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# BOARD NOTICE RAADSKENNISGEWING

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## BOARD NOTICE 60 OF 2008

### FINANCIAL SERVICES BOARD

#### FINANCIAL SERVICES BOARD ACT, 1990

#### LEVIES ON FINANCIAL INSTITUTIONS

The Financial Services Board referred to in section 2 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), hereby under section 15A of the said Act imposes the levies set out in the Schedule on financial institutions.

By order of the Financial Services Board.



Dr C D R Rustonjee

Chairperson: Financial Services Board

#### SCHEDULE

##### Definitions

1. In this Notice any word or expression to which a meaning has been assigned in any financial services law, has the meaning so assigned to it and, unless the context indicates otherwise -
  - (i) **"Board"** means the Financial Services Board referred to in the Act;
  - (ii) **"financial services law"** means the Act, and any other act referred to in paragraph (a) of the definition of "financial institution" in section 1 of the Act;
  - (iii) **"levy year"** means the period from 1 April 2008 to 31 March 2009 and, subject to this Notice and any amendment or repeal thereof, such corresponding period in succeeding years, in respect of which levies are imposed;
  - (iv) **"relevant Registrar"** means the Registrar mentioned in a financial services law concerned;
  - (v) **"the Act"** means the Financial Services Board Act, 1990 (Act No. 97 of 1990).

### **Imposition of levies**

2. The levy specified in an item of this Notice is hereby imposed in respect of the financial institution referred to in that item and in respect of the levy year.

### **Levy on pension funds**

3. (1) In respect of a pension fund registered or provisionally registered in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956) (including a preservation fund), excluding a retirement annuity fund as defined in section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962), the levy is an amount of R675,56 (R855,14 reduced by a levy rebate amount of R179,58), plus an additional amount of R5,57 (R7,05 reduced by a levy rebate amount of R1,48) per member of such fund and in respect of every other person who receives regular periodic payments from such fund but excluding any member or such person who receives regular periodic payments, whose benefit in the fund remained unclaimed, or R1 119 206 (R1 416 717 reduced by a levy rebate amount of R297 511), which total amount is the lesser. A pension fund registered under an umbrella scheme must pay an additional levy of R175,36 (R221,97 reduced by a levy rebate amount of R46,61) in respect of each registered participating employer, except where an umbrella fund has been exempted by the Registrar from the payment of the levy for each participating employer. The maximum levy applies in respect of each participating employer and not in respect of the umbrella scheme as such.
- (2) The calculation of the levy referred to in subitem (1) is based on the number of members and other persons as reflected in the latest statistics furnished to the relevant Registrar in terms of any law, and on file with the Board on 30 June of the levy year. If a transfer of members is in process and not finalised on 30 June of the levy year, the transferor must pay the levy in respect of the members to be transferred. Where the appointment of a liquidator of a fund is approved by the Registrar after 30 June of the levy year, the levy for the fund is payable in full for the levy year.
- (3) The levies referred to in subitem (1) must be paid not later than 31 August of the levy year.

### **Levy for Pension Funds Adjudicator**

4. In respect of a pension fund registered or provisionally registered in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956), including a preservation fund as well as a retirement annuity fund as defined in section 1 of the Income Tax Act, 1962, the levy for the Pension Funds Adjudicator is an amount of R2,91 per member of such fund and any other person who receives regular periodic payments from such fund but excluding any member or such person who receives regular periodic payments, whose benefit in the fund remained unclaimed. Where the appointment of a liquidator of a fund is approved by the Registrar after 30 June of the levy year, the levy for the fund is payable in full for the levy year.

This levy may be paid with the levy referred to in item 3 and is payable on the date specified in item 3(3).

### **Levy on retirement annuity funds**

5. (1) In respect of a retirement annuity fund referred to in item 3(1), the levy is an amount of R675,56 (R855,14 reduced by a levy rebate amount of R179,58) plus an additional amount equal to 0,0044521% (0,00551% reduced by a levy rebate of 0,0010579%) of the value of the assets of the fund. Where the appointment of a liquidator of a fund is approved by the Registrar after 30 June of the levy year, the levy for the fund is payable in full for the levy year.
- (2) The value of the assets of a retirement annuity fund is the value of those assets of the fund determined at the time of the valuation thereof by the insurer for the purpose of determining its liabilities excluded in item 8(2)(b) from the definition of "liabilities", as well as any other assets held by the fund to enable it to meet its obligations towards its members. The calculation of the levy referred to in subitem (1) is based on the value of assets as reflected in the latest statistics furnished to the relevant Registrar in terms of any law, and on file with the Board on 30 June of the levy year. If a transfer of members is in process and not finalised on 30 June of the levy year, the transferor must pay the levy in respect of the value of the assets for the members to be transferred.
- (3) The calculation of the value of the assets of a retirement annuity fund must include the value of a contract, if any, in which a long-term insurer, in return for the payment

of a premium, undertakes to provide policy benefits for the purpose of funding in whole or in part the liability of a retirement annuity fund to provide benefits to its members in terms of its rules.

- (4) The levy referred to in subitem (1) which are payable by a retirement annuity fund must be paid not later than 31 August of the levy year.

#### **Levy on friendly societies**

6. With effect from 1 April 2006, any friendly society registered or provisionally registered in terms of section 3(2)(a) of the Friendly Societies Act, 1956 (Act No. 25 of 1956), is exempted from the payment of levies.

#### **Levy on short-term insurers and underwriters at Lloyd's**

7. (1) In respect of an insurer registered in terms of the Short-term Insurance Act, 1998 (Act No. 53 of 1998), to carry on short-term insurance business, the levy shall be based on estimated gross premium income, including any rebates, for the insurer's financial year ending during the period from 1 July to 31 March of the current levy year or ending during the period from 1 April to 30 June of the following levy year, adjusted after the end of its financial year in accordance with its actual audited gross premium income, including any rebates. Irrespective of the length of the financial period of the insurer, the levy shall be an amount equal to 0,0934% of the first R60 million gross premium income, including any rebates, plus 0,0216% thereafter, or R9 340, whichever total amount is the greater. The rate in force at the end of the financial period of the insurer shall be applicable for the whole of the period ending on such date:

Provided that, subject to subitem (3), the levy in this subitem in respect of a short-term insurer which was registered or deemed to be registered in terms of the Short-term Insurance Act, 1998, on any day of the levy year preceding the previous levy year shall be reduced by a levy rebate equal to 0,0074525% of the actual audited gross premium income, including any rebates, for the insurer's financial year which ended during the period from 1 July to 31 March of the levy year preceding the previous levy year or which ended during the period from 1 April to 30 June of the previous levy year.

- (2) In respect of a person appointed in terms of section 57(1) of the Short-term Insurance Act, 1998, the levy shall be based on estimated gross premium income for the calendar year ending on 31 December of the levy year, but adjusted annually after 31 December in accordance with the gross premium income which was received on behalf of underwriters at Lloyd's in the Republic for the previous calendar year as published in the Annual Report of the Registrar of Short-term Insurance. The levy shall be an amount equal to 0,0934% of the first R60 million gross premium income plus 0,0216% thereafter, or R9 340, whichever total amount is the greater:

Provided that, subject to subitem (3), the levy in this subitem in respect of a person appointed in terms of section 57(1) of the Short-term Insurance Act, 1998, shall be reduced by a levy rebate equal to 0,0074525% of the actual audited gross premium income which was received on behalf of underwriters at Lloyd's in the Republic for the calendar year preceding the previous levy year as published in the Annual Report of the Registrar of Short-term Insurance.

- (3) A short-term insurer which was registered or deemed to be registered in terms of the Short-term Insurance Act, 1998, on any day of the levy year, must pay the full levies referred to in subitem (1).
- (4) The levy based on estimated premium income shall be paid in two instalments before or on 25 July and 31 October of the levy year. The adjustment referred to in subitem (1) shall be combined with the first or second payment after the end of the insurer's financial year and the levy rebate referred to in the proviso to subitem (1) shall be combined with the second payment after the end of the insurer's financial year. In the case of Lloyd's the adjustment referred to in subitem (2) and the levy rebate referred to in the proviso to subitem (2) shall be combined with the October payment.

