

WEBBER WENTZEL

BOWENS

10 FRICKER ROAD  
ILLOVO BOUTIQUE  
JOHANNESBURG 2006



# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 481

Pretoria, 15 July 2005  
Julie 2005

No. 27773



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For purposes of reference, all Proclamations, Government Notices, General Notices and Board Notices published are included in the following table of contents which thus forms a weekly index. Let yourself be guided by the Gazette numbers in the righthand column:

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**GOVERNMENT NOTICES**  
**GOEWERMENTSKENNISGEWINGS**

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**DEPARTMENT OF ARTS AND CULTURE**  
**DEPARTEMENT VAN KUNS EN KULTUUR**

No. 678

15 July 2005

**BUREAU OF HERALDRY**

**REGISTRATION OF HERALDIC REPRESENTATIONS**

The Bureau of Heraldry hereby gives notice in terms of section 10 of the Heraldry Act, 1962 (Act No. 18 of 1962), that the following have been registered:

(H4/3/1/3329). The flag of the Mphatlalatsane School for the Severely Intellectually Handicapped, as published under Government Notice No.1805 of 19 December 2003.

(H4/3/1/4045). The arms of the JAL Bossert (1872 – 1964) Family Association, as published under Government Notice No. 1390 of 3 December 2004.

(H4/3/1/4059). The arms of Rhodes Universiteit namely: the arms of the Allan Webb Hall, the Canterbury House, the Salisbury House, the Truro House and the Winchester House, as published under Government Notice No. 347 of 15 April 2005.

(H4/3/2/45). The arms of the Westonaria Local Municipality, as published under Government Notice No. 351 of 15 April 2005.

(H4/3/2/713). The flag of the uMlalazi Municipality, as published under Government Notice No. 1027 of 3 September 2004.



(H4/3/2/764). The arms of the Modimolle Municipality, as published under Government Notice No. 347 of 15 April 2005.

(H4/3/2/803). The arms of the Mafube Municipality, as published under Government Notice No. 347 of 15 April 2005.

(H4/3//811). The arms of Jacobus Johannes Swiegers, as published under Government Notice No. 351 of 15 April 2005.

(H4/3/4/813). The arms of Maximillian John Klingner, as published under Government Notice No. 1461 of 24 December 2004.

(H4/3/4/814). The arms of Andre van der Berg, as published under Government Notice No. 351 of 15 April 2005.

(H4/3/4/815). The arms of Daniel Senekal, as published under Government Notice No. 351 of 15 April 2005.

(H4/3/4/823). The arms of Gerrit Christoffel Germishuizen, as published under Government Notice No. 351 of 15 April 2005.

(H4/3/4/827). The arms of John William Thompson, as published under Government Notice No. 351 of 15 April 2005.

(H4/3/4/833). The arms of Robin David Gell, as published under Government Notice No. 351 of 15 April 2005.



**BURO VIR HERALDIEK****REGISTRASIE VAN HERALDIESE VOORSTELLINGS**

Die Buro vir Heraldiek gee hierby ingevolge artikel 10 van die Heraldiekwet, 1962 (Wet No. 18 van 1962), kennis dat die volgende geregistreer is:

(H4/3/1/3329). Die vlag van die Mphatlalatsane School for the Severely Intellectually Handicapped, soos by Goewermentskennisgewing No.1805 van 19 Desember 2003 gepubliseer.

(H4/3/1/4045). Die wapen van die JAL Bossert (1872 – 1964) Familiebond, soos by Goewermentskennisgewing No. 1390 van 3 Desember 2004 gepubliseer.

(H4/3/1/4059). Die wapens van Rhodes Universiteit naamlik die wapens van die Allan Webb Saal, die Canterbury Huis, die Salisbury Huis, die Truro Huis en die Winchester Huis, soos by Goewermentskennisgewing No. 347 van 15 April 2005 gepubliseer.

(H4/3/2/45). Die wapen van die Westonaria Plaaslike Munisipaliteit, soos by Goewermentskennisgewing No.351 van 15 April 2005 gepubliseer.

(H4/3/2/713). Die vlag van die uMlalazi Munisipaliteit, soos by Goewermentskennisgewing No. 1027 van 3 September 2004 gepubliseer.



(H4/3/2/764). Die wapen van die Modimolle Munisipaliteit, soos by Goewermentskennisgewing No. 347 van 15 April 2005 gepubliseer.

(H4/3/2/803). Die wapen van die Mafube Munisipaliteit, soos by Goewermentskennisgewing No. 347 van 15 April 2005 gepubliseer.

(H4/3//811). Die wapen van Jacobus Johannes Swiegers, soos by Goewermentskennisgewing No.351 van 15 April 2005 gepubliseer.

(H4/3/4/813). Die wapen van Maximillian John Klingner, soos by Goewermentskennisgewing No. 1461 van 24 Desember 2004 gepubliseer.

(H4/3/4/814). Die wapen van Andre van der Berg, soos by Goewermentskennisgewing No. 351 van 15 April 2005 gepubliseer.

(H4/3/4/815). Die wapen van Daniel Senekal, soos by Goewermentskennisgewing No. 351 van 15 April 2005 gepubliseer.

(H4/3/4/823). Die wapen van Gerrit Christoffel Germishuizen, soos by Goewermentskennisgewing No. 351 van 15 April 2005 gepubliseer.

(H4/3/4/827). Die wapen van John William Thompson, soos by Goewermentskennisgewing No. 351 van 15 April 2005 gepubliseer.

(H4/3/4/833). Die wapen van Robin David Gell, soos by Goewermentskennisgewing No. 351 van 15 April 2005.



**DEPARTMENT OF HOME AFFAIRS  
DEPARTEMENT VAN BINNELANDSE SAKE**

**No. 679****15 July 2005**

**ALTERATION OF FORENAMES IN TERMS OF SECTION 24 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992  
(ACT NO. 51 OF 1992)**

**The Director-General has in respect of the following persons approved the alteration of their forenames printed in *italics*:**

1. Jacob Petrus Tshangwani - 641102 5712 08 7 - 217 Buchler Street, Danville, 0183 - *Ndivhuho Jacob*
2. Lartifar Pansarey - 430728 0080 08 1 - 21 Colorado Street, Primrose Park, Athlone, 7764 - *Latiefa*
3. Bhanmathie Naidoo - 661104 0188 08 6 - PO Box 15161, Bellair, 4006 - *Bhanmathie Usha*
4. Johannes Albertus Gerhardus Liebenberg - 660802 5123 08 8 - PO Box 205, Joubertina, 6410 - *Yochanan*
5. Kim Elizabeth Liebenberg - 601224 0194 08 3 - PO Box 205, Joubertina, 6410 - *Yael*
6. Dorweshire Glairisha Vister - 670214 0522 08 2 - 13 Pilandsberg Road, Hillview, 7945 - *Lameez*
7. David September - 701124 5268 08 1 - 535 Extension 1, Damonsville, Brits, 0250 - *Derrick David*
8. Johannes Theodoruis Kruis - 610916 5069 08 2 - PO Box 2598, Nylstroom, 0510 - *Johannes Theodorus*
9. Kagisho Andries Van Rooyen - 660107 5193 08 5 - 9270 K9, Kutlwanong, 9483 - *Shaun Andries*
10. Hilmar Ray - 710727 0232 08 1 - 24 Richelieu Street, Paarl, 7646 - *Hilmar Le Roux*
11. Shereé Margot Consani - 640720 0103 08 4 - 136 Woodgate Road, Plumstead, Cape Town, 7800 - *Zita*
12. Theresa Lynn Dreyer - 640830 0182 08 5 - 52 - 7th Avenue, Grassy Park, 7945 - *Teresa Lynn Barbara*
13. Antonette Butt - 711030 0100 08 8 - 1263 Sam Solomons Court, Westbury, Extension 3, Johannesburg, 2093 - *Kahdija*
14. Davi Theresa Salie - 711203 0242 08 1 - 7 Hermes Way, Merrydale, Mandalay, 7785 - *Fatima*
15. Brian Keith Benjamin - 711228 5200 08 1 - 6 Lincoln Crescent, Beacon Valley, Mitchell's Plain, 7785 - *Zhaheer*
16. Adel Beverley Meyer - 640501 0093 08 1 - 14 Benalder Road, The Hill, 2195 - *Adele Beverley*
17. Craig Dion Cass - 621110 5160 08 6 - 31 Everson Road, Sydenham, 4091 - *Ridwaan*
18. Shereen Anita Cass - 620218 0236 08 1 - 31 Everton Road, Sydenham, 4091 - *Salma*
19. Martha Maria Kukard - 581230 0057 08 3 - Department of Home Affairs, POB 14405, Lyttelton, 0140 - *Melanie*
20. Saartjie Johanna Heynse - 551210 0026 08 6 - 93 Charles Grondes Crescent, Ravensmead, 7490 - *Sarah Jane*
21. Moothoo Coomaran Velloo - 440616 5070 08 2 - 9 Haroldene Road, Kenwyn, 7780 - *Siraj*
22. Venessa Naomi Dolley - 680925 0023 08 0 - 2 Meeu Street, Rosedale, Uitenhage, 6229 - *Nuraan*
23. Chiao Wen Hodges - 730226 0383 08 1 - 7 Tudor Close, Bergvliet, Cape Town, 7945 - *Prudence Hsiao-Chuang*
24. Greer Anne Haffjee - 730917 0141 08 7 - 33 Rabie Street, Korsten, Port Elizabeth, 6020 - *Salmaa Greer Anne*
25. Adriana Ragina De Kock - 650724 0598 08 4 - 39 Symphony Avenue East, Groenheuwel, Paarl, 7646 - *Adriane*
26. Ebrahim Hendrik Adriaan Hendricks - 730421 5170 08 4 - 16 Pakhuis, Tafelsig, Mitchell's Plain, 7788 - *Ebrahim*
27. Christelle Valderene Gordon - 730326 0065 08 2 - 8 Wydgelee Crescent, Westbank, Kuilsriver, 7580 - *Cashiefa*
28. Laurande Nadia Hammers - 730219 0213 08 5 - 22 May Street, Paarl, 7646 - *Nadeemah*
29. Jennifer Taylor - 730125 0306 08 6 - 2 Clearview Crescent, Beacon Bay, 5241 - *Jennifer Brüntrup*
30. Fuad Ganief - 730122 5208 08 6 - 105 Angela Street, Valhalla Park, 7490 - *Archie*
31. Johanna Magdalena Kustoor - 730622 0245 08 2 - PO Box 126, Worcester, 6850 - *Jo-Ann Megan*
32. Eugene Johan Elias - 730705 0208 08 3 - 37 Horstley Court, Retreat, 7945 - *Gene*
33. Rowena Samantha Heugh - 730208 0071 08 0 - 15 Snowdon Street, Tafelsig, Mitchell's Plain, 7785 - *Rabia*



