontantmark weerspieël en nie aan prysmanipulasie of distorsie onderworpe is nie, met insluiting van:
- (i) 'n Ontleding van die prysreeks waarop sodanige vereffening gebaseer sal wees, met inbegrip van die reeks se betroubaarheid, aanvaarbaarheid, openbare beskikbaarheid en tydigheid; en
 - (ii) 'n ontleding van die potensiaal vir manipulasie of distorsie van die kontantprysreeks; en

- (e) ten opsigte van termynkontrakte wat spekulatiewe posisieperke moet hê, 'n ontleding van die konsekwentheid van die spekulatiewe posisieperke.

1.4 OOREENSTEMMING MET HEERSENDE KONTANTMARKPRAKTYKE

'n Verklaring dat, waar van toepassing, die terme en voorwaardes van 'n termynkontrak in ooreenstemming is met heersende kontantmarkpraktyke.

1.4.1 Vir daardie terme en voorwaardes van die termynkontrak wat nie met die verklaring ooreenstem nie -

- (a) moet 'n rede vir die afwyking van heersende kontantmarkpraktyke voorsien word;
- (b) moet daar aangetoon word dat die term of voorwaarde van die termynkontrak noodsaaklik of toepaslik is vir die kontrak; en
- (c) indien die termynmark lewering vereis, moet daar aangetoon word dat daar voldoende beskikbare, verkoopbare en lewerbare voorraad sal wees.

1.4.2 Die terme en voorwaardes sluit ook die volgende in:

- (a) Die toelaatbare leweringspakket of samestelling van leweringseenhede;
- (b) die grootte van 'n eenheid van die termynkontrak;
- (c) die minimum prysverandering;
- (d) 'n aparte verklaring dat enige beperkings op daaglikse prysbewegings (maksimum prysfluktuasies) nie oormatig beperkend is met betrekking tot prysbewegings in die kontantmark nie; en
- (e) in die geval van kommoditeite:
 - (i) Die inspeksie- en sertifiseringsprosedures vir die verifikasie van die geskiktheid vir lewering en, vir bederfbare instrumente, die duur van die inspeksiesertifikaat en enige diskonto wat op lewerings van 'n sekere ouderdom toegepas word;
 - (ii) die leweringinstrument (soos 'n pakhuiswitansie) en die voorwaardes waaronder sodanige sertifikaat verhandelbaar is;

- (iii) die vervoerterme by die leweringspunt; en
- (iv) die bepalings vir die betaling van kostes wanneer lewering geneem of ontvang word, met inbegrip van 'n beskrywing van wesentlike kostes (soos inspeksie-, sertifiserings-, pakhuis- of spookostes).

2. OPSIEKONTRAKTE

Die spesifikasies van die opsiekontrak wat ten minste -

- (a) 'n beskrywing van die onderliggende instrument van die opsiekontrak; en
- (b) die toekomstige datums van die opsiekontrak, moet insluit.

3. LENINGSEFFEKTE

- (a) Naam van die leningseffek;
- (b) uitreiker;
- (c) uitreikingsdatum;
- (d) koeponkoers;
- (e) betalingstermyne;
- (f) betalingsdatums;
- (g) vervaldatum;
- (h) bedrag en datum van uitreiking;
- (i) 'n afskrif van die besluit wat die uitreiking van die leningseffek deur die beherende liggaam van die instelling wie se effekte genoteer moet word, magtig;
- (j) wetlike bepalings wat die uitreiking van die leningseffekte magtig;
- (k) 'n afskrif van 'n dokument wat 'n regeringswaarborg bevat, indien enige;
- (l) 'n afskrif van die plasingsdokument of prospektus na gelang van die geval; en
- (m) afskrifte van alle bemarkingsmateriaal gebruik in verband met die uitreiking van die leningseffekte.

WET OP BEHEER VAN FINANSIËLE MARKTE, 1989 (WET NO 55 VAN 1989)***Aansoek ingevolge artikel 7(2) van die Wet op Beheer van Finansiële Markte, 1989 (Wet No 55 van 1989) om die hernuwing deur die Registrateur van Finansiële Markte van 'n finansiële mark-lisensie***

Die Registrateur van Finansiële Markte

1. Ekvan die finansiële beurs bekend as..... spesifiek daartoe gemagtig deur die uitvoerende komitee van genoemde finansiële beurs, doen namens die beurs aansoek vir die hernuwing van 'n finansiële mark-lisensie vir die jaar wat op 31 Desember 19 ... eindig.
2. Die voorgeskrewe fooi van word ingesluit.

Onderteken te op

Getuies:

1.
2.

BYLAE 1 BY VORM FM 2***Inligting wat 'n aansoek om die hernuwing van 'n finansiële mark-lisensie moet vergesel***

1. 'n Afskrif van die jongste jaarlikse finansiële state van die finansiële beurs.
2. 'n Afskrif van die jongste jaarlikse begroting van die finansiële beurs wat deur die uitvoerende komitee goedgekeur is.
3. 'n Afskrif van die jongste strategiese beplanningsdokument van die beurs wat deur die uitvoerende komitee goedgekeur is, indien enige.

4. 'n Memorandum onderteken deur 'n gevolmagtigde wat die wesentlike veranderinge wat plaasgevind het in die inligting wat voorheen ingevolge paragrawe 2, 4.1, 5.7, 5.8, 5.9 en 6 van Bylae 1 by Vorm FM 1 ingedien is, aantoon en of daar enige veranderinge in die beurs se prosedures plaasgevind het.
5. Bevestiging deur 'n gevolmagtigde van die beurs dat gedurende die jaar wat die datum van aansoek voorafgaan -
 - (a) die reëls van die finansiële beurs behoorlik toegepas is; indien sekere reëls nie toegepas is nie, moet redes daarvoor verskaf word;
 - (b) die finansiële beurs te alle tye aan die bepalinge van die Wet en Regulasies voldoen het;
 - (c) die finansiële beurs te alle tye bestaan het uit minstens 10 persone wat besigheid gedryf het as kopers en verkopers van finansiële instrumente, onafhanklik van mekaar en in mededinging met mekaar;
 - (d) die finansiële beurs voldoen het aan alle geskrewe voorskrifte, versoeke, voorwaardes of vereistes van die Registrateur wat nie deur die appèlraad tersyde gestel is nie; en
 - (e) die finansiële beurs uitvoering aan alle beslissings van die appèlraad gegee het.
6. In die geval van 'n beurs wat reeds bestaan op die datum van afkondiging van hierdie Regulasies, moet 'n memorandum wat onderteken is deur 'n gevolmagtigde van die beurs en wat die inligting beoog in paragrawe 3, 4 en 5 van Bylae 1 by Vorm FM 1 uiteensit, die eerste aansoek om hernuwing na daardie datum vergesel.

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