#### **Levy on long-term insurers**

8. (1) In respect of a long-term insurer which is registered or deemed to be registered in terms of the Long-term Insurance Act, 1998 (Act No. 52 of 1998), and authorised to –

- (a) enter into one or more than one disability policy, fund policy, health policy, life policy or sinking fund policy or one or more of those policies and an assistance policy, the levy is an amount of R37 000 plus 0,00551% of the liabilities under unmatured long-term policies; or
- (b) enter into an assistance policy only, the levy is an amount of R3 700 plus 0,00551% of the liabilities under unmatured long-term policies:

Provided that, subject to subitem (3), the levy –

- (i) in paragraph (a) shall be reduced by a levy rebate of R3 700 in respect of a long-term insurer which was registered or deemed to be registered in terms of the Long-term Insurance Act, 1998, on 1 April of the previous levy year, or R1 850 if the long-term insurer was registered or deemed to be registered in terms of the Long-term Insurance Act, 1998, after 1 April but not after 1 October of the previous levy year, plus 0,0010579% of the liabilities under unmatured long-term policies as determined at the end of the long-term insurer's financial year which ended in the calendar year preceding the previous levy year;
  - (ii) in paragraph (b) shall be reduced by a levy rebate of R370 in respect of a long-term insurer which was registered or deemed to be registered in terms of the Long-term Insurance Act, 1998, on 1 April of the previous levy year, or R185 if the long-term insurer was registered or deemed to be registered in terms of the Long-term Insurance Act, 1998, after 1 April but not after 1 October of the previous levy year, plus 0,0010579% of the liabilities under unmatured long-term policies as determined at the end of the long-term insurer's financial year which ended in the calendar year preceding the previous levy year.
- (2) The expression "liabilities under unmatured long-term policies" in subitems (1)(a) and (b) –
- (a) means the liabilities as determined at the end of the long-term insurer's financial year which ended in the calendar year preceding the levy year, and the value of such liabilities are the gross liabilities under unmatured policies reflected against the item "Gross policy liabilities" in column 9 of Statement

C9 of the Long-term Return (Form LT2007), or means, if the long-term insurer had no financial year which ended in the calendar year preceding the levy year, the gross liabilities as reflected at the end of the long-term insurer's financial year which ended in the calendar year preceding the previous levy year;

- (b) excludes the liabilities under a contract, in terms of which the long-term insurer, in return for the payment of a premium, undertakes to provide policy benefits for the purpose of funding in whole or in part the liability of a friendly society, as defined in section 1 of the Friendly Societies Act, 1956, or a pension fund organisation, as defined in section 1 of the Pension Funds Act, 1956, to provide benefits to its members in terms of its rules: Provided that such excluded liabilities do not include liabilities under a contract relating exclusively to a particular member of a friendly society or a pension fund organisation, or to the surviving spouse, children, dependants or nominees of a particular member of such friendly society or pension fund organisation.
- (3) A long-term insurer which was registered or deemed to be registered in terms of the Long-term Insurance Act, 1998 -
- (a) on 1 April of the levy year, must pay the full levies referred to in subitems (1)(a) and (b) in accordance with subitem (4); or
  - (b) after 1 April but not after 1 October of the levy year, must pay half the levies referred to in subitems (1)(a) and (b) in one amount as the only payment, before or on 31 October of the levy year.
- (4) The levies referred to in subitem (3)(a) must be paid in two instalments, namely -
- (a) 50% of the levy, excluding the levy rebate in the proviso to subitem (1), or, if the actual amount is not available, a reasonable estimate of such levy based on a reasonable estimate of the value of the liabilities referred to in subitem (2), before or on 25 July of the levy year; and
  - (b) the balance of the levy, including the levy rebate in the proviso to subitem (1), before or on 31 October of the levy year; and



- (c) if the payment was based on an estimate as referred to in subitem (4)(a), an adjustment in accordance with the actual value of the liabilities referred to in subitem (2) must be combined with the next levy payment after such actual value has been determined and furnished to the Board.

#### **Levy on intermediaries**

9. (1) In respect of an agent, broker or other person referred to in section 45 of the Short-term Insurance Act, 1998, the levy is an amount equal to 0,012% of the total gross premiums as reported on by an auditor or accounting officer, as the case may be, in terms of regulation 4.4 under the said Act, and which was received by such agent, broker or other person during his most recent financial year on behalf of registered insurers, and underwriters at Lloyd's, or R87, whichever total amount is the greater.
- (2) The levy referred to in subitem (1), must be paid not later than 31 October of the levy year and shall be based on the total gross premiums on 31 August of each levy year as provided by the South African Insurance Association, subject to a maximum gross premium of R194 416 670, equal to a maximum levy of R23 330.

#### **Levy on collective investment schemes in securities**

10. (1) In respect of collective investment schemes in securities, as referred to in the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002), the levy is a total amount of R5 413 648, plus any amount payable in terms of subitem (10)(2) below, for all such schemes administered by a manager registered in terms of section 42 of the said Act at any time during the levy year, reduced by a total levy rebate of R510 348, apportioned in proportion to the levy paid by each scheme during the past year, which brings the levy payable to R4 903 300, plus any amount payable in terms of subitem (10)(2) below. The amount shall be payable in four quarterly instalments on or before 25 July 2008, 30 September 2008, 31 December 2008 and 31 March 2009. The levy rebate will be deducted from the levy payable on 25 July. The quarterly amounts are paid on the basis of statistics as at the end of the preceding quarter and are apportioned amongst all managers registered at that date. The calculation of levies due is as follows:
- (a) 10% apportioned equally amongst all managers;

- (b) 60% apportioned according to the number of portfolios administered by each manager; and
  - (c) 30% apportioned in proportion to the total assets administered by each manager:
- (2) If a manager is not a member of the Association of Collective Investments, the amounts payable in terms of subitems (1)(a), (b) and (c) are doubled. The rebate will be apportioned to the levy paid by each scheme during the past levy year.

### **Levy on foreign collective investment schemes**

**11. (1)** In respect of foreign collective investment schemes approved in terms of section 65 of the Collective Investment Schemes Control Act, 2002, the levy shall be payable in four quarterly instalments, each instalment consisting of -

- (a) an amount of R3 670 in respect of each scheme; plus
- (b) an amount of R1 990 in respect of each portfolio, fund or sub-scheme; plus
- (c) 0,000083119% of the net amount of assets managed on behalf of South African investors,

reduced by a total levy rebate of R429 451, apportioned in proportion to the levy paid by each scheme during the past levy year. The levy rebate will be deducted from the levy payable on 25 July.

- (2) If a manager of an approved foreign collective investment scheme is not an associate member of the Association of Collective Investments, the amounts payable in terms of subitems (1)(a), (b) and (c) are doubled. The rebate will be apportioned to the levy paid by each scheme during the past levy year.
- (3) The amounts shall be payable in four quarterly instalments on or before 25 July 2008, 30 September 2008, 31 December 2008 and 31 March 2009. The amounts are calculated on the basis of statistics as at the end of the preceding quarter, which statistics must be furnished to the Registrar within 30 days after such quarter end.

- (4) For the purposes of subitem (2) the statistics to be furnished to the relevant Registrar must contain details of all sales and redemptions or buy-backs in South Africa.
- (5) Levies are payable in respect of all months falling within any relevant quarter.

#### **Levy on collective investment schemes in property**

12. (1) In respect of a manager of a collective investment scheme in property, as referred to in the Collective Investment Schemes Control Act, 2002, the levy is an amount of R45 428 on every portfolio, reduced by a levy rebate of R4 344 in respect of each portfolio administered by a manager registered in terms of section 51 of the said Act, which brings the levy payable in respect of each portfolio to R41 084.
- (2) The levy referred to in subitem (1) must be paid not later than 25 July of the levy year.

