

South Africa

Financial Advisory and Intermediary Services Act, 2002

General Exemption: Level 1 Regulatory Examination, 2013

Board Notice 119 of 2013

Legislation as at 5 June 2013

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General Exemption: Level 1 Regulatory Examination, 2013
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Financial Advisory and Intermediary Services Act, 2002

General Exemption: Level 1 Regulatory Examination, 2013

Board Notice 119 of 2013

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I, German Emmanuel Anderson, Deputy Registrar of Financial Services Providers, hereby exempt under section [44\(4\)](#) of the Financial Advisory and Intermediary Services Act, 2002 ([Act No. 37 of 2002](#)), financial services providers to the extent and subject to the conditions set out in the Schedule.

G E Anderson,

Deputy Registrar of Financial Services Providers

1. Definitions

In this Schedule,

“**the Act**” means the Financial Advisory and Intermediary Services Act, 2002 ([Act No. 37 of 2002](#)), any word or expression to which a meaning is assigned in the Act shall have that meaning, and unless the context otherwise indicates—

“**Category I**” has the meaning assigned thereto in section 1 (1) of the Determination of Fit and Proper Requirements;

“**Determination of Fit and Proper Requirements**” means the Determination of Fit and Proper Requirements for Financial Services Providers, 2008;

“**first level regulatory examination**” means the first level regulatory examinations referred to in Annexure 1 to the Determination of Qualifying Criteria and Qualifications for Financial Services Providers, No. 1 of 2008;

“**foreign provider**” means a provider that is not domiciled in South Africa or does not have a branch or representative office in South Africa;

“**friendly society benefits**” has the meaning assigned thereto in section 1(1) of the Determination of Fit and Proper Requirements;

“**Long-term Insurance subcategory A**” has the meaning assigned thereto in section 1(1) of the Determination of Fit and Proper Requirements;

“**provider**” means—

- (a) an authorised financial services provider, a key individual and representative who are required to successfully complete the relevant first level regulatory examination by 31 December 2011 as applicable to the categories or subcategories in Table E of the Determination of Fit and Proper Requirements, excluding the persons referred to in paragraph [\(b\)](#) and [\(c\)](#) hereunder;
- (b) an authorised financial services provider (who is a sole proprietor), key individual and representative authorised, approved or appointed respectively for the first time in that capacity during the period 1 January 2010 and 31 December 2010; or

- (c) a Category I financial services provider and the key individual of such provider that render financial services in respect of financial products belonging to Longterm Insurance subcategory A and/or friendly society benefits only.

2. Extent of exemption and condition

- (1) A provider referred to in paragraph (a) of the definition thereof in this Schedule, is exempted from sections 6(1)(f) and 10 of the Determination of Fit and Proper Requirements insofar reference is made to the first level regulatory examination, provided that the provider successfully complete the relevant first level regulatory examination referred to in Column One of Table A by—
- (a) the date referred to in Column Two of Table A; or
- (b) the date referred to in Column Three subject to the condition that the provider must, on or before the date referred to in Column Two, have had written the first level regulatory examination and have failed to successfully complete it.

Table A		
Column One	Column Two	Column Three
First level regulatory examination: FSPs (sole proprietors) and key individuals in Categories I, II, IIA, III and IV (RE1)	30 June 2012	31 March 2013
First level regulatory examination: FSPs (sole proprietors) and key individuals in Categories II, and IIA (RE3)	30 September 2012	31 March 2013
First level regulatory examination: FSPs (sole proprietors) and key individuals in Category III (RE4)	30 September 2012	31 March 2013
First level regulatory examination: Sole Proprietors and Representatives in Categories I, II, IIA, III and IV excluding representatives for sub-categories 1.1 and 1.19 (RE5)	30 June 2012	31 March 2013

- (2) A provider referred to in paragraph (b) of the definition thereof in this Schedule, is exempted from sections 6(1)(f) and 10(7) of the Determination of Fit and Proper Requirements insofar reference is made to the first level regulatory examination, provided that the provider—
- (a) had written the first level regulatory examination on or before 31 December 2012 and have failed to successfully complete it; and
 - (b) successfully completes the relevant first level regulatory examination referred to in Column One of Table B by the date referred to in Column Two in Table B.

Table B	
Column One	Column Two
First level regulatory examination: FSPs (sole proprietors) and key individuals in Categories I, II, IIA, III and IV (RE1)	31 March 2013
First level regulatory examination: FSPs (sole proprietors) and key individuals in Categories II, and IIA (RE3)	31 March 2013
First level regulatory examination: FSPs (sole proprietors) and key individuals in Category III (RE4)	31 March 2013
First level regulatory examination: Sole Proprietors Representatives in Categories I, II, IIA, III and IV excluding representatives for sub-categories 1.1 and 1.19 (RE5)	31 March 2013

- (3) A provider referred to in paragraph (c) of the definition thereof in this Schedule, is exempted from sections 3, 6 and 10 of the Determination of Fit and Proper Requirements insofar reference is made to the first level regulatory examination, provided that the provider and key individual of such provider successfully completes the relevant first level regulatory examination by a date to be determined by the Registrar of Financial Services Providers.
- (4) A foreign provider is exempted from sections 6(1)(f) and 10 of the Determination of Fit and Proper Requirements to the extent reference is made to the first level regulatory examination, provided that the foreign provider successfully completes the relevant first level regulatory examination by 30 June 2014.

3. Amendment and withdrawal of exemption and conditions

The exemption and conditions mentioned in paragraph 2 are subject to—

- (a) amendment thereof published by the Registrar by notice in the *Gazette*; and
- (b) withdrawal in like manner.

4. Repeal of Board Notices

The following Board Notices are hereby repealed:

- (a) [Board Notice 61 of 2012](#) published in *Gazette* No. 35251 on 10 April 2012;
- (b) [Board Notice 162 of 2012](#) published in *Gazette* No. 35743 on 3 October 2012;
- (c) [Board Notice 209 of 2012](#) published in *Gazette* No. 35997 on 13 December 2012;
- (d) Board Notice and 210 of 2012 published in *Gazette* No. 35997 on 13 December 2012.

5. Short title and commencement

This Exemption is called the General Exemption: Level 1 Regulatory Examination, 2013, and comes into operation on the date of publication in the *Gazette*.