34. Felicia Josephine Bernadette Van Der Westhuizen - 700814 0022 08 4 - 8 Plein Street, Kraaifontein, 7570 - *Felicia Bernadette*
35. Aletta Sauls - 401022 0012 08 7 - 3 Victoria Court, Nooiensfontein Road, Kuilsriver, 7580 - *Aletta Elizabeth*
36. Shameeg Van Der Ross - 660906 5284 08 7 - 30 Karibu Court, Conston Road, Hanover Park, 7764 - *Gregory*
37. Anne Marie Visser - 660821 0206 08 6 - 147 Mars Street, Ceres, 6835 - *Annemarie*
38. Goncetta Van Der Westhuizen - 670107 0121 08 9 - 204 Marine Towers, North Beach, Durban, 4001 - *Goncetta*
39. Michiel Johannes Burnett - 670713 5082 08 3 - PO Box 940, Vredendal, 8160 - *Michael Johannes*
40. Natasha Aldum - 670704 0053 08 8 - 2 Orange Grove Road, Prestbury, Pietermartizburg, 3201 - *Natasha Aoiibhean Caitriona*
41. Zuleka Richards - 680223 0114 08 7 - 43 Carnie Road, Rylands Estate, Gatesville, 8001 - *Zulekha*
42. Andrew Bennett - 630610 5178 08 6 - 944A Jukskei Drive, Riverlea, Johannesburg, 2093 - *Anwar*
43. David Henry Solomons - 560822 5166 08 6 - 9 Ermelo Close, Portlands, Mitchell's Plain, 7785 - *Dawood*
44. Anna September - 641220 0653 08 8 - 64 Magalies Crescent, Heather Park, Eersterivier, 7100 - *Anna-Marie*
45. Sophia Maria Weingartz - 580128 0052 08 1 - 8 Waltmar Flats, Quintus Van Der Walt Avenue, Norkem Park, 1618 - *Adri*
46. Jan Koelman - 631118 5133 08 4 - 51 Kamesh Road, Gamble, Uitenhage, 6229 - *Lincoln Bentlè*
47. Lorenza Marzanne Plaatjies - 620904 0153 08 3 - PO Box 304, Prieska, 8940 - *Jannetjie*
48. Desmond David Lakay - 620907 5784 08 3 - 40 Downberg Road, Hanover Park, 7764 - *Mohamad-Faik*
49. Magrieta Magdalena Dooling - 620914 0285 08 2 - 30 Gwelo Goodman Street, New Woodlands, Mitchell's Plain, 7785 - *Margaret*
50. Adriaan Johan Van Der Heever - 611225 5930 08 0 - 95 - 10th Avenue, Kensington, 7405 - *Adiel*
51. Jocelyn Valerie Jenkins - 641016 0191 08 1 - 106 Alpha Way, Ocean View, Kommetjie, 7975 - *Fazlin*
52. Shamilla Clothier - 661120 0113 08 0 - 34 Heldersig Road, Thornton, 7460 - *Charmaine Bernadette*
53. Katriena Van Schalkwyk - 680417 0145 08 9 - PO Box 17, Brackenfell, 7670 - *Katriena Monica*
54. Grane Jooste - 650623 5211 08 3 - 239 Eagle Street, Roodepan, Kimberley, 8309 - *Grahan*
55. Jennifer Phoebee Isabel Morris - 650319 0108 08 1 - 72 Curry Street, Cloeteville, Stellenbosch, 7600 - *Jennifer*
56. Brenda Audrey Bianchi - 581013 0140 08 7 - 7 - 2nd Avenue, Sherwood Park, Manenberg, 7764 - *Badroeneesa*
57. Elthia Edith Etty - 570726 0147 08 2 - 69 De Beers Terrace, Kimberley, 8300 - *Ameera*
58. Dudley Fredericks - 731006 5196 08 7 - 26 Duine Street, Lenteguur, Mitchell's Plain, 7785 - *Daraweesh*
59. Magdalena Gertruida Roux - 521222 0055 08 7 - 32 Tienie Street, Andeon, Pretoria, 0001 - *Daleen*
60. Michael Bester - 740319 5045 08 2 - 212 Cathcart Street, Greytown, 3250 - *Matthew Michael*
61. Sothinathan Govender - 740320 5219 08 1 - 8 Collins Street, Kensington B, Randburg, 2194 - *Thamlin Sothinathan*
62. Kantharuby Gounder - 740329 0190 08 0 - 135 Leo Avenue, Woodhurst, Chatsworth, 4092 - *Vanishree*
63. Michell Ursula Findlay - 720229 0092 08 4 - 3645 Sierra Nevada Street, Extension 4, Lenasia South, 1827 - *Mayroenisah*
64. Abendran Akaloo - 730930 5147 08 2 - PO Box 8086, Halfway House, 1685 - *Thiren Abendra*
65. Gert John Mc'Arthur - 450726 5066 08 4 - 21 Pilot Way, Strandfontein, 7785 - *John Gert*
66. Alan Vivian Vermeulen - 550208 5156 08 1 - 62 Pilot Way, Strandfontein, 7785 - *Adnaan*
67. Movina Adams - 530526 0174 08 9 - 62 Drakenstein Circle, Bishop Lavis, Lavis Town, 7490 - *Moreeda*
68. Marlene Williams - 740515 0123 08 5 - 90 Rooihout Street, Bonteheuwel, 7764 - *Magmoedah*
69. Gonasundree Pillay - 740515 0021 08 1 - 120 Tower Bridge Gardens, Stonebridge, Phoenix, 4068 - *Karen White*



70. Leandro Marshall Phillip Pause - 740305 5131 08 9 - 27 Midway Street, Scottsville, Kraaifontein, 3201 - *Leandro Marshall Phillip*
71. Berenice Charmaine Williams - 720305 0210 08 0 - 32 Hawkwood Lane, Epping Forest, Elsiesriver, 7490 - *Nadeema*
72. Randall Franklin Petersen - 710914 5136 08 3 - 64 Springbok Street, Kewtown, Athlone, 7764 - *Riyaaz*
73. Dawn Bridget Williams - 701218 0204 08 1 - 109C Lonston Road, Hanover Park, 7764 - *Shameema*
74. Jan Kock - 650312 5242 08 8 - 14 Krause Street, Devon Park, Eersteriver, 7100 - *John*
75. Sophia Dolphina Reizenberg - 530722 0206 08 4 - 3 Alexis Preller, New Woodlands, Mitchell's Plain, 7785 - *Sophia*
76. Yusuf Charles - 601107 5198 08 6 - 108 Bramble Way, Bonteheuwel, 77654 - *Michael*
77. Marlene Ellen Sauls - 670915 0145 08 4 - 19 Strandloper Crescent, Paardevlei, Somerset West, 7140 - *Malika*
78. Anna Hanekom - 420508 0101 08 3 - 110 Dagbreek Avenue, Westridge, Mitchell's Plain, 7785 - *Anne*
79. Anna Hugo - 560320 0123 08 7 - 19 Dent Street, Driehoek, Germiston, 1401 - *Anna-Debbie*
80. Alicia Ruth Stoutz - 700621 0182 08 5 - 32 Jonkershoek Street, Tafelsig, Mitchell's Plain, 7785 - *Aisha*
81. Stanislav Kuncel - 420723 5054 18 3 - 44 Norfolk Street, Larrendale, Brakpan, 1540 - *Stanislav Jan*
82. Fairrose Tape Tape - 570811 0235 08 5 - 42 Hay Road, Lansdown, 7780 - *Fayruze*
83. Rodney Murie - 540125 5083 08 6 - 18 Reaper Green, Summer Greens, Milnerton, 7441 - *Rodney George*
84. Jasam Steven Pietersen - 561130 5112 08 7 - PO Box 4072, Idas Valley, Stellenbosch, 7609 - *Jason Steven*
85. Reginald Titus - 670520 5186 08 1 - 13 Arabella Street, Eastridge, Mitchell's Plain, 7785 - *Rafique*
86. Patricia Magdalena Kearns - 510225 0147 08 8 - 2 Hecter Street, Valhalla Park, 7490 - *Moerida*
87. Elizabeth Cathleen Williams - 500806 0177 08 4 - 5A Oudehout Street, Netreg, 7764 - *Fatiema*
88. William Ronald Emery - 520706 5112 08 4 - 20 Compassburg Street, New Tafelsig, Mitchell's Plain, 7785 - *Moegamad Zane*
89. Johanna Rosetta Mars - 690407 0092 08 2 - 15 Springbok Street, Wellington, 7655 - *Rosetta*
90. Christelle Mulder - 690406 0065 08 0 - 14 Covent Close, Parklands, Table View, 7441 - *Christelle Chanony*
91. Freddie Cyril Cornelius - 550307 5099 08 3 - 9 Dove Close, Rocklands, Mitchell's Plain, 7785 - *Cyril Freddie*
92. Karin Elizabeth Lakey - 670808 0111 08 3 - 36 February Street, Cloetesville, Stellenbosch, 7600 - *Raihaana Jacobs*
93. Maud Davids - 610118 0226 08 6 - 116 Artemis Road, Woodlands, Mitchell's Plain, 7785 - *Moeneeba*
94. Navindra Haripersadh - 720607 5204 08 7 - 10 Summerfields, Gibson Drive West, Buccleuch, 2066 - *Navin*
95. Danie Vergottini - 701201 5074 08 9 - 11 De Oude Schuur, Memento Avenue, Sonstraal Heights, Durbanville, 7550 - *Daniele Giuseppe*
96. Dhanalutchmi Naiker - 710606 0177 08 4 - 44 Surat Place, Northdale, Pietermaritzburg, 3201 - *Evenithree*
97. Dorinda Bronwyn Hendricks - 700830 0080 08 8 - 62 Athsur Walk, Hanover Park, 7780 - *Shamiema*
98. Zane Wakefield - 700122 5227 08 2 - 74A Waterloo Road, Kenwyn, 7780 - *Mogamat Zane*
99. Daniel Gerard Sauls - 720829 5231 08 0 - 10 Teal Road, Parkwood Estate, 7945 - *Riyaaz*
100. Merline Saggeus Smit - 720917 5191 08 9 - 20 Seneca Street, Highway Park, Mosselbay, 6500 - *Merlin Saggeus*
101. Masnoena Finlay - 720918 0242 08 3 - 166 Royal Road, Maitland, 7405 - *Elizabeth Magdalena*
102. Mariaan Nomngcayi - 720702 0215 08 7 - PO Box 181, Klawer, 8145 - *Noluthando Mariaan*
103. Gavin Rhode - 720815 5299 08 6 - 67 Manenberg Avenue, Manenberg, 7764 - *Abdul Ghaliq*
104. Phillipien Rudolphien Haasbroek - 490731 0129 08 7 - 106 Forsman, Christiana, 2680 - *Phillipien Rut*
105. Magdalene Elizabeth Solomon - 351121 0112 08 5 - 135 Le Sueur Street, Worcester, 6850 - *Mariam*