#### **Levy on collective investment schemes in participation bonds**

13. (1) In respect of a manager administering a collective investment scheme in participation bonds, registered in terms of section 53 of the Collective Investment Schemes Control Act, 2002, the levy is an amount of R4 770, plus an amount calculated by multiplying the aggregate amount owing by mortgagors on 31 December 2007, by the figure of 0,0103554%. From the total levy calculated in respect of all managers of collective investment schemes in participation bonds, a total levy rebate of R34 138 shall be deducted pro rata from the levy payable by each manager.
- (2) The levy referred to in subitem (1) must be paid not later than 25 July of the levy year.

#### **Levy on exchanges**

14. (1) In respect of JSE Limited, an exchange licensed in terms of section 10 of the Securities Services Act, 2004 (Act No. 36 of 2004), the levy is an amount of R4 495 200.

- (2) In respect of the Bond Exchange of South Africa Limited, licensed in terms of section 10 of the Securities Services Act, 2004 (Act No. 36 of 2004), the levy is an amount of R1 746 700.
- (3) The levies referred to in subitem (1) and (2) must be paid not later than 25 July of the levy year.

#### **Levy on authorised financial services providers**

15. (1) Subject to subitem (5), a person who is authorised in terms of section 8 of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), as a Category I financial services provider as defined in the Determination of Fit and Proper Requirements for Financial Services Providers, 2006, excluding any such provider who is also a Category II, IIA or III provider referred to in subitem (3), must pay the levy referred to in subitem (2) on or before 31 October of the levy year.

(2) The levy, which is subject to a maximum of R928 800, is calculated as follows:

- (a) a base amount of R1 863, and
- (b)  $A \times R332$

where-

A = the total number of key individuals of the financial services provider approved by the Registrar plus the total number of representatives appointed by the financial services provider, as at 31 August of the levy year.

(3) Subject to subitem (5), a person who is authorised in terms of section 8 of the Financial Advisory and Intermediary Services Act, 2002, as a Category II, IIA or III financial services provider as defined in the Determination of Fit and Proper requirements for Financial Services Providers, 2006, must on or before 31 October of the levy year pay a levy which is subject to a maximum of R928 800 and which is calculated as follows:

- (a) a base amount of R4 266; and
- (b)  $A \times R332$ ; and
- (c)  $B \times 0,000011585$

where-

A = the total number of key individuals of the financial services provider approved by the Registrar plus the total number of representatives appointed by the financial services provider, as at 31 August of the levy year; and

B = the total value of investments managed on behalf of clients in terms of the authorisation as a financial services provider on 30 June of the levy year: Provided that investments under management held in foreign currency must be included at the exchange rate published in the Press at that date.

- (4) Subject to subitem (5), a person who is authorised in terms of section 8 of the Financial Advisory and Intermediary Services Act, 2002, as a Category I financial services provider as contemplated in subitem (1), who renders financial services only in connection with financial products belonging to Long-term Insurance Category A, referred to in subcategory (1) in Column One of Table A in paragraph 3(1) of the Determination of Fit and Proper Requirements for Financial Services Providers, 2006, must on or before 31 October of the levy year pay a levy subject to a maximum of R928 800 and which is calculated as follows:

(a) a base amount of R1 863; and

(b)  $A \times R100$

where

A = the total number of key individuals of the financial services provider approved by the Registrar plus the total number of representatives appointed by the financial services provider, as at 31 August of the levy year.

- (5) Multiple authorised financial services providers who form part of the same legal entity are jointly and severally liable for payment of a single levy as referred to in subitem (2), (3) or (4), as the case may be. For the purpose of such payment, the key individuals and the representatives of such authorised financial services providers are deemed to be the key individuals and representatives of one authorised financial services provider.

**Levy for Funding of Office of Ombud for Financial Services Providers**

16. (1) Subject to subitem (3), a person who is authorised in terms of section 8 of the Financial Advisory and Intermediary Services Act, 2002, as a Category I, II, IIA or III financial services provider as defined in the Determination of Fit and Proper Requirements for Financial Services Providers, 2006, must pay the levy referred to in subitem (2) on or before or on 31 October of the levy year.

(2) The levy, which is subject to a maximum of R131 400, is calculated as follows:

(a) a base amount of R482, and

(b)  $A \times R181$

where-

A = the total number of key individuals of the financial services provider approved by the Registrar plus the total number of representatives appointed by the financial services provider, as at 31 August of the levy year.

(3) Multiple authorised financial services providers who form part of the same legal entity are jointly and severally liable for payment of a single levy as referred to in subitem (2). For the purpose of such payment, the key individuals and the representatives of such authorised financial services providers are deemed to be the key individuals and representatives of one authorised financial services provider.

**Levy on central securities depositories**

17. (1) In respect of Strate Limited, licensed in terms of section 32 of the Securities Services Act, 2004 (Act No. 36 of 2004), the levy is an amount of R1 210 200.

(2) The levy referred to in subitem (1) must be paid not later than 25 July of the levy year.

**Levy on financial markets in respect of market abuse**

18. (1) The levy for the payment of the costs of performing the functions of the Board and the Directorate of Market Abuse in terms of the Securities Services Act, 2004 (Act

No. 36 of 2004), is payable by the exchanges licensed in terms of section 10 of the Securities Services Act, 2004, namely the JSE Limited and the Bond Exchange of South Africa Limited. The total levy for the levy year amounts to R8 400 000.

- (2) The total levy is calculated and payable on the following basis:
- (a) JSE Limited pays the amount of R1 680 000, being 20% of the total levy, before or on 25 July of the levy year.
  - (b) The Bond Exchange of South Africa Limited pays the amount of R840 000, being 10 % of the total levy, before or on 25 July of the levy year.
  - (c) The balance of the total levy, being R5 880 000, is payable in four instalments on a user-pay basis by the exchanges where market abuse investigations were executed. The amount is payable in quarterly instalments on or before 25 July, 30 September, 31 December and 31 March of the levy year.
- (3) In addition to the total levy referred to in subitem (1), the legal costs actually incurred by the Board in respect of market abuse litigation are payable quarterly in arrears by the relevant exchange.

## **GENERAL**

### **Payment of levies**

19. (1) The levies and interest (if any) referred to in this Notice shall, subject to the provisions of this Notice, be payable by a financial institution concerned to the Board by means of a cheque, postal order or money order, or a money transfer.
- (2) Interest will be charged on all overdue accounts at the prime overdraft rate quoted by the Standard Bank of South Africa Ltd.

### **Application for exemption**

20. (1) An application by any financial institution for the granting under section 15A(4) of the Act of exemption from a provision of this Notice shall be submitted in writing to the Executive Officer, Financial Services Board, P O Box 35655, Menlo Park, 0102,

on a date at least one month before the date on which the exemption is in accordance with the application to take effect.

- (2) Such application must contain full particulars of the financial institution, the authorisation of the persons signing the application and the date on which the exemption is to take effect, if granted, and must set out fully the reasons for the application.
- (3) The application must-
  - (a) contain an affirmation by the financial institution concerned to provide, on receipt of any such request, the Executive Officer of the Board forthwith with any other or further information or particulars which the Board may require in connection with the institution or application concerned; and
  - (b) contain particulars of the address at which the institution will accept service by the Board of any notice contemplated in section 15A(4)(b)(ii) of the Act.
- (4) A notice referred to in section 15A(4)(b)(ii) of the Act shall on the authority of the Board be served by the Executive Officer by registered post at the address furnished by the financial institution in accordance with subitem (3)(b) in its application for exemption.

### **Consolidated payments**

21. Where in any particular levy year a body regarded by the Board as fully representative of a category of financial institutions, offers to make a consolidated payment of levies on behalf of that category in terms of an agreement concluded between such category and the body, the Board may accept such offer if the payment is made in accordance with the provisions of this Notice: Provided that if for any reason such consolidated payment is not so made on the relevant dates of payment, every individual financial institution concerned shall remain fully responsible for the individual payment payable by it, plus interest (if any) on that amount calculated in accordance with item 19(2).



**Withdrawal of notices and saving**

22. (1) Board Notice 71 of 6 July 2007 is, subject to subitem (2), withdrawn.
- (2) If on the date of coming into operation of this Notice a financial institution has not yet fully paid a levy and interest due thereon, as imposed in terms of a provision of a notice mentioned in subitem (1), any such provision, together with any other provision of such notice which relates to the first-mentioned provision, shall be deemed in respect of the institution concerned and the relevant due amount not to be withdrawn by subitem (1) until such debt is fully discharged.