106. Alan William Haupt - 631022 5115 08 5 - 91 Kersboom Street, Bonteheuwel, 7764 - *Mohamad Anwar*
107. Alan Neil Cox - 631013 5045 08 3 - 212 Sibaya Sands, The Straight, Pineslopes, 2021 - *Neil*
108. Theodora Koegelenberg - 690915 0005 08 6 - 48 La Riviera, Constantia Street, Strand, 7140 - *Doreen*
109. Cindy Babette Lemmer - 690126 0145 08 4 - 12 Links Field Heights, 35 Links Field Drive, Linksfield Ridge, 2192 - *Cindy*
110. Marie Laura Valentine - 610102 0221 08 1 - 22 park Crescent, De Wett Road, Ottery, 7800 - *Laura Marié*
111. Petrus Matthews Esterhuizen - 650422 5102 08 1 - 6 Deer Street, Ocean View, Fish Hoek, 7975 - *Peter Matthew*
112. Isak Van Der Westhuizen - 440107 5089 08 2 - 1 Arum Street, Paarl, 7646 - *Isak Jan*
113. Johanna Martina Magdalena Jacoba Wentzel - 531116 0063 08 3 - 20 The Dromedaris Flats, Van Riebeeck Avenue, Nimrod Park, 1619 - *Hannah Martina*
114. Christofer Peter Presence - 601221 5056 08 5 - 20 Wyngaard Street, Pineview, Grabouw, 7160 - *Christopher Peter*
115. Jan Titus - 370911 5078 08 4 - 15 Kruis Street, Danville, 2745 - *Jan Johannes*
116. Wilfred April - 450813 0050 08 9 - 24 Anzio Crescent, Strandfontein Village, Mitchell's Plain, 7798 - *Wilfred*
117. Frederik Jannetta Van Staden - 610414 0172 08 5 - 35 Sophia Street, Kalkfontein, Kuilsriver, 7580 - *Jeanetta*
118. Moreen Patirca Valentine - 450317 0412 08 3 - 42 Pall Mall Way, Portlands, Mitchell's Plain, 7785 - *Maureen Patricia*
119. Natalie Abrahams - 731206 0079 08 6 - 42 Amazon Street, Primrose, Athlone, 7764 - *Nurjahn*
120. Winston Maxwell Julie - 711128 5035 08 3 - 6 Vygekraal Road, Manenberg, 7764 - *Wasim*
121. Jennifer Jane Sistig - 711215 0266 08 4 - PO Box 53112, Yellowwood Park, 4011 - *Jennifer Jane Stewart*
122. Viejante Shaman Shamain Cassim - 600409 0144 08 6 - PO Box 10731, Umzinto, 4200 - *Shamima*
123. Priscilla Nel - 521126 0057 08 6 - 504 Lake Club Apartments, 10 Lake Road, Denlee, Germiston, 1401 - *Cilla*
124. Ruelle Marais - 590123 0036 08 3 - PO Box 5893, Weltevreden Park, 1715 - *Reuel*
125. Divia Shapriya - 560712 0104 08 5 - Flat 1 Farah Court, 80 Lome Street, Durban, 4001 - *Priya*
126. Nemanathan Krishna Padayachee - 660630 5218 08 1 - 40 Old Castle Place, Castlehill, Newlands West, 4037 - *David*
127. Niquita Thirubashnee Naidoo - 660919 0520 08 2 - PO Box 65851, Reservoir Hills, Durban, 4090 - *Thirubashnee*
128. Christiana Juanita Magdalena Jacobs - 740920 0163 08 3 - 60 Jakaranda Street, Cloeteville, Stellenbosch, 7600 - *Shihaam*
129. Christjan Sinkfontein - 560225 5051 08 6 - 41 Nicolaai Crescent, Extension 23, Mosselbay, 6500 - *Christian*
130. Emelda Abrahams - 650515 0723 08 0 - 29 Portland Road, Salt River, 7925 - *Rifqah*
131. Marthie petronella Wilhelmina Du Preez - 740702 0149 08 4 - PO Box 1573, Thabazimbi, 0380 - *Renée*
132. Maria Barends - 740213 0240 08 9 - 11 Carola Way, Grassy Park, 7945 - *Veruschka Ann*
133. Cornelia Elizabeth Havenga - 700414 0211 08 2 - PO Box 1569, Gansbaai, 7220 - *Lizette*
134. Wayne Maurice Bruinders - 680717 5231 08 5 - 1 Daphne Street, Cravenby Estate, Parow, 7800 - *Moegamat Waseem*
135. Jeremy Adams - 670828 5583 08 6 - 122 Royal Road, Maitland, 7405 - *Junaid*
136. Lawrence Sibusiso Dhlamini - 680318 5640 08 4 - Attention: Ms O Koutoulougeni, Department of Home Affairs, Private Bag X11, Johannesburg, 2000 - *Sibusiso*
137. Lizebeth Floors - 671211 0397 08 4 - 13164 Extension 11, Jouberton, 2514 - *Elisabeth*
138. Rosemary Alexandria Barodien - 590415 0128 08 8 - 24 Suikerbos Street, Bridgetown, Athlone, 7764 - *Ferial*
139. Trevor Christopher Theron - 600623 5815 08 2 - 136 Heathfields Court, Protea Park, Atlantis, 7349 - *Thariek*
140. Douglas Leslie Darvel - 501228 5056 08 1 - 192 Taronga Road, Lansdowne, 7780 - *Nur*



141. Colin Howard Isaacs - 630629 5256 08 0 - 24 Marula Street, Lindhaven, 1724 - *Muhammad Reeza*
142. Gabriel John Solomon - 640811 5061 08 6 - 23 Selene Way, Woodlands, Mitchell's Plain, 7785 - *Gabier*
143. Nunnes De Barros Nunes De Barros Vanez Paula - 7411154 0250 08 4 - 84 Quentin Smythe Road, Kloof, 3610 - *Ba'rbara*
144. Maria Joaquina Daniel Izidro Ferreira - 390625 0103 08 7 - 220 Solomon Road, Boksburg South, 1459 - *Maria Joaquina Daniel Izidro*
145. Zubeida Adonis - 731121 0077 08 1 - 99 Irvine Street, Manenberg, 7764 - *Zonay*
146. Anthony Andrew Osborne - 740413 5065 08 1 - 33 Orrel Avenue, Retreat, 7945 - *Anwar*
147. Anthony James Fisher - 710201 5212 08 4 - 48 Waltham Road, Rondebosch East, 7780 - *Adam*
148. Engela Adriana Du Plessis - 740705 0205 08 7 - PO Box 493, Vinkrivier, Robertson, 6705 - *Janie*
149. Desiree Khan - 740717 0272 08 2 - 23 Oldside Place, Caneside, Unit 20, Phoenix, 4068 - *Nasreen*
150. Kuruna Ripamonti - 660318 0127 08 1 - Diplomatic Bag, South African High Commission, Canberra, C/o PO Box 868, North Sydney, New South Wales, Australia - *Yvonne Kuruna*
151. Chantelle Winnie Pottier - 690113 0170 08 0 - PO Box 34092, Northdene, 4064 - *Ruwaida*
152. Rachele Johanna Renier - 711013 0243 08 2 - 5 Cedar Avenue, New Orleans, Paarl, 7646 - *Rachel*
153. Richard Felix - 730805 6268 18 8 - 42 Kotze Street, Johannesburg, 2000 - *Joseph*
154. Johanna Elizabeth Steenkamp - 601129 0089 08 6 - PO Box 7048, Bonaero Park, 1622 - *Hanlie*
155. Amina Bibi Ballim - 720114 0287 08 4 - 47 - 6th Avenue, Mayfair, 2092 - *Amina Razina*
156. Francois Stander Du Preez - 660713 5173 08 2 - 1369 Cunningham Avenue, Waverley, 0186 - *Francois Alwyn*
157. Johanna Katie Otto - 740729 0245 08 3 - 5 Africa Street, Davidsonville, Roodepoort, 1724 - *Joanne Kathy*
158. Anneline Chalet Martin - 741117 0159 08 3 - 37 Andrew Street, Valhalla Park, 7490 - *Anneline Tshepiso Chalet*
159. Pieter Ernst Kruger - 690629 5283 08 1 - 12 Van Der Hyde Street, Bethal, 2310 - *Tamaryn Elize*
160. Michelle Gloria Marsh - 740920 0225 08 0 - PO Box 6096, Johannesburg, 2000 - *Michelle*
161. Jihan Roman - 740920 0092 08 4 - 42 Moray Way, Strandfontein Village, 7798 - *Anthea Chantelle*
162. Ameerah Ismail - 730104 0128 08 9 - 20 Main Road, Caledon, 7230 - *Sayed Ameerah*
163. Jacques Gerhardt Van Der Merwe - 740918 5053 08 5 - PO Box 1127, Milnerton, 7435 - *Jacques Chirac*
164. Priscilla Izrial - 741101 0247 08 0 - 58 Quilpalm Avenue, Palmview, Phoenix, 4068 - *Ayesha*
165. Rooksana Ismail Cassim - 590222 0096 08 7 - 6 Himalaya Place, Extension 1, Roshnee, 2000 - *Rizwaana*
166. Anwar Arendse - 700717 5018 08 2 - 31 Malgas Street, Rocklands, Mitchell's Plain, 7785 - *Jeremia Matthew*
167. Agulhas Johannes Fielies - 700628 5043 08 9 - Air Force Base Ysterplaat, Private Bag X4, Ysterplaat, 7425 - *Arthur John*
168. Clarence Twigg - 700521 0089 08 4 - 48 Rugby Street, Beacon Valley, Mitchell's Plain, 7785 - *Kaashief*
169. Mary Davids - 741203 0291 08 2 - 32 Speyer Street, Siversands, Kuilsrivier, 7580 - *Muneebah*
170. Katrina Leah Slabbert - 500908 0191 08 9 - 24 Clive Road, Elsiesriver, 7490 - *Kathleen Leah*
171. Norman Malcolm Cottle - 410607 5126 08 7 - 15 Meadow Court, Westridge, Mitchell's Plain, 7785 - *Nazeem*
172. Wendy-Lee Bernadette Toefy - 710501 0263 08 5 - 65 Texel Street, Ruyterwacht, 7460 - *Widaad*
173. Jasin Farred - 680805 5049 08 4 - 30 Lensdown Street, Coronationville, 2093 - *Yasin*
174. Shaaziah Tayob - 710604 0179 0 85 - PO Box 9842, Brentwood Park, Benoni, 1505 - *Barbara Ann*
175. Johan Beyers Redelinghuis - 710403 5061 08 7 - 15 Edwin Conroy Street, Vanderbijlpark, 1911 - *Johan Bennet*

176. Deon Duncan Smith - 711031 5204 08 1 - 33 Sanpiper Mansions, Lake Road, Grassy Park, 7941 - *Abdu Daiyaan*
177. Maureen Sadie - 560224 0141 08 3 - 52 Miller Street, Gordons Bay, 7150 - *Gabriella Maureen*
178. Carlyn Ann Kathan - 720130 0095 08 7 - 6 Bain Court, Sangrove, Rondebosch, 7700 - *Carlyn-Ann*
179. Nicolaas Wade - 610317 5019 08 8 - PO Box 39815, Garsfontein East, 0060 - *Nicolas*
180. Steven Geoffrey Escott-Watson - 680103 5104 08 7 - 24 Fontaine Court, Maria Street, Fontain Bleau, Randburg, 2194 - *Amanda*
181. Patricia Meth - 720115 0039 08 6 - 47 Aogle Road, Wentworth, 4056 - *Saeedah*
182. Selma Elizabeth De Vries - 600107 0146 08 1 - 28 Vanessa Crescent, Montrose Park, Mitchell's Plain, 7785 - *Shanaaz*
183. Cynthia Jantjies - 540525 0287 08 9 - 26 Cubitt Street, Vanderbijlpark, 1911 - *Cynthia Sylvia*
184. Sipho France Mpungose - 531112 5622 08 0 - Department of Home Affairs, Private Bag X11, Johannesburg, 2000 - *Sipho Jabulani*
185. Sithelwa Innocent Njamela - 810321 0790 08 9 - 8806 Tau Street, Tsakane, 1550 - *Nompumezo Innocent*
186. Tapani Gift Vukela - 860612 0753 08 8 - 17 Johannes Bekker Street, Thaba Tshwane, 0187 - *Tsakani Gift*
187. Lettie Mahlangu - 840610 0978 08 0 - 9 Secocoenis Street, Modder East, Springs, 1559 - *Jabulile Letty*
188. Nomkhaya Victoria Khuphiso - 620505 1454 08 9 - 1619 Freedom Park, Bafokeng, 0335 - *Nothembekile Victoria*
189. Ramabele Jospeh Matlala - 720930 5328 08 0 - 1154 Dutch Street, Mmotla, Temba, 0407 - *Ramabele*
190. Phofela Simon Kupa - 690120 5449 08 8 - Private Bag X7901, Pietersburg, 0700 - *Ngwanamahula Simon*
191. Isaiah Tloane - 630916 5579 08 6 - PO Box 1314, Groothoek, 0628 - *Ratadi Moraswi Isaiah*
192. Mamonti Sana Mosia - 840420 1241 08 6 - PO Box 21216, Poelong, 9874 - *Mapaseka Sana*
193. Malefane Abednego Tshabalala - 561017 5318 08 9 - 394 Mtshali Street, Khuma Township, Stilfontein, 2551 - *Malefane Malefetsane*
194. Kengiloe Rosy Maloisane - 251111 0224 08 0 - 8 Mimi Fourie Court, Market Avenue, Vereeniging, 1939 - *Keneiloe Rosy*
195. Terral Nicohasha Seethal - 860301 0096 08 2 - 1699 Lebombo Street, Actonville, Benoni, 1501 - *Tanweer*
196. Mechay Lynn Serelina - 840306 0246 08 7 - 49 Tsessebe Road, Lotus River, 7941 - *Miskeenah*
197. Albertus Bernardus Van Niekerk - 850223 5035 08 3 - PO Box 224, Upington, 8800 - *Albertus Bernardus*
198. Jolundi Joricka Lauretta April - 850514 0195 08 2 - 16 Swart Street, Toekomsrus, Oudtshoorn, 6621 - *Yolande*
199. Scumpi Johannes Sibiloane - 840525 5784 08 7 - PO Box 1844, Frankfort, 9830 - *Johannes*
200. Refilwe Welhemina Senthumule - 800221 0424 08 9 - 537 Tswelopele Street, Zone 4, Seshego, 0742 - *Refilwe Wilhelmina*



No. 680

15 July 2005

**ALTERATION OF SURNAMES IN TERMS OF SECTION 26 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)**

The Director-General has authorized the following persons to assume the surname printed in *italics*:

1. Tsholo Ernest Miya – 860807 5586 083 – 2765 Opperman Street, Bothaville, 9660 – *Talane*
2. Freedom Nkululeko Ngcobo – 661112 5361 087 – his wife – Nombuso Patience Ngcobo – 680913 0645 086 – and three minor children – Ntokozo Magubane – 890801 6203 081 – Ndumiso Ngcobo – 960423 5051 083 – Nomondi Ngcobo – 011217 0067 089 – G1130 Umlazi, Umlazi, 4031 – *Putshuka*
3. Mokgadi Johanna Ramabe nee Monyepao – 701222 0416 083 – 3312 Extension, Zone 3, Randfontein, 1759 – *Ramabe nee Monyepao*
4. Thekiso Jantjie Motlaping – 841018 5289 082 – 10587 Snake Park, Kroonstad, 9499 – *Chumanyane*
5. Tokelo Thsepo Lehoko – 790309 5621 080 – 3108 Skotiphola Section, Tumahole, 9585 – *Tshotetsi*
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7. Rofhiwa Kenny Mudau – 821110 5346 089 – P O Box 495, Elim Hospital, 0960 – *Rikhotso*
8. Lorraine Ndifelani Radzilani – 841223 0415 084 – P O Box 356, Munzhedzi, 0948 – *Raphulu*
9. Thomas Magaugau Muraga – 640309 5682 084 – P O Box 124592, Alrode, 1451 – *Manngubana*
10. Vuyisile Cyprian Stukutezi – 660325 5700 085 – 122 Razo Street, Kwamagxaki, 6201 – *Mjuza*
11. Mabhlukwe Attwell Baninzi – 460707 5881 083 – 4 Mnandi Street, Bloemendal, Kwa Noxolo, 6200 – *Somdaka*
12. Irvin Andrew Coon – 771218 5112 086 – 5 Walter Hoskins, Flat Woodlands, Pietermaritzburg, 3201 – *Koen*
13. Petrus Jacob Mnguni – 700212 5411 081 – P O Box 1880, Bronkhorstspuit, 1020 – *Simelane*
14. Nozibusiso Thembeke Dube – 870523 0327 088 – 3 Terrace Hill II, Rugby Road, Weltevreden Park, 1709 – *Ntombela*
15. Tebogo Tryphoser Sidogi – 850520 1051 083 – P O Box 27, Sinthumule, 0939 – *Rathipa*
16. Sinatu Jane Manyonga – 540916 5738 087 – 39003 Ndimba Street, Harare, Khayelitsha, 7784 – *Maxaku*
17. Rodney Mhlonipheni Comfort Njilo – 850411 5742 085 – P O Box 258, Highflats, 3306 – *Mkhize*
18. Leah Magdalena Oosthuizen – 801203 0122 086 – 374-32nd Avenue, Villieria, 0186 – *Van Der Westhuizen*
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22. Clifford Mfanzile Lekhuleni – 720430 5771 082 – Box 951, Mkhuhlu, 1246 – *Mavuso*
23. Kgomotso Valentine Mooki – 860214 0616 082 – 110 Klipspruit, Pimville, 1809 – *Makhalemele*
24. Kumani Phineas Muthuzi – 420819 5353 086 – 1005 Protea South, Tshiawelo, 1818 – *Nkuna*
25. Sipho Sbusiso Majola – 750510 0289 082 – P O Box 14610, Halfway House, 1685 – *Zungu*

26. Giovanni Angelo D'Oliveira – 800411 5244 083 – 106 Belaire, 151 Snell Parade, Marine Parade, 4056 – *Mossa*
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28. Tatiana Varekamp – 861118 0263 085 – P O Box 156, Newlands, 7725 – *Jacobs-Croukamp*
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30. Themba Mbele – 650110 5901 087 – 120 Ndaba Drive, Tshiawelo, 1818 – *Tshabalala*
31. Mfabusebi Bali – 700312 5394 087 – P O Box 141, Greytown, 3250 – *Mtshali*
32. Mphonyana Elizabeth Thekiso – 790725 1038 088 – 521-E Section, Botshabelo, 9781 – *Makena*
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34. Mashudu Thomas Mariba – 770207 5645 089 – 707 Highrise Building, Primrose Terrace, Berea, Johannesburg, 2198 – *Sinthumule*
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36. Vuyiswa Ngesi – 701102 1075 080 – 3 Daisy Street, Franschhoek, 7690 – *Barnard*
37. Ntsako Godfrey Masinge – 870410 5519 085 – P O Box 691, Malamulele, 0482 – *Chauke*
38. Hlengani Lettuce Chauke – 700101 7419 087 – P O Box 2196, Malamulele, 0982 – *Mabasa*
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43. Michael aaron Palmer – 840516 5245 088 – 3 The Sactuary Road, Karstenhof, 7945 – *Thompson*
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48. Mahlomola Eutice Sharrif Morudu – 770815 5460 083 – P O Box 4053, Hammanskraal, 0400 – *Mahase*
49. Golden Sebase Sepadi – 751013 5525 088 – P O Box 1032, Tjate, 1121 – *Moruthanyana*
50. Lesoka Joseph Motsamai – 580822 5404 087 – 1269 Zone 3, Seshego, 0742 – *Makgato*
51. Obakeng Motshabi – 860226 5673 082 – P O Box 92699, Boordfontein, 0201 – *Maila*
52. Tebogo Ernest Matlhale – 820311 5513 089 – P O Box 5462, Magogong, 8575 – *Motlhale*
53. Mathunyani Philemon Makgopa – 5811128 5515 086 – P O Box 1832, Dennilton, 1030 – *Matlala*
54. Thulane Petrose Mwelase – 631209 5504 083 – P O Box 4090, Ladysmith, 3370 – *Hadebe*