**RAADSKENNISGEWING 60 VAN 2008****RAAD OP FINANSIËLE DIENSTE****WET OP DIE RAAD OP FINANSIËLE DIENSTE, 1990****HEFFINGS OP FINANSIËLE INSTELLINGS**

Die Raad op Finansiële Dienste bedoel in artikel 2 van die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990), lê hierby kragtens artikel 15A van genoemde Wet die heffings in die Bylae aan finansiële instellings op.

Op las van die Raad op Finansiële Dienste.



**Dr C D R Rustomjee**

**Voorsitter: Raad op Finansiële Dienste**

**BYLAE****Woordomsrywings**

1. In hierdie Kennisgewing het enige woord of uitdrukking waaraan 'n betekenis in 'n wet op finansiële dienste verleen word, die betekenis aldus daaraan geheg, en, tensy uit die samehang anders blyk, beteken-
  - (i) **“betrokke Registrateur”** die Registrateur vermeld in 'n betrokke wet op finansiële dienste;
  - (ii) **“die Wet”** die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990);
  - (iii) **“heffingsjaar”** die tydperk vanaf 1 April 2008 tot 31 Maart 2009 en, behoudens hierdie Kennisgewing en enige wysiging of herroeping daarvan, so 'n ooreenstemmende tydperk in daaropvolgende jare, ten opsigte waarvan heffings opgelê word;
  - (iv) **“Raad”** die Raad op Finansiële Dienste bedoel in die Wet;
  - (v) **“wet op finansiële dienste”** die Wet, en enige ander wet waarna in paragraaf (a) van die omskrywing van “finansiële instelling” in artikel 1 van die Wet verwys word.

**Oplê van heffings**

2. Die heffing vermeld in 'n item van hierdie Kennisgewing word hierby ten opsigte van die finansiële instelling in die item bedoel en die heffingsjaar opgelê.

**Heffing op pensioenfondse**

3. (1) Ten opsigte van 'n pensioenfonds wat ingevolge die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer of voorlopig geregistreer is (insluitend 'n bewaringsfonds), uitgesonderd 'n uitredingsannuïteitsfonds soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is die heffing 'n bedrag van R675,56 (R855,14 verminder met 'n heffingskorting van R179,58), plus 'n bykomende bedrag van R5,57 (R7,05 verminder met 'n heffingskorting van R1,48) per lid van sodanige fonds en ten opsigte van elke ander persoon wat gereelde periodieke betalings uit sodanige fonds ontvang maar uitgesluit enige lid asook 'n ander persoon wat gereelde periodieke betalings ontvang, wie se voordele in die fonds onopgeëis is, of R1 119 206 (R1 416 717 verminder met 'n heffingskorting van R297 511), watter totale bedrag die kleinste is. 'n Pensioenfonds wat onder 'n sambreelskema geregistreer is, moet 'n bykomende heffing van R175,36 (R221,97 verminder met 'n heffingskorting van R46,61) betaal ten opsigte van elke deelnemende werkgewer, behalwe waar 'n sambreelskema deur die Registrateur vrygestel is van die betaling van die heffings vir elke deelnemende werkgewer. Die maksimum heffing geld ten opsigte van elke deelnemende werkgewer en nie ten opsigte van die sambreelskema as sodanig nie.
- (2) Die berekening van die heffing in subitem (1) word gebaseer op die getal lede en ander persone soos vervat in die jongste statistieke wat by die betrokke Registrateur ingevolge enige wet ingedien is en op 30 Junie van die heffingsjaar by die Raad geliasseer is. Indien 'n oordrag van lede aan die gang is wat op 30 Junie van die heffingsjaar *nog nie afgehandel is nie*, moet die oordraggewende fonds die heffing betaal ten opsigte van daardie lede wat oorgedra word. Waar die Registrateur die aanstelling van 'n likwidateur van 'n fonds na 30 Junie van die heffingsjaar goedkeur, is die heffing van die fonds vir die volle heffingsjaar betaalbaar.
- (3) Die heffings bedoel in subitem (1), moet nie later nie as 31 Augustus van die heffingsjaar betaal word.

### **Heffing vir die Pensioenfondsberegter**

4. Ten opsigte van 'n pensioenfonds wat ingevolge die Wet op Pensioenfondse, 1956, (Wet No. 24 van 1956), geregistreer of voorlopig geregistreer is, insluitend 'n bewaringsfondse asook 'n uittredingsannuïteitsfonds soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962, is die heffing vir die Pensioenfondsberegter 'n bedrag van R2,91 per lid van sodanige fonds en elke persoon wat gereeld periodieke betalings uit sodanige fonds ontvang, maar uitgesluit enige lid asook enige ander persoon wat gereelde periodieke betalings ontvang, wie se voordele in die fonds onopgeëis is. Waar die Registrateur die aanstelling van 'n likwidateur van 'n fonds na 30 Junie van die heffingsjaar goedkeur, is die heffing van die fonds vir die volle heffingsjaar betaalbaar.

Hierdie heffing kan saam met die heffing bedoel in item 3 betaal word, en is betaalbaar op die datum bepaal in item 3(3).

### **Heffing op uittredingsannuïteitsfondse**

5. (1) Ten opsigte van 'n uittredingsannuïteitsfonds bedoel in item 3(1), is die heffing 'n bedrag van R675,56 (R855,14 verminder met 'n heffingskorting van R179,58) plus 'n bykomende bedrag gelyk aan 0,0044521% (0,00551% verminder met 'n heffingskorting van 0,0010579%) van die waarde van die fonds se bates. Waar die Registrateur die aanstelling van 'n likwidateur van 'n fonds na 30 Junie van die heffingsjaar goedkeur, is die heffing van die fonds vir die volle heffingsjaar betaalbaar.
- (2) Die waarde van die bates van 'n uittredingsannuïteitsfonds is die waarde van daardie bates van die fonds bepaal by die waardering daarvan deur die versekeraar met die oog op die bepaling van sy verpligtinge wat deur item 8(2)(b) uitgesluit word van die omskrywing van "verpligtinge", asook enige ander bates deur die fonds gehou om sy verpligtinge ten opsigte van sy lede na te kom. Die berekening van die heffing in subitem (1) word gebaseer op die waarde van die bates soos vervat in die jongste statistieke wat by die betrokke Registrateur ingevolge enige wet ingedien is en op 30 Junie van die heffingsjaar by die Raad geliasseer is. Indien 'n oordrag van lede aan die gang is wat op 30 Junie van die heffingsjaar nog nie afgehandel is nie, moet die oordraggewende fonds die heffing betaal ten opsigte van die waarde van sodanige bates van daardie lede wat oorgedra word.
- (3) Die berekening van die waarde van die bates van 'n uittredingsannuïteitsfonds moet die waarde van 'n kontrak, indien enige, insluit, waarin 'n langtermynversekeraar, in ruil vir

die betaling van 'n premie, onderneem om polisvoordele te verskaf vir die doel van die volle of gedeeltelike befondsing van die verpligting van 'n uittredingsannuïteitsfonds om voordele aan sy lede ingevolge sy reëls te verskaf.

- (4) Die heffing bedoel in subitem (1), wat betaalbaar is deur 'n uittredingsannuïteitsfonds moet nie later nie as 31 Augustus van die heffingsjaar betaal word.

#### **Heffing op onderlinge hulpverenigings**

6. Vanaf 1 April 2006, word 'n onderlinge hulpvereniging wat ingevolge artikel 3(2)(a) van die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), geregistreer of voorlopig geregistreer is, vrygestel van die betaling van heffings.

#### **Heffing op korttermynversekeraars en onderskrywers van Lloyd's**

7. (1) Ten opsigte van 'n versekeraar wat ingevolge die Korttermynversekeringswet, 1998 (Wet No. 53 van 1998), geregistreer is om korttermynversekeringsbesigheid te dryf, word die heffing gebaseer op beraamde bruto premie-inkomste, insluitend enige rabatte, vir die versekeraar se boekjaar wat eindig gedurende die periode van 1 Julie tot 31 Maart van die huidige heffingsjaar of wat eindig gedurende die periode van 1 April tot 30 Junie van die volgende heffingsjaar, aangesuiwer na die einde van sy boekjaar in ooreenstemming met sy werklike geouditeerde bruto premie-inkomste, insluitend enige rabatte. Ongeag die lengte van die finansiële periode van die versekeraar, is die heffing 'n bedrag gelyk aan 0,0934% van die eerste R60 miljoen bruto premie-inkomste, insluitend enige rabatte, plus 0,0216% daarna, of R9 340, watter totale bedrag ookal die grootste is. Die koers van krag aan die einde van die finansiële periode van die versekeraar sal van toepassing wees vir die hele periode wat op daardie datum eindig:

Met dien verstande dat, onderhewig aan subitem (3), die heffing in hierdie subitem met 'n heffingskorting van 0,0074525% van die werklike geouditeerde bruto premie-inkomste, insluitend enige rabatte, van 'n korttermynversekeraar wat ingevolge die Korttermynversekeringswet, 1998, geregistreer was of geag geregistreer te gewees het op enige dag van die heffingsjaar wat die vorige heffingsjaar voorafgaan, vir die versekeraar se boekjaar wat gedurende die periode van 1 Julie tot 31 Maart van die heffingsjaar wat die vorige heffingsjaar voorafgaan geëindig het of wat gedurende die periode van 1 April tot 30 Junie van die vorige heffingsjaar geëindig het verminder sal

word.

- (2) Ten opsigte van 'n persoon aangestel ingevolge artikel 57(1) van die Korttermynversekeringswet, 1998, word die heffing gebaseer op beraamde bruto premie-inkomste vir die kalenderjaar wat op 31 Desember van die heffingsjaar eindig, maar wat jaarliks na 31 Desember aangesuiwer word in ooreenstemming met die bruto premie-inkomste wat ten behoeve van onderskrywers van Lloyd's in die Republiek vir die vorige kalenderjaar ontvang is soos in die Jaarverslag van die Registrateur van Korttermynversekeringswese gepubliseer. Die heffing is 'n bedrag gelyk aan 0,0934% van die eerste R60 miljoen bruto premie-inkomste plus 0,0216% daarna, of R9 340, watter totale bedrag ookal die grootste is:

Met dien verstande dat, onderhewig aan subitem (3), die heffing in hierdie subitem met 'n heffingskorting van 0,0074525% van die werklike geouditeerde bruto premie-inkomste van 'n persoon aangestel ingevolge artikel 57(1) van die Korttermynversekeringswet, 1998, wat ten behoeve van onderskrywers van Lloyd's in die Republiek vir die kalenderjaar wat die vorige heffingsjaar voorafgaan ontvang was soos in die Jaarverslag van die Registrateur van Korttermynversekeringswese gepubliseer verminder sal word.

- (3) 'n Korttermynversekeraar wat ingevolge die Korttermynversekeringswet, 1998, geregistreer is of geag geregistreer te wees op enige dag van die heffingsjaar, moet die volle heffings in subitem (1) bedoel, betaal.
- (4) Die heffing op beraamde premie-inkomste word betaal in twee paaieimente voor of op 25 Julie en 31 Oktober van die heffingsjaar. Die aansuiwering bedoel in subitem (1) word gekombineer met die eerste of tweede betaling na die einde van 'n versekeraar se boekjaar en die heffingskorting in die voorbehoudsbepaling tot subitem (1) word gekombineer met die tweede betaling na die einde van 'n versekeraar se boekjaar. In die geval van Lloyd's word die aansuiwering bedoel in subitem (2) en die heffingskorting in die voorbehoudsbepaling tot subitem (2) gekombineer met die Oktober betaling.

**Heffing op langtermynversekeraars**

8. (1) Ten opsigte van 'n langtermynversekeraar wat ingevolge die Langtermynversekeringswet, 1998 (Wet No. 52 van 1998). geregistreer is of geag geregistreer te wees en gemagtig is om –

- (a) een of meer as een ongeskiktheidspolis, fondspolis, gesondheidspolis, lewenspolis of amortisasiepolis of een of meer van daardie polisse en 'n bystandspolis af te sluit, is die heffing 'n bedrag van R37 000 plus 0,00551% van die verpligtinge ingevolge onafgeloste langtermynpolisse; of
- (b) alleenlik 'n bystandspolis af te sluit, is die heffing 'n bedrag van R3 700 plus 0,00551% van die verpligtinge ingevolge onafgeloste langtermynpolisse:

Met dien verstande dat, onderhewig aan subitem (3), die heffing -

- (i) in paragraaf (a) met 'n heffingskorting van R3 700 ten opsigte van 'n langtermynversekeraar wat ingevolge die Langtermynversekeringswet, 1998, geregistreer was of geag geregistreer te gewees het op 1 April van die vorige heffingsjaar, of R1 850 indien 'n langtermynversekeraar wat ingevolge die Langtermynversekeringswet, 1998, tussen 1 April en 1 Oktober van die vorige heffingsjaar geregistreer was of geag geregistreer te gewees het, plus 0,0010579% van die verpligtinge ingevolge onafgeloste langtermynpolisse soos bepaal aan die einde van die langtermynversekeraar se boekjaar wat geëindig het in die kalenderjaar wat die vorige heffingsjaar voorafgaan verminder sal word;
- (ii) in paragraaf (b) met 'n heffingskorting van R370 ten opsigte van 'n langtermynversekeraar wat ingevolge die Langtermynversekeringswet, 1998, geregistreer was of geag geregistreer te gewees het op 1 April van die vorige heffingsjaar, of R185 indien 'n langtermynversekeraar wat ingevolge die Langtermynversekeringswet, 1998, tussen 1 April en 1 Oktober van die vorige heffingsjaar geregistreer was of geag geregistreer te gewees het, plus 0,0010579% van die verpligtinge ingevolge onafgeloste langtermynpolisse soos bepaal aan die einde van die langtermynversekeraar se boekjaar wat geëindig het in die kalenderjaar wat die vorige heffingsjaar voorafgaan verminder sal word.

(2) Die uitdrukking “verpligtinge ingevolge onafgeloste langtermynpolisse” in subitem (1)(a) en (b) –

- (a) beteken die verpligtinge soos bepaal aan die einde van die versekeraar se boekjaar wat in die kalenderjaar wat die heffingsjaar voorafgaan, ten einde geloop het, en die waarde van sodanige verpligtinge is die bruto verpligtinge kragtens onafgeloste polisse gereflekteer teen die item "Gross policy liabilities" in kolom 9 van Staat C9 van die Langtermynopgawe (Vorm LT2007), of beteken, indien die langtermynversekeraar geen boekjaar wat in die kalenderjaar wat die heffingsjaar voorafgaan ten einde geloop het, gehad het nie, die bruto verpligtinge soos aangedui aan die einde van die versekeraar se boekjaar wat in die kalenderjaar wat die vorige heffingsjaar voorafgaan, ten einde geloop het;
- (b) sluit nie die verpligtinge in nie ingevolge 'n kontrak ingevolge waarvan 'n langtermynversekeraar, in ruil vir 'n premie, onderneem om polisvoordele te verskaf vir die doel van die volle of gedeeltelike befondsing van die verpligting van 'n onderlinge hulpvereniging soos omskryf in artikel 1 van die Wet op Onderlinge Hulpverenigings, 1956, of 'n pensioenfondsorganisasie soos omskryf in artikel 1 van die Wet op Pensioenfondse, 1956, om voordele aan sy lede ingevolge sy reëls te verskaf. Met dien verstande dat die verpligtinge wat van die omskrywing uitgesluit is, nie verpligtinge insluit nie ingevolge 'n kontrak wat uitsluitlik betrekking het op 'n bepaalde lid van 'n onderlinge hulpvereniging of 'n pensioenfondsorganisasie, of op die oorlewende gade, kinders, afhanklikes of benoemdes van 'n bepaalde lid van die onderlinge hulpvereniging of pensioenfondsorganisasie.
- (3) 'n Langtermynversekeraar wat ingevolge die Langtermynversekeringswet, 1998, geregistreer is of geag geregistreer te wees -
- (a) op 1 April van die heffingsjaar, moet die volle heffings in subitem (1)(a) en (b) bedoel, ooreenkomstig subitem (4) betaal; of
- (b) na 1 April maar nie na 1 Oktober van die heffingsjaar nie, moet die helfte van die heffings in subitem (1)(a) en (b) bedoel, in een bedrag betaal as die enigste betaling, voor of op 31 Oktober van die heffingsjaar.
- (4) Die heffings in subitem (3)(a) bedoel moet in twee paaiemente betaal word, naamlik -
- (a) 50% van die heffing, uitgesluit die heffingskorting in die voorbehoudsbepaling tot subitem (1), of, sou die werklike bedrag nie beskikbaar wees nie, 'n redelike skatting van sodanige heffing gebaseer op 'n redelike beraming van die waarde



van die verpligtinge in subitem (2) bedoel, voor of op 25 Julie van die heffingsjaar; en

- (b) die balans van die heffing, ingesluit die heffingskorting in die voorbehoudsbepaling tot subitem (1), voor of op 31 Oktober van die heffingsjaar; en
- (c) indien die paaiement gebaseer is op 'n skatting soos in subitem (4)(a) bedoel, moet 'n regstelling in ooreenstemming met die werklike waarde van die verpligtinge in subitem (2) bedoel, gekombineer word met die volgende heffingspaaiement nadat sodanige werklike waarde vasgestel en aan die Raad verskaf is.

### **Heffing op tussengangers**

9. (1) Ten opsigte van 'n agent, makelaar of ander persoon bedoel in artikel 45 van die Korttermynversekeringswet, 1998, is die heffing 'n bedrag gelyk aan 0,012% van die totale bruto premies waarvoor verslag gedoen is deur 'n ouditeur of rekenkundige beampte, na gelang van die geval, ingevolge regulasie 4.4 kragtens genoemde Wet, wat deur sodanige agent, makelaar of ander persoon gedurende sy jongste boekjaar ten behoeve van geregistreerde versekeraars en onderskrywers by Lloyd's ontvang is, of R87, watter totale bedrag ookal die grootste is.
- (2) Die heffing bedoel in subitem (1), moet nie later nie as 31 Oktober van die heffingsjaar betaal word en word gebaseer op die totale bruto premies op 31 Augustus van elke heffingsjaar soos verskaf deur die Suid-Afrikaanse Versekerings-vereniging, onderhewig aan 'n maksimum bruto premie van R194 416 670, gelykstaande aan 'n maksimum heffing van R23 330.

### **Heffing op kollektiewe beleggingskemas in effekte**

10. (1) Ten opsigte van kollektiewe beleggingskemas in effekte, soos bedoel in die Wet op Beheer van Kollektiewe Beleggingskemas, 2002 (Wet No. 45 van 2002), is die heffing 'n totale bedrag van R5 413 648, plus enige bedrag betaalbaar ingevolge subitem (10)(2), vir al sodanige skemas geadministreer deur 'n bestuurder wat kragtens artikel 42 van genoemde Wet te eniger tyd gedurende die heffingsjaar geregistreer is, verminder met 'n totale heffingskorting van R510 348, toegedeel in verhouding tot die

heffing betaal deur elke skema gedurende die laaste heffingsjaar, wat die heffing betaalbaar op R4 903 300 te staan bring, plus enige bedrag betaalbaar ingevolge subitem 10(2). Die bedrag is betaalbaar in vier kwartaallikse paaiemente op of voor 25 Julie 2008, 30 September 2008, 31 Desember 2008 en 31 Maart 2009. Die heffingskorting word afgetrek van die heffing betaalbaar op 25 Julie. Die kwartaallikse bedrae word betaal op die grondslag van statistiek soos aan die einde van die voorafgaande kwartaal en word verdeel tussen alle bestuurders wat op daardie dag geregistreer is. Die berekening van verskuldigde heffings is soos volg:

- (a) 10% in gelyke mate verdeel tussen alle bestuurders;
- (b) 60% verdeel ooreenkomstig die aantal portefeuljes deur elke bestuurder geadministreer; en
- (c) 30% verdeel in verhouding tot die totale bates deur elke bestuurder geadministreer:

- (2) Indien 'n bestuurder nie 'n lid is nie van die Association of Collective Investments, sal die bedrae betaalbaar ingevolge subitems 1(a), (b) en (c) verdubbel word. Die heffingskorting is toegedeel tot die heffing betaal deur elke skema gedurende die laaste heffingsjaar.

#### **Heffing op buitelandse kollektiewe beleggingskemas**

11. (1) Ten opsigte van buitelandse kollektiewe beleggingskemas goedgekeur ingevolge artikel 65 van die Wet op Beheer van Kollektiewe Beleggingskemas, 2002, is die heffing in vier kwartaallikse paaiemente betaalbaar en elke paaiement bestaan uit –

- (a) 'n bedrag van R3 670 ten opsigte van elke skema; plus
- (b) 'n bedrag van R1 990 ten opsigte van elke portefeulje, fonds of subskema; plus
- (c) 0,000083119% van die netto bates onder bestuur namens Suid-Afrikaanse beleggers:

insluitende 'n totale heffingskorting van R429 451, toegedeel in verhouding tot die heffing betaal deur elke skema gedurende die laaste heffingsjaar. Die heffingskorting

word afgetrek van die heffing betaalbaar op 25 Julie.

- (2) Indien 'n goedgekeurde buitelandse kollektiewe beleggingskema nie 'n geassosieerde lid van die Association of Collective Investments bedoel in item (1) is nie, sal die bedrae betaalbaar ingevolge subitem (1)(a), (b) en (c) verdubbel word. Die heffingskorting is toegedeel tot die heffing betaal deur elke skema gedurende die laaste heffingsjaar.
- (3) Die heffing is betaalbaar in vier kwartaallikse bedrae op of voor 25 Julie 2008, 30 September 2008, 31 Desember 2008 en 31 Maart 2009. Die bedrag word bereken op die grondslag van statistieke soos aan die einde van die voorafgaande kwartaal, welke statistieke binne 30 dae na sodanige kwartaaleinde aan die betrokke Registrateur voorsien moet word.
- (4) By die toepassing van subitem (2), moet die statistiek wat aan die betrokke Registrateur voorsien word, besonderhede bevat van alle verkope en aflossings of terugkope binne Suid-Afrika.
- (5) Heffings is ten opsigte van alle maande binne enige betrokke kwartaal betaalbaar.

#### **Heffing op kollektiewe beleggingskemas in eiendom**

12. (1) Ten opsigte van 'n bestuurder van 'n kollektiewe beleggingskema in eiendom, soos bedoel in die Wet op Beheer van Kollektiewe Beleggingskemas, 2002, is die heffing 'n bedrag van R45 428 op elke portefeulje, insluitende 'n heffingskorting van R4 344 ten opsigte van elke effektegroepe, wat die heffing betaalbaar ten opsigte van elke portefeulje op R41 084 te staan bring.
- (2) Die heffing bedoel in subitem (1) moet nie later nie as 25 Julie van die heffingsjaar betaal word.

#### **Heffing op kollektiewe beleggingskemas in deelnemingsverbande**

13. (1) Ten opsigte van 'n bestuurder wat 'n kollektiewe beleggingskema in deelnemingsverbande administreer en wat ingevolge artikel 53 van die Wet op Beheer van Kollektiewe Beleggingskemas, 2002, geregistreer is, is die heffing 'n bedrag van R4 770, plus 'n bedrag wat bereken word deur die totale bedrag verskuldig deur

verbandgewers op 31 Desember 2007 te vermenigvuldig met die syfer 0,0103554%. Van die totale heffing wat bereken is ten opsigte van alle bestuurders van deelnemingsverbandskemas word 'n totale heffingskorting van R34 138 pro rata afgetrek van die heffing wat deur elke bestuurder betaalbaar is.

- (2) Die heffing bedoel in subitem (1) moet nie later nie as 25 Julie van die heffingsjaar betaal word.

#### **Heffing op beurse**

14. (1) Ten opsigte van JSE Beperk, 'n beurs wat ingevolge artikel 10 van die Wet op Sekuriteitedienste, 2004 (Wet No. 36 van 2004), gelisensieer is, is die heffing 'n bedrag van R4 495 200.

- (2) Ten opsigte van die Effektebeurs van Suid-Afrika Beperk, wat ingevolge artikel 10 van die Wet op Sekuriteitedienste, 2004 (Wet No. 36 van 2004), gelisensieer is, is die heffing 'n bedrag van R1 746 700.

- (3) Die heffings bedoel in subitems (1) en (2) moet nie later nie as 25 Julie van die heffingsjaar betaal word.

#### **Heffing op gemagtigde verskaffers van finansiële dienste**

15. (1) Behoudens subitem (5), moet 'n persoon wat gemagtig is ingevolge artikel 8 van die Wet op Finansiële Advies- en Tussengangerdienste, 2002 (Wet No. 37 van 2002), as 'n Kategorie I verskaffer van finansiële dienste soos omskryf in die Determination of Fit and Proper Requirements for Financial Services Providers, 2006, uitgesonderd enige sodanige verskaffer wat ook 'n Kategorie II of III verskaffer bedoel in subitem (3), die heffing bedoel in subitem (2) voor of op 31 Oktober van die heffingsjaar betaal.

- (2) Die heffing, wat onderworpe is aan 'n maksimum van R928 800, word soos volg bereken:

- (a) 'n basisbedrag van R1 863, en  
(b)  $A \times R332$ ,

waar-

A = die totale getal sleutelpersone van die verskaffer van finansiële dienste goedgekeur deur die Registrateur plus die totale getal verteenwoordigers aangestel deur die verskaffer van finansiële dienste, soos op 31 Augustus van die heffingsjaar.

- (3) Behoudens subitem (5), moet 'n persoon wat gemagtig is ingevolge artikel 8 van die Wet op Finansiële Advies- en Tussengangerdienste, 2002 (Wet No. 37 van 2002), as 'n Kategorie II, IIA of III verskaffer van finansiële dienste soos omskryf in die Determination of Fit and Proper Requirements for Financial Services Providers, 2006, voor of op 31 Oktober van die heffingsjaar 'n heffing betaal wat onderworpe is aan 'n maksimum van R928 800 en wat soos volg bereken word:

- (a) 'n basisbedrag van R4 266; en
- (b)  $A \times R332$ ; en
- (c)  $B \times 0,000011585$

waar-

A = die totale getal sleutelpersone van die verskaffer van finansiële dienste goedgekeur deur die Registrateur plus die totale getal verteenwoordigers aangestel deur die verskaffer van finansiële dienste, soos op 31 Augustus van die heffingsjaar; en

B = die totale waarde van beleggings bestuur namens kliënte ingevolge die magtiging as 'n verskaffer van finansiële dienste op 30 Junie van die heffingsjaar: Met dien verstande dat beleggings onder bestuur wat in buitelandse valuta gehou word, ingesluit moet word teen die wisselkoers wat op daardie datum in die Pers gepubliseer is.

- (4) Behoudens subitem (5), moet 'n persoon wat ingevolge artikel 8 van die Wet op Finansiële Advies-en Tussengangerdienste, 2002 (Wet 37 van 2002), as 'n Kategorie I verskaffer van finansiële dienste gemagtig is soos beoog in subitem (1), en wat slegs finansiële dienste lewer ten opsigte van finansiële produkte wat behoort aan Langtermyn Versekering Kategorie A soos bedoel in sub kategorie (1) in Kolom Een van Tabel A in paragraaf 3(1) van die Determination of Fit and Proper Requirements for Financial Services Providers, 2006, voor of op 31 Oktober 'n heffing betaal wat onderworpe is aan 'n maksimum van R928 800 en wat soos volg bereken word :

- (a) 'n basisbedrag van R1 863; en
- (b)  $A \times R100$

waar-

A = die totale getal sleutelpersone van die verskaffer van finansiële dienste goedgekeur deur die Registrateur plus die totale getal verteenwoordigers aangestel deur die verskaffer van finansiële dienste, soos op 31 Augustus van die heffingsjaar.

- (5) Meervoudige gemagtigde verskaffers van finansiële dienste wat deel vorm van dieselfde regsenteit is gesamentlik en afsonderlik aanspreeklik vir betaling van 'n enkele heffing bedoel in subitem (2), (3) of (4), na gelang van die geval. Vir die doel van sodanige betaling, word die sleutelpersone en die verteenwoordigers van sodanige gemagtigde verskaffers van finansiële dienste geag sleutelpersone en verteenwoordigers van een gemagtigde verskaffer van finansiële dienste te wees.

#### **Heffing vir Befondsing van Kantoor van Ombud vir Verskaffers van Finansiële Dienste**

- 16. (1) Behoudens subitem (3), moet 'n persoon wat gemagtig is ingevolge artikel 8 van die Wet op Finansiële Advies- en Tussengangerdienste, 2002, as 'n Kategorie I, II, IIA of III verskaffer van finansiële dienste soos omskryf in die Determination of Fit and Proper Requirements for Financial Services Providers, 2006, bedoel in item 15(1), die heffing bedoel in subitem (2) voor of op 31 Oktober van die heffingsjaar betaal.

- (2) Die heffing, wat onderworpe is aan 'n maksimum van R131 400, word soos volg bereken:

- (a) 'n basisbedrag van R482, en
- (b)  $A \times R181$ ,

waar-

A = die totale getal sleutelpersone van die verskaffer van finansiële dienste goedgekeur deur die Registrateur, plus die totale getal verteenwoordigers aangestel deur die verskaffer van finansiële dienste, soos op 31 Augustus van die heffingsjaar.

- (3) Meervoudige gemagtigde verskaffers van finansiële dienste wat deel vorm van dieselfde regsentiteit is gesamentlik en afsonderlik aanspreeklik vir betaling van 'n enkele heffing bedoel in subitem (2). Vir die doel van sodanige betaling, word die sleutelpersone en die verteenwoordigers van sodanige gemagtigde verskaffers van finansiële dienste geag sleutelpersone en verteenwoordigers van een gemagtigde verskaffer van finansiële dienste te wees.

#### **Heffing op sentrale effektebewaarnemers**

17. (1) Ten opsigte van Strate Beperk, 'n sentrale effektebewaarnemer, gelisensieër ingevolge artikel 32 van die Wet op Sekuriteitedienste, 2004 (Wet No. 36 van 2004), is die heffing 'n bedrag van R1 210 200.
- (2) Die heffing bedoel in subitem (1) moet nie later nie as 25 Julie van die heffingsjaar betaal word.

#### **Heffing op finansiële markte ten opsigte van markmisbruik**

18. (1) Die heffing vir die betaling van die koste verbonde aan die uitvoering van die werksaamhede van die Raad en van die Direkoraat op Markmisbruik ingevolge die Wet op Sekuriteitedienste, 2004 (Wet No. 36 van 2004), word betaal deur die beurse gelisensieër ingevolge artikel 10 van die Wet op Sekuriteitsdiense, 2004, naamlik JSE Beperk en die Effektebeurs van Suid-Afrika Beperk. Die totale heffing vir die heffingsjaar beloop R8 400 000.
- (2) Die totale heffing word bereken en betaal op die volgende basis:
- (a) JSE Beperk betaal voor of op 25 Julie van die heffingsjaar 20%, dit wil sê R1 680 000, van die totale heffing.
  - (b) Die Effektebeurs van Suid-Afrika Beperk betaal voor of op 25 Julie van die heffingsjaar 10%, dit wil sê R840 000, van die totale heffing.
  - (c) Die balans van die totale heffing, naamlik R5 880 000, word in vier paaielemente kwartaalliks betaal op 'n gebruiker-betaal basis deur die beurse waar markmisbruik ondersoek gedurende die voorafgaande kwartaal uitgevoer is. Die paaielemente is betaalbaar voor of op 25 Julie, 30 September, 31 Desember

en 31 Maart van die heffingsjaar.

- (3) Bykomend by die totale heffing in subitem (1) bedoel, is die regs-koste wat werklik deur die Raad aangegaan is ten opsigte van markmisbruik gedingvoering kwartaalliks agterna betaalbaar deur die relevante beurs.

## **ALGEMEEN**

### **Betaling van heffings**

19. (1) Die heffings en rente (as daar is) daarop in hierdie Kennisgewing bedoel, is behoudens die bepaling van hierdie Kennisgewing, deur die betrokke finansiële instelling aan die Raad betaalbaar deur middel van 'n tjek, posorder, geldwissel, of 'n geldoordrag.
- (2) Rente sal gehêf word op alle uitstaande rekeninge teen die gekwoteerde prima oortrekkingskoers van Standard Bank van Suid-Afrika Beperk.

### **Aansoek om vrystelling**

20. (1) 'n Aansoek deur 'n finansiële instelling om die verlening kragtens artikel 15A(4) van die Wet van vrystelling van 'n bepaling van hierdie Kennisgewing moet skriftelik gerig word aan die Uitvoerende Beampste, Raad op Finansiële Dienste, Posbus 35655, Menlopark, 0102, op 'n datum minstens een maand voor die datum waarop die vrystelling ooreenkomstig die aansoek in werking moet tree.
- (2) So 'n aansoek moet volledige besonderhede bevat van die finansiële instelling, die magtiging van die persone wat die aansoek onderteken en die datum waarop die vrystelling, indien verleen, in werking moet tree en moet volledig die redes vir die aansoek uiteensit.
- (3) Die aansoek moet-
- (a) 'n bevestiging bevat van die betrokke finansiële instelling om, by ontvangs van so 'n versoek, die Uitvoerende Beampste onverwyld te voorsien van die ander of verdere inligting of besonderhede wat die Raad mag verlang in verband met die betrokke instelling of aansoek; en



- (b) besonderhede bevat van die adres waar die instelling betekening deur die Raad sal ontvang van enige kennisgewing beoog in artikel 15A(4)(b)(ii) van die Wet.
- (4) 'n Kennisgewing bedoel in artikel 15A(4)(b)(ii) van die Wet word op las van die Raad deur die Uitvoerende Beampte per geregistreerde pos beteken by die adres wat die finansiële instelling ooreenkomstig subitem (3)(b) in sy aansoek om vrystelling verstrek het.

### **Gekonsolideerde betalings**

21. Indien enige liggaam wat deur die Raad as ten volle verteenwoordigend van 'n kategorie finansiële instellings beskou word, in 'n bepaalde heffingsjaar aanbied om 'n gekonsolideerde betaling van heffings te maak namens daardie kategorie ingevolge 'n ooreenkoms aangegaan tussen sodanige kategorie en die liggaam, kan die Raad so 'n aanbod aanvaar indien die betaling gemaak word ooreenkomstig die bepalinge van hierdie Kennisgewing: Met dien verstande dat indien om enige rede so 'n gekonsolideerde betaling nie aldus op die voorgeskrewe datums van betaling gemaak word nie, elke afsonderlike betrokke finansiële instelling ten volle aanspreeklik bly vir die heffing deur hom verskuldig plus rente (as daar is) op daardie bedrag bereken ooreenkomstig item 19(2).

### **Intrekking van kennisgewings en voorbehoud**

22. (1) Raadskennisgewing 71 van 6 Julie 2007 word, behoudens subitem (2), ingetrek.
- (2) Indien op die datum van inwerkingtreding van hierdie Kennisgewing enige finansiële instelling nog nie 'n heffing en rente verskuldig daarop, soos opgelê ingevolge 'n bepaling van 'n kennisgewing in subitem (1) vermeld, ten volle betaal het nie, word enige sodanige bepaling, tesame met enige ander bepaling van sodanige kennisgewing wat verband hou met eersbedoelde bepaling, geag ten opsigte van die betrokke instelling en die betrokke verskuldigde bedrag nog nie deur subitem (1) ingetrek te wees nie totdat sodanige skuld ten volle vereffen is.
-

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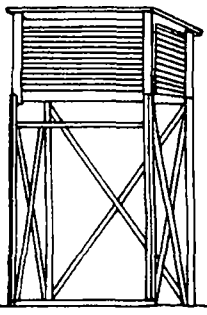
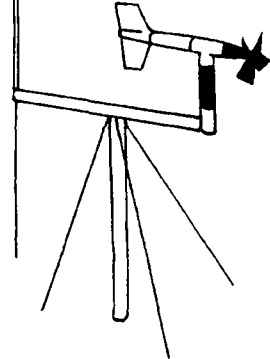
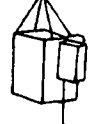
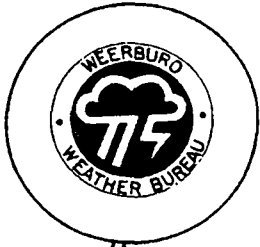
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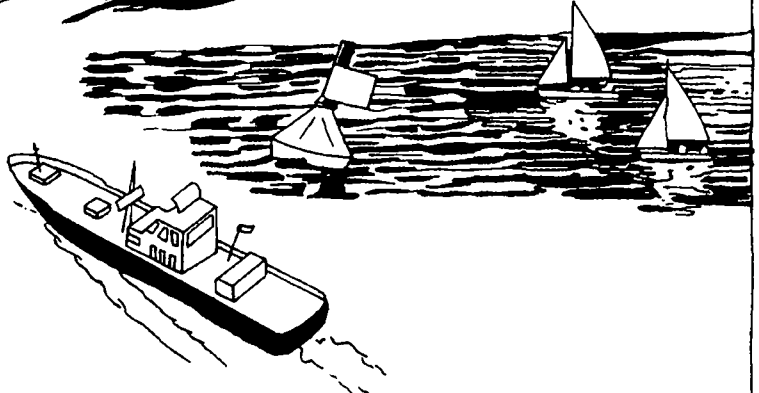
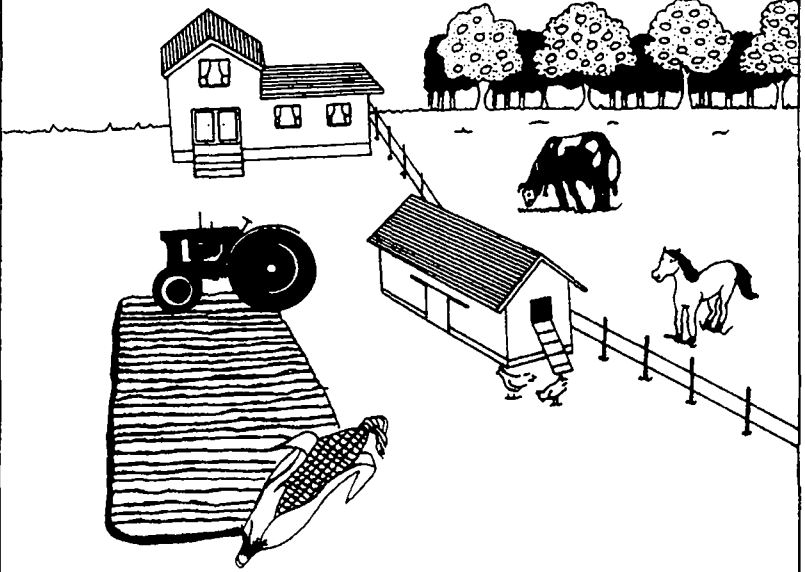
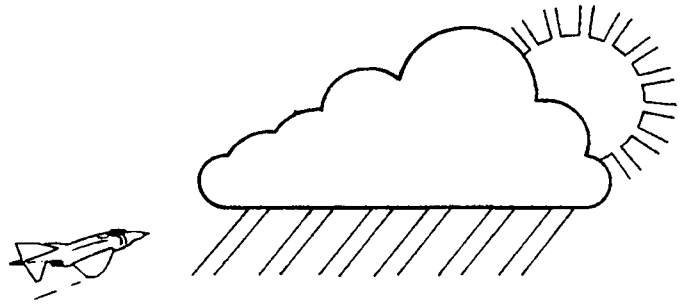


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