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56. Sibusiso Issac Xulu – 851211 5402 089 – P O Box 3540, Kwadukuza, 4450 – *Njilo*
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58. Dieketseng Edith Sekano – 850519 0272 088 – 77 Agnew Road, Carletonville, 2499 – *Masoabi*
59. Phmlani Mmeleni Nkosi – 751216 5340 081 – P O Box 13, Nongoma, 3950 – *Gazu*
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62. Seemole Samuel Molokomme – 730214 5494 087 – P O Box 768, Rebene, 0617 – *Tlhake*
63. Nonhlanhla Portia Maganxa – 830317 0719 082 – 1069 Block AA, Soshanguve, 0152 – *Ngubane*
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65. Peter Kalusi Kekana – 621102 5711 083 – 691 Hans Kekana View, Temba, 0407 – *Letsike*
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71. Phike Abel Mphephu – 750906 5471 081 – Privatre Bag X631, Musina, 0900 – *Moyana*
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75. Llewellyn Immanuel Adams – 780120 5246 089 – 27 Klipdoring Street, East Ridge, Mitchell's Plain, 7785 – *Ntoba*
76. Lungile Patience Champanga – 860831 0747 086 – Kwadabeka J-134, Clemaville, 3612 – *Mchunu*
77. Lala Collete Ramahlo – 801219 5435 083 – 9 Atherstone Street, C E 5, Vanderbijlpark, 1911 – *Tladi*
78. Charnè Marleze De Villiers – 840226 0068 085 – 3E Shamrock Sands, Avalon Road, Beacon Bay, 5241 – *Agnew*
79. Mashilo Solomon Mafichi – 770202 6852 081 – P O Box 327, Muldersdrift, 1747 – *Masenya*
80. Tebatso Magdeline Constance Mabena – 831026 0481 085 – House 15030, Mamelodi East, Rethabile, 0122 – *Bogoshi*
81. Simon Mishack Nkabinde – 390204 5099 086 – 495 Zeleni Section, Tembisa, 0082 – *Ndala*
82. Prudence Simelane – 730804 0259 087 – 14220 Gambu Street, Daveyton, 1507 – *Thwala*
83. Itumeleng Lancelot Lekalake – 720927 5605 087 – 1199 Ngculu Street, Orlando East, 1804 – *Mateza*

84. Lebogang Maenetja – 830322 5576 081 – 502 Gravelotte Flats, 129 Troye Street, Sunnyside, 0001 – *Lathane*
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99. Thandi Gladys Magagula – 570726 0807 081 – 3170 Bend Street, Clernaville, 3602 – *Zwane*
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101. Bheki Patrick Ntombela – 700817 5653 084 – Smero L, Pietermaritzburg, 3201 – *Malunga*
102. Sipiwe Rodger Nhlapo – 760924 5666 087 – 1779 Tshabalala Street, Theronville, 9702 – *Mbhele*
103. Ntuthuko Henry Manli – 650626 5745 083 – E 262 Umlazi, Umlazi, 4031 – *Manic*
104. Thembinkosi Innocent Sibiya – 750118 5714 086 – Box 1052, New Castle, 2940 – *Ndlovu*
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106. Andronica Makutupu Moimana – 820630 0340 085 – Box 537, Motetema, Groblersdal, 2090 – *Bernards*
107. Nkosi Ecute Msomi – 850806 5691 085 – 427 Umlazi, Umlazi, 4023 – *Mfeka*
108. Joshua Phage – 651007 5814 089 – 1751 Nkadameng Street, Naledi, Kwaxuma, 1868 – *Motlhabani*
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113. Mlawuli Mandindi – 820807 5917 089 – 138 Mpenzu Street, Motherwell, 6211 – *Zini*
114. Marothi Peggy Malepe – 860925 0799 087 – Box 34, Trichardsdal, 0890 – *Mametja*
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116. Thokozani Ayen Msimanga – 810313 5986 085 – B786 Umlazi, Umlazi, 4031 – *Magubane*
117. Khanyisile Ntombifikile Queen Mthethwa – 860312 0681 088 – 187303 Inanda Mission, Inanda, 4310 – *Ndlovu*
118. Headman Mancini – 620506 6111 088 – 2002 Unathi, Crossroads, 7755 – *Sitono*
119. Richard Muntu Nkosi – 631213 5667 082 – Box 966, Kanyamazane, 1214 – *Nkalanga*
120. Michekhele Samuel Mthethwa – 370505 5436 084 – Box 3345, Kanuamazane, 1214 – *Makamo*
121. George Mandla Mabuza – 800315 5855 089 – Stand 225/6, Mandela, 1022 – *Moeng*
122. Mduduzi Vilane – 810330 5815 080 – Box 3608, Embalenhle, 2285 – *Mabuza*
123. Sejabeng Mishack Mahlanya – 810707 5942 081 – 673 Mdujana, Siyabuswa, 0472 – *Maepa*
124. Hosia Morgan Rahube – 821009 5354 087 – 4056 Monaladi Street, Kagiso 2, 1754 – *Molekele*
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138. Phumzile Lorraine Gumede – 811231 0733 089 – N-1522 Umlazi Township, Umlazi, 4031 – *Gogo*
139. Thabo David Mhjobokoane – 801126 5598 085 – 243 Block R, Soshanguve, 0152 – *Phutsisi*
140. Thelle Petrus Setumu – 831221 5453 086 – Private Bag X2307, Bakenberg, 0611 – *Sebueng*
141. Jongikhaya Kenqa – 800229 5603 086 – NY 111 No. 36, Gugulethu, 7750 – *Mazwi*
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148. Johannes Thabo Mkhize – 750505 6575 088 – 87 Mopedi Section, Katlehong, 1431 – *Mashishi*
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161. Julius August Herman Richter – 820414 5045 084 – 8B Shaun Street, Baysvalley, Bloemfontien, 9301 – *Von Richter*
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169. Seabata Nelson Job – 840805 5597 089 – 2231 Nomzamo Park, Brandfort, 9400 – *Maloisane*
170. Fumani Patience Babani – 820818 0918 089 – Box 551, Vongani, 0930 – *Mtileni*



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176. Tefo Eudas Moloi – 790228 6104 088 – P O Box 804, Sakhile, 2431 – *Lunda*
177. Fikile Lena Thusi – 720820 0743 088 – 4112 Skwenyisa Street, Zamahi Section, Duduza, 1496 – *Vilakazi*
178. Nomthandazo Tenza – 770314 0803 083 – P O Box 668, Matatiele, 4730 – *Thai*
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196. Motlagomang Annastacia Ramoitoe – 851215 0506 083 – 18 Ratlou Location, Thabanchu, 9780 – *Kgati*
197. Elliot Ntalo – 740102 6957 087 – 57 Extension 1, Tsakane, 1550 – *Mondlane*
198. Phetego Chiloane – 790114 5639 086 – 139 Sithole Street, Dobsonville, 1725 – *Mashile*
199. Syda Dipuo Thebe – 791119 0431 081 – 1022 Phase 5, Tshepisoong, Roodepoort, 1725 – *Letsholathebe*

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203. Sipho Tshwane – 810404 5303 089 – 575 Tshepiso West, Roodepoort, 1725 – *Chawane*
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205. Moloi Eseu Tsoma – 830113 5752 081 – P O Box 634, Masishane, 1064 – *Choma*
206. Ryan Gaunt – 770116 5238 086 – 41 Marais Street, Rustenburg, 0300 – *Barker*
207. Matundu Josphe Ramapale – 590730 5576 085 – 44 Matsimela Township, Saulsville, 0125 – *Shea*
208. Jony Enyinna – 750404 7062 181 – and his wife – Helngiwe Michelle Guliwe – 790304 0442 087 – 902 Sorkento Building, 9 Olivia Road, Berea, Johannesburg, 2198 – *Agbakwuru*
209. Thembinkosi Mbele – 870328 5304 086 – P O Box 1135, Dobsonville, 1863 – *Magakwe*
210. Silwayiphi Innocent Kumalo – 810207 5342 085 – Sihle High School, Private Bag X532, Umzinto, 4200 – *Dlamini*
211. Malesane Selina Tsolo – 780223 0808 083 – 455 Lediga Street, Bothaville, 9660 – *Selinga*
212. Thabo Malose Morerwa – 860707 5535 082 – 2449 Zone 2, Seshego, 0751 – *Motimele*
213. Jack Lerata Motaung – 840316 5340 082 – 14343 Extension 8B, Orange Farm, 1805 – *Ngema*
214. Ryno De Koker – 790110 5054 086 – 223 Anderson Avenue, Northcliff, Johannesburg, 2195 – *Carlisle*
215. Khathushelo Tshihwanammbi – 840424 5458 084 – Box 267, Sibasa, 0970 – *Tshihwanammbi*
216. Caswell Matlatsa – 691231 5618 082 – and his wife – Martha Matlatsa – 711221 0456 089 – 26 Masole Street, Kwathema, 1575 – *Ngubeni*
217. Lorraine Chauke – 840504 0589 080 – 426 Block B, Letlhabile, 0264 – *Mafolo*
218. Tyron Nkwana – 750819 5538 082 – P O Box 1634, Benoni, 1500 – *Nkoana*
219. Matseo Sitile Tebalo – 531219 5159 086 – BA 280 Sizanani Street, Gugulethu, Peyneville, 1565 – *Matseo*
220. Willie Mohlagaume Monama – 751029 5572 086 – 6283 Section R, Mamelodi West, – *Maserumule*
221. Piet Oitebetse – 510806 5623 080 – Box 8053, Louwna, 8610 – *Pilane*
222. Eli Sepei – 810411 5845 085 – Navarone Court, 48 Esselen Street, Hillbrow, 2001 – *Sepei*
223. Aaron Bekumuzi Ntselie – 650731 5582 088 – and his wife – Thandiwe Reginah Ntsele – 731206 1011 088 – 13 Carissa Road, Caversham Glen, Pinetown, 3610 – *Xulu*
224. Mangata Matome Solomon – 570124 5321 086 – P O Box 1263, Makhado, 0920 – *Mangata*
225. Oladele Adebaunjo – 680522 5833 181 – 205 Jackhill, 471 Andries Street, Pretoria, 0002 – *Badejo*
226. Tishimbilani Rennek Kapara – 860223 5732 083 – P O Box 18, Kutama, 0940 – *Gabara*
227. Muridah Feldman – 821024 0169 083 – 23-9th Avenue, Bezuidenhout Valley, 2094 – *Adams*



228. Logendran Poongavanum – 680814 5278 081 – 47 Calshot Crescent, Clayfield, Phoenix, 4068 – *Poongavanum Naidoo*

229. Edward Joseph Pestana – 680815 5019 086 – No. 1 CAC Court, Garrick Street, Kenmare, 1739 – *Anderson*

230. S'Thenjwa American Biyela – 790616 5183 089 – 28 Mccord Road, Overport, 4001 – *Mcking*

No. 681

15 July 2005

**ALTERATION OF FORENAMES IN TERMS OF SECTION 24 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)**

The Director-General has in respect of the following person approved the alteration of their forenames to the forenames printed in italics:

1. Koneswang Ndlangamandla – 860715 0532 087 – P O Box 16606, Witsieshoek, 9810 – *Mosa*
2. Manyaku Phylizia Tsaoeu – 861030 0472 089 – P O Box 850, Burgersfort, 1150 – *Khudu Phylizia*
3. Sipho Chawane – 810404 5303 089 – 575 Tshepisoong West, Roodepoort, 1725 – *Sipho Xihluku*
4. Willie Mahlanguame Maserumule – 751029 5572 086 – House no. 6283, Section R, Mamelodi West, 0122 – *Willie Moriti*
5. Moloi Eseu Choma – 830113 5752 081 – P O Box 634, Masishane, 1064 – *Hlakane Eseu*
6. Ryan Barker – 770116 5238 086 – 41 Marais Street, Rustenburg, 0300 – *Riyan Lee*
7. Matundu Josphe Ramapale – 590730 5576 085 – 44 Matsimela Township, Saulsville, 0125 – *Joseph Shadi*
8. Jony Agbajwuru – 750404 7062 181 – 902 Sorkento Building, 9 Olivia Road, Berea, Johannesburg, 2198 – *Leo Chiedozi Enyinna*
9. Thembinkosi Magakwe – 870328 5304 086 – P O Box 1135, Dobsonville, 1863 – *Thembinkosi Michael*
10. Silwayiphi Innocent Dlamini – 810207 5342 085 – Sihle High School, Private Bag X532, Umzinto, 4200 – *Sandile Innocent*
11. Malesane Selina Tsolo – 780223 0808 083 – 455 Lediga Street, Bothaville, 9660 – *Dikeledi*
12. Thabo Malose Motimele – 860707 5535 082 – 2449 Zone 2, Seshego, 0751 – *Thabo Malose*
13. Jack Lerata Ngema – 840316 5340 082 – 14343 Extension 8B, Orange Farm, 1805 – *Jack Lerato*
14. Ryno Carlisle – 790110 5054 086 – 223 Anderson Avenue, Northcliff, Johannesburg, 2195 – *Darren*
15. Khathushelo Tshwanambi – 840424 5458 084 – Box 267, Sibasa, 0970 – *Khathutshelo Aubrey*
16. Caswell Ngubeni – 691231 5618 082 – 26 Masole Street, Kwathema, 1575 – *Mabhalane Caswell*
17. Lorraine Mafolo – 840504 0589 080 – 426 Block B, Letlhabile, 0264 – *Lorraine Nonhlanhla*
18. Tyron Nkoana – 750819 5538 082 – P O Box 1634, Benoni, 1500 – *Tyron Josiah*
19. Matseo Sitile Matseo – 531219 5159 086 – BA 280 Sizani Street, Gugulethu, Peyneville, 1565 – *Tebalo Sitiloe*
20. Willie Mohlagaume Maserumule – 751029 5572 086 – 6283 Section R, Mamelodi West, – *Willie Moriti*
21. Piet Pilane – 510806 5623 080 – Box 8053, Louwna, 8610 – *Goitebetswe Piet*
22. Eli Seipei – 810411 5845 085 – Navarone Court, 48 Esselen Street, Hillbrow, 2001 – *Eli Bokang*
23. Aaron Bekumuzi ulu – 650731 5582 088 – *Bhekakonke Raynold*
24. Mangata Matome Mangata – 570124 5321 086 – P O Box 1263, Makhado, 0920 – *Matome Solomon*
25. Oladele Badejo – 680522 5833 181 – 205 Jackhill, 471 Andries Street, Pretoria, 0002 – *Dele*
26. Tshimbilani Rennek Gabara – 860223 5732 083 – P O Box 18, Kutama, 0940 – *Tshimbilani Reyneck*



27. Muridah Adams – 821024 0169 083 – 23-9th Avenue, Bezuidenhout Valley, 2094 – *Dominique Erin*
28. Logendran Poongavanum Naidoo – 680814 5278 081 – 47 Calshot Crescent, Clayfield, Phoenix, 4068 – *Logen*
29. Edward Joseph Anderson – 680815 5019 086 – No. 1 CAC Court, Garrick Street, Kenmare, 1739 – *Eric Neo*
30. S'Thenjwa American McKing – 790616 5183 089 – 28 Mccord Road, Overport, 4001 – *Sean*

**ALTERATION OF FORENAMES IN TERMS OF SECTION 24 OF THE BIRTHS AND DEATHS REGISTRATION ACT, 1992 (ACT NO. 51 OF 1992)**

The Director-General has in respect of the following person approved the alteration of their forenames to the forenames printed in italics:

1. Michael Louw – 600307 6006 087 – P O Box 1030, Secunda, 2303 – *Michael Paselo*
2. Mohomed Mansoor Akoo – 581124 5259 085 – 12 Palinet Road, Clare Estate, 4091 – *Mansoor*
3. Antoinette Phumja Tsutsu – 474 Mgabadeli Crescent, Khayamnandi, Stellenbosch, 7600 – *Phumza*
4. Novakaliso Maqokolo – 720203 0548 080 – Block F4 Bopmine, Brits, 02850 – *Nosibabalo*
5. Zafar Khan – 651121 5228 180 – 118 Driedoring Street, Malabar, Port Elizabeth, 6001 – *Zafar Ahmed*
6. Mbofheni Albert Sekhubede – 460427 5319 080 – P O Box 432, Lwamondo, 0985 – *Albert Maleya*
7. Mtfolo Maria Mathenjwa – 591219 0362 088 – Stand No. 22, Arndt Mine, 1097 – *Torro Maria*
8. Samukelisiwe Kunene – 850507 0682 083 – P O Box 13082, Esikhawini, 3887 – *Samukelisiwe Thabisile*
9. Johannes Albertus Berkowitz – 800917 5027 088 – P O Box 4781, Phalaborwa, 1390 – *Yochanan*
10. Wayne Michael Carter – 851205 5167 080 – P O Box 1051, Witkoppen, 2068 – *Eli Wayne*
11. Malillo Mirriam Mbongo – 571225 0906 083 – 14209 Ikaq, Zamdela, 1949 – *Jabulile Mirriam*
12. Linah Mmamoloi Phetla – 730405 0754 083 – Stand No. 7476, Extension 4, Mhluzi, 1053 – *Linah Maphatlane Martha*
13. Piet Rathebe – 840213 5356 087 – 3507 Metampelong, Tumahole, Parys, 9585 – *Peter Selomo*
14. Ben Sibie Mofokeng – 631113 5271 083 – 57 Swartskop Street, Cosmos Park, Standerton, 2430 – *Ben Sebe*
15. Piet Zuka Mansango – 711222 5730 080 – P O Box 58, Van Dyksdrif, 2245 – *Peter*
16. Petros Mosmanegape Botiholo – 370820 5148 088 – House 218B, Ikhuseng Township, Warrenton, 8530 – *Petrus Mosimanegape*
17. Hluphi Zenzile Betty Mdluli – 590721 0591 088 – P O Box 195, White River, 1240 – *Elizabeth Betty*
18. Themba Welcome Rampheng – 750610 6295 081 – 30 Ambassador Street, Milky town, Paarl, 7646 – *Tshepiso Welcome*
19. Jane Beaneth Dibako – 790206 5918 088 – 51223 Sharpeville, Sharpeville, 1928 – *Mokoena Bennet*
20. Veronica Ntombizodwa Mjekula – 620802 0317 080 – 82 King Don Street, Krugersdorp, 1739 – *Vuyokazi*
21. Phillip Khulu Choma – 760316 5677 083 – P O Box 6, Mhluzi, 1053 – *Phillip Selepe*
22. Mark Cliff Frasco – 840421 5253 085 – P O Box 73, Mastapha, Swaziland, – *Fernando Markanthy*
23. Daniel Noheme Nyareli – 850506 5773 087 – 20450 Jerusalem Park, Thabong, Welkom, 9463 – *Ncheme Daniel*
24. Roslyn Bux – 830528 0186 086 – 23 Tensing Way, Everes Heights, Verulam, 4340 – *Shenaaz*
25. Andrew Fox – 840803 5630 083 – P O Box 8767, New Castle, 2940 – *Andrew Frederick*



# GENERAL NOTICES ALGEMENE KENNISGEWINGS

## NOTICE 1109 OF 2005

**GENERAL NOTICE IN TERMS OF SECTION 11[1] OF THE RESTITUION ACT 1994, [22 OF 1994] AS AMENDED**

**NOTICE IS HEREBY GIVEN IN TERMS OF THE RESTITUTION OF THE LAND RIGHTS ACT NO. 22 OF 1994 AS AMENDED, THAT A CLAIM FOR THE RESTITUTION OF LAND RIGHTS ACT HAS BEEN LODGED BY MR. MAHOMMED DADABHAY [ BORN ON THE 04 FEBRUARY 1948 ON THE PROPERTIES MENTIONED HEREUNDER SITUATED IN ALBERT LUTHULI DISTRICT DISTRICT IN MPUMALANGA PROVINCE UNDER REFERENCE KRP 7940 AS FOLLOWS :**

**CURRENT PARTICULARS OF THE PROPERTIES  
ERVEN 22, 25, 26, AND 58[Consolidated Now Erf 747 ] CAROLINA**

<b>Description of property</b>	<b>Current Owner of Property</b>	<b>Title Deed Number</b>	<b>Extent of Property</b>	<b>Bonds</b>	<b>Bond Holder</b>	<b>Other endorsements</b>
Erf 22 Carolina	Carolina Muslim Mosque Trust	T14007/1993	1360SQM	None	None	None
Erf 25 Carolina	Erf 25 Carolina Pty Ltd [96/05641/07	T73413/1996	1344sqm	B76815/2002	Absa Bank Ltd	None
Erf 26 Carilina	Loutjie Roetse Trust [3625/1996	T28252/1997	1248sqm	B24924/1997	Eerste Nasionale Bank	None
Erf 58 Carolina	Consolidated Now Erf 747 Carolina	T1191/888	2855sqm	None	None	Consolidated Now Erf 747 Carolina
Erf 747 [ Consolidation of Erf 58 Carolina ]	Peer Noor Mohammwd Sulaiman [6402165224058]	T66922/1996	5710sqm	None	None	None

**The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in term of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to**

**The Acting Regional land claims Commissioner**

**Private bag X11330**

**Nelspruit**

**1200**

**or Home Affairs Building**

**Third Floor**

**Corner Branders and Henshall Street**

**Nelspruit**

**1200**

**TEL NO. 013- 755 8100**

**FAX NO. 013- 752 3859**

  
**MR. TOZI GWANYA**

**THE ACTING REGIONAL LAND CLAIMS COMMISSIONER**

**MPUMALANGA**

**DATE : 02/ 07/2005**



**NOTICE 1110 OF 2005****GENERAL NOTICE IN TERMS OF SECTION 11[1] OF THE RESTITUION ACT 1994, [22 OF 1994] AS AMENDED**

**NOTICE IS HEREBY GIVEN IN TERMS OF THE RESTITUTION OF THE LAND RIGHTS ACT NO. 22 OF 1994 AS AMENDED, THAT A CLAIM FOR THE RESTITUTION OF LAND RIGHTS ACT HAS BEEN LODGED BY MR. MARUMBE ABRAM MAHLANGU AND MR. MAKHOKHO JAFTA KABINI ACTING ON BEHALF OF MAHLUNGULU COMMUNITY ON THE PROPERTIES MENTIONED HEREUNDER SITUATED IN GROBLERSDAL DISTRICT IN MPUMALANGA PROVINCE UNDER REFERENCE KRP1189 AS FOLLOWS :**

**CURRENT PARTICULARS OF THE PROPERTIES  
DOORNPOORT 171 JS**

<b>Description of property</b>	<b>Current Owner of Property</b>	<b>Title Deed Number</b>	<b>Extent of Property</b>	<b>Bonds</b>	<b>Bond Holder</b>	<b>Other endorsements</b>
The Remaining extent of the Farm 171 JS	Roux Johan Viljoen [3711115007089]	T24651/1981	1577.5164ha	None	None	<ul style="list-style-type: none"> <li>➤ K1382/1981S</li> <li>➤ K2746/1983S</li> <li>➤ K7875/2003RM in favour of Ngodwana Exploration Pty Ltf</li> </ul>
Portion 1	Roux Johan Viljoen [3711115007089]	T24651/1981	1577.5164ha	None	None	None
Portion	Roux Johan Viljoen [3711115007089]	T24652/1981	831.2157ha	None	None	<ul style="list-style-type: none"> <li>➤ K3200/1982S</li> <li>➤ K426/1979S</li> <li>➤ K454//1952RM</li> </ul>
Portion 3	Roux Johan Viljoen [3711115007089]	T24651/1981	1577.5164ha	None	None	<ul style="list-style-type: none"> <li>➤ K1043/1981RM</li> <li>➤ K3079/1999RM in favour of Ensilin Familie Bellingings Cc</li> <li>➤ K3200/1982S</li> <li>➤ K426/1979S</li> <li>➤ K643/1946 RM</li> </ul>

**The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in term of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to**

**The Acting Regional land claims Commissioner**

**Private bag X11330**

**Nelspruit**

**1200**

**or Home Affairs Building**

**Third Floor**

**Corner Branders and Henshall Street**

**Nelspruit**

**1200**

**TEL NO. 013- 755 8100**

**FAX NO. 013- 752 3859**



**MR. TOZI GWANYA**

**THE ACTING REGIONAL LAND CLAIMS COMMISSIONER**

**MPUMALANGA**

**DATE : 02/ 07/2005**



**NOTICE 1111 OF 2005****GENERAL NOTICE IN TERMS OF SECTION 11[1] OF THE RESTITUION ACT 1994, [22 OF 1994] AS AMENDED**

NOTICE IS HEREBY GIVEN IN TERMS OF THE RESTITUTION OF THE LAND RIGHTS ACT NO. 22 OF 1994 AS AMENDED, THAT A CLAIM FOR THE RESTITUTION OF LAND RIGHTS ACT HAS BEEN LODGED BY MR. MEHLO EPHRAIM MKABINDE ACTING IN HIS CAPACITY AS A CHIRPERSON OF KWA-MUNYANI COMMUNITY ON THE PROPERTIES MENTIONED HEREUNDER SITUATED IN GERT SIBANDE DISTRICT IN MPUMALANGA PROVINCE UNDER REFERENCE KRP1246 AS FOLLOWS :

**CURRENT PARTICULARS OF THE PROPERTIES**  
**HARTEBEEFONTEIN 134 HS**

Description of property	Current Owner of Property	Title Deed Number	Extent of Property	Bonds	Bond Holder	Other endorsements
The Remaining extent of the Farm 134 HS	Venter Jan Cilliers [53052550388083]	T27183//1987	1491.0110ha	<ul style="list-style-type: none"> <li>➤ B33440/1987]</li> <li>➤ B38924/1993</li> <li>➤ B83518/1987</li> <li>➤ B83522/1987</li> <li>➤ B99684/1988</li> </ul>	<ul style="list-style-type: none"> <li>➤ Landbank</li> <li>➤ Landbank</li> <li>➤ Volskaas</li> <li>➤ OTK</li> </ul>	<ul style="list-style-type: none"> <li>➤ K1739/1987S in favour of Venter Antonette</li> <li>➤ K3059/1981RM</li> <li>➤ K3376/1979RM in favour of Hartebeestfontein Farms Pty Ltd</li> <li>➤ K359/1989S in favour of Roetebepaling K1554/84S</li> <li>➤ K4070/1988S</li> <li>➤ K4453/1987S</li> <li>➤ K5584/1993RM</li> <li>➤ K6298/2001RM in favour of Ingwe Colliers Ltd</li> </ul>

						➤ VA 867/1993-K1739/1987S
Portion 1	Nederduitse Gereformeerde Kerk Van Transvaal – Memel	\T1634/1934	1588.6556ha	None	None	➤ K1380/1989S in favour of Roetebepalings Va K1465/84S ➤ K1465/1984S ➤ K1713/1974S in favour of Martins Theodoru Francois ➤ K26/1984RM ➤ K5584///1993RM ➤ K6298/2001RM in favour of Ingwe Colliers Ltd ➤ K5583/1993 RM
Portion 2	Deacon Trust [4469/2002	T133903/2002	1747.8780ha	B93279/2002	Land bank	➤ K1307/1989S in favour of Roetebepalings V ➤ K2144/1985S ➤ K2680/1983S ➤ K2680/1983RM ➤ K5584/1993RM ➤ K6298/2001 RM in favour of Ingwe Colliers Ltd ➤ K5583/1993RM ➤ K2649/1986S ➤
Portion 3	Hartebeesfontein Trust [2149/2003	T112597/2003	1821,6323ha	B31239/1999	M W De Jager Kindertrust	➤ K2782/1981S ➤ K5584/1993RM ➤ K6298/2001RM in favour of Ingwe



						<b>Colliers Ltd</b> ➤ <b>K73/1980RM in favo</b> <b>of Hartebeesfontein</b> <b>farm Pty Ltd</b>
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**The Regional Land Claims Commissioner, Mpumalanga Province will investigate all the claims in term of the provisions of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information to**

**The Acting Regional land claims Commissioner**

**Private bag X11330**

**Nelspruit**

**1200**

**or Home Affairs Building**

**Third Floor**

**Corner Branders and Henshall Street**

**Nelspruit**

**1200**

**TEL NO. 013- 755 8100**

**FAX NO. 013- 752 3859**



**MR. TOZI GWANYA**

**THE ACTING REGIONAL LAND CLAIMS COMMISSIONER**

**MPUMALANGA**

**DATE : 02/ 07/2005**

**NOTICE 1112 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION LAND RIGHTS ACT 1994 [ACT 22 OF 1994] AS AMENDED**

**NOTICE IS HEREBY GIVEN IN TERMS OF SECTION 11[1] OF THE RESTITUTION ACT 22 OF 1994 [ACT 22 AS AMENDED] THAT A CLAIM HAS BEEN LODGED ON THE PROPERTIES MENTIONED HEREUNDER SITUATED IN DELMAS MAGISTERIAL DISTRICT IN MPUMALANGA PROVINCE AS FOLLOWS:**

<b>Claimants</b>	<b>I.D. NO.</b>	<b>KRP</b>
<b>Mr Piet Dukwana Mahlangu</b>	<b>500425 5720 085</b>	<b>2301</b>

**CURRENT PARTICULARS OF THE PROPERTY  
STEENKOOLSPRUIT 320 IR**

<b>Description of Property</b>	<b>Current Owner of Property</b>	<b>Title Deed Number</b>	<b>Extent of Property</b>	<b>Bonds</b>	<b>Bond Holder</b>	<b>Other Endorsements</b>
The Remaining extent of the Farm 501 IT	Kruger David Jacobs	T8414/1978	600.2158 Ha	Standard Bank of SA	B60783/2004	<ul style="list-style-type: none"> <li>• K1098/1990RM</li> <li>• K1626/1976RM</li> <li>• K1963/1988PC</li> <li>• K2665/1984RM</li> <li>• K3270/1981RM</li> <li>• K4099/2004RM in favour of Delmas Coal Pty Ltd</li> <li>• K4683/1991S</li> <li>• K4683/1991S</li> </ul>
Portion 1	Prinsloo Kinders Trust [9464]	T66643/1989	128.7162 Ha	Standard Bank of SA	B60783/2004	<ul style="list-style-type: none"> <li>• K1963/1988PC</li> <li>• K4178/1990RM</li> </ul>
Portion 3	Mahamba December Jacob	T125697/2004	259.5777 Ha	Land Bank	B111648/2004	<ul style="list-style-type: none"> <li>• K1098/1990RM</li> <li>• K1626/1976RM</li> </ul>



						<ul style="list-style-type: none"> <li>• K1963/1988PC</li> <li>• K2665/1984RM</li> <li>• K3270/1981RM</li> </ul>
Portion 4	Mahamba December Jacob	T125697/2004	164.1729 Ha	Land Bank	B111648/2004	<ul style="list-style-type: none"> <li>• K1098/1990RM</li> <li>• K1963/1988PC</li> <li>• K2665/1984RM</li> <li>• K3270/1981RM</li> <li>• K966/1955S</li> </ul>
Portion 5	Victor Jozef Johannes Markus	T105946/2002	197.1823 Ha	Firststrand Bank Ltd	B75352/2002	<ul style="list-style-type: none"> <li>• B75353/2002 in favour of Muller David Eduard</li> <li>• K1098/1990RM</li> <li>• K1963/1988PC</li> <li>• K2665/1984RM</li> <li>• K3270/1981RM</li> </ul>
Portion 6	De Lange Izak Daniel	T54342/1998	354.5129 Ha	Absa Bank LTD	<ul style="list-style-type: none"> <li>• B17107/1999 in favour of Absa Bank Ltd</li> <li>• B17108/1999 in favour of Absa Bank Ltd</li> <li>• B50518/1998 in favour of Absa Bank Ltd</li> </ul>	<ul style="list-style-type: none"> <li>• K1098/1990RM</li> <li>• K1626/1976RM</li> <li>• K1963/1988PC</li> <li>• K2665/1984RM</li> <li>• K3270/1981RM</li> </ul>
Portion 7	Pieters Elsie Johanna	T5901/1999	128.7159 Ha	NONE	NONE	NONE
Portion 10	Hatting Carel Danie	T33138/2005	508.8390 Ha	Afgri Bedryfs Ltd	B36895/2005	B82463/2000AL in favour of Hattingh Frederik Carel
Portion 11	Prinsloo Kinders	T103227/1997	15.5623 Ha	NONE	NONE	K5967/1997S

	Trust [9464]					
Portion 58	The whole property subdivided no remainder	DU1000/800	80.000dum	NONE	NONE	I-12028/1993C-T1917/83

The Regional Land Claims Commissioner, Mpumalanga will investigate all the claims in terms of the provision of the Act, any party interested in the above mentioned property is hereby invited to submit within 30 [thirty days] from the date of publication of this notice to submit any comments, or further information with reference KRP2301 AND OTHERS to:

The Regional Land Claims Commissioner  
Private Bag X11330  
Nelspruit  
1200  
or Home Affairs Building  
Third Floor  
Corner Branders and Henshall Street  
Nelspruit  
1200  
PHONE NUMBER. 013-7558100  
FAX NUMBER .013-7523859

MR.TOZI GWANYA  
THE ACTING REGIONAL LAND CLAIMS COMMISSIONER  
MPUMALANGA PROVINCE  
DATE: 02/07/2005



**NOTICE 1114 OF 2005**  
**NATIONAL TREASURY**

**PUBLIC FINANCE MANAGEMENT ACT, 1999**  
**LISTING OF PUBLIC ENTITIES**

I, TREVOR ANDREW MANUEL, MINISTER OF FINANCE, acting in terms of section 47(1)(b) of the Public Finance Management Act, 1999 (Act No 1 of 1999), hereby determine the amendment of the list of public entities as contained in Schedules 2 and 3. The amendment will be effective with immediate effect.



**MINISTER OF FINANCE**

**Date:** 7 June 2005

Name	Amendment
<b>SCHEDULE 3A</b>	
Public Investment Commissioners	Delete
<b>SCHEDULE 3B</b>	
Public Investment Corporation Limited	New Listing

## NOTICE 1115 OF 2005

## DEPARTMENT OF LAND AFFAIRS

## APPLICATION IN TERMS OF THE LAND REFORM (LABOUR TENANTS) ACT, 1996

It is hereby given for general information that in terms of section 17(1) of the Land Reform (Labour Tenants) Act, 1996 (Act 3), the application for the acquisition of Land mentioned in the Schedule has been lodged with the Director-General.

**SCHEDULE*****Applicant List of Clifton Farm***

NO.	NAME	ID NUMBER
1	Khumalo Musa Zablon	540525 5632 081
2	Khumalo Mzilikazi Samuel	650621 5294 083
3	Khumalo Zamantungwa	
4	Khumalo Mduduzi	
5	Khumalo Sabelo	

Property description of the affected Land:	Clifton Farm
Servitude:	
District:	Vryheid
Province:	Kwa-Zulu Natal

Date:	24 June 2005
Submitted by:	Ms. Ayanda Madondo



**NOTICE 1116 OF 2005****DEPARTMENT OF LAND AFFAIRS****APPLICATION IN TERMS OF THE LAND REFORM (LABOUR TENANTS) ACT, 1996**

It is hereby given for general information that in terms of section 17(1) of the Land Reform (Labour Tenants) Act, 1996 (Act 3), the application for the acquisition of Land mentioned in the Schedule has been lodged with the Director-General.

**SCHEDULE****Applicant list of Portion 1 (Rem Extent) of Vredehof Farm No. 17**

<b>NO.</b>	<b>NAME</b>	<b>ID NUMBER</b>
<b>1</b>	<b>Zwane Boyi Sibusiso</b>	<b>720614 6108 085</b>
<b>2</b>	<b>Mtshali Mlayeni Eliam</b>	<b>670910 5613 087</b>
<b>3</b>	<b>Kule Khabani Apostel</b>	<b>300201 5366 084</b>

Property description of the affected Land:	<b>Portion 1 (Rem Extent) of Vredehof Farm No. 17</b>
Servitude:	
District:	<b>Utrecht</b>
Province:	<b>Kwa-Zulu Natal</b>

<b>Date:</b>	<i>24 June 2005</i>
<b>Submitted by:</b>	<i>Ms. Ayanda Madondo</i>

**NOTICE 1117 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)**

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
AB 026	Monga Jane Motloung	Certain Stand No 1541- 1 <sup>st</sup> Street.	Germiston	Germiston	Privately owned	N/A

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER



# NOTICE 1118 OF 2005

## GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
AL 0118	Sello AF	Certain Stand No 392	Vereeniging	Vereeniging	Emfuleni District Municipality	N/A
AL 200	Tlabakwe ME	Certain Stand No 789	Vereeniging	Vereeniging	Emfuleni District Municipality	N/A
AL 374	Moleko DA	Certain Stand No 331	Vereeniging	Vereeniging	Emfuleni District Municipality	N/A
AL 376	Mphasane K.J	Certain Stand No 687	Vereeniging	Vereeniging	Emfuleni District Municipality	N/A

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER

## NOTICE 1119 OF 2005

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
CC 051	Ernest Derrick Oliphant.	A Certain Lot No 2697	Protea	Johannesburg	Privately Owned	N/A
CC 052	Leonora Aliceson Allens	A Certain Lot No 2692	Protea	Johannesburg	Privately Owned	N/A

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER



# NOTICE 1120 OF 2005

## GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNERS	DEED OF TRANSFER
A 0148	Ndaizane Albert Thabede	Certain Lot No 1342	Alexandra	Johannesburg	Johannesburg in Brameley	N/A
A 0972	Manki Martha Zondo	Certain Lot No 1462	Alexandra	Johannesburg	Johannesburg in Diepkloof	T 48022/1981
A 1264	Roseline Phahlane	Certain Lot No 1105	Alexandra	Johannesburg	Johannesburg in Diepkloof	T 90/1981

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER

**NOTICE 1121 OF 2005**

**GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)**

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended) that a claim for restitution of land rights on:

REF NO.	CLAIMANTS	PROPERTY	PORTION	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER	BONDHOLDER	BOND NUMBER
R 0293	Mr. Thomas Nto Matlapeng on behalf of the Batlokwa Ba Kgosi Matlapeng	Southern Portion of Farm Naauwpoort 137 KP	Portion 0		Republic of Bophuthatswana	T 10977/1940BP T 485/1979BP		
			Portion 1		Bafie Matlaping, Isang Mosele, Moloke Bogacui, Ramagonono Senokoane, Molise Letseli, Inozapeli Cetsuete, Motale Kgetsi	T 6581/1914BP		
R 0278		Kroomdraai 114 KP	Portion 1		Bophuthatswana National Parks & Wildlife Management Board	T 68446/1994		
			Portion 2		Purple Rain Prop No. 292 Pty Ltd	T 10935/2005	Investec Bank Ltd	B 12019/2005
		Middelpoort 93 KP	Portion 0		Booyesen Izak Jacobus	T 23306/1976		
			Portion 1		Rapid Dawn 140 Pty Ltd	T 45070/2002		



	Portion 2		Purple Rain Prop No. 292 Pty Ltd	T 69164/2004	Investec Bank Ltd	B 55663/2004
	Portion 3		Purple Rain Prop No. 292 Pty Ltd	T 59012/2004	Investec Bank Ltd	B 74272/2004
Sentelis 92 KP						
Nooitgedacht 90 KP	Portion 0		Marico Lake Conservancy Pty Ltd	T 139478/2001		
	Portion 1		Marico Lake Conservancy Pty Ltd	T 59658/2003		
	Portion 2		Unit 9 Waterfall Park Pty Ltd	T 42559/2004		
Port Elizabeth 199 KP	Portion 0		Pieter Ignatius and Christina Elizabeth Du Plessis	T 14740/1996		
	Portion 1		Christina Cornelia Theron	T 15286/1968 T 111951/2001		
	Portion 2		Unit 9 Waterfall Park Pty Ltd	T 39989/2005	Investec Bank Ltd	B 43384/2005
	Portion 3		Louis Jacobus Coetzee	T 121975/2000	FirstRand Bank Ltd	B 135068/2004
Krokodil drift 87 KP	Portion 0		Africa Holdings SA Pty Ltd	T 98102/ 2000		
	Portion 1		Unit 9 Waterfall Park Pty Ltd	T 42558/2004	Investec Bank Ltd	B 153252/2004
	Portion 2		Africa Holdings SA Pty Ltd	T 98102/2000	Imperial Bank Ltd	B 88563/2001
	Portion 3		Africa Holdings SA Pty Ltd	T 98102/2000	Imperial Bank Ltd	B 88563/2001
	Portion 4		Mark Milne Milne	T 98101/2000		
Kameelboom 91 KP	Portion 0		Unit 9 Waterfall Park Pty Ltd	T 2168/2004	Investec Bank Ltd	B 81570/2004

		Portion 1		Unit 9 Waterfall Park Pty Ltd	T 39989/2005	Investec Bank Ltd	B 43385/2005
	Batavia 176 KP	Portion 0		Republic of South Africa	T 201/1906		
	Kameelhoek 91 KP						

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21 (Twenty One) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
**ARCADIA**  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

**ABM MPHELA**  
**REGIONAL LAND CLAIMS COMMISSIONER**



**NOTICE 1122 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)**

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
K 0046	Ranko Caiphus Mmoabi	Lot No 1771, Portion 1 on Ward Road.	Evaton	Vereeniging	Management Board of Sebokeng	T 20217/1970

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER

## NOTICE 1123 OF 2005

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	DISTRICT	TOWNSHIP	CURRENT LAND OWNERS	DEED OF TRANSFER
R 0450	Catherine Molefe	Certain Stand No 47 in Thlabane.	Rusternburg	Bethlehem	Hugo Johannes Springhorn Ester Elizabeth Du Preez Lisinda Engelbrecht	T 43744/1974 T 73351/94 T 70802/02
R 0382	Baba Sara Adams	Certain Stan No 82	Rusternburg	Bethlehem	Hugo Johannes Springhorn Ester Elizabeth Du Preez Lisinda Engelbrecht	T 43744/1974 T 73351/94 T 70802/02
R 0339	James Lucas Enerst	Certain Stand No 7	Rusternburg	Bethlehem	Hugo Johannes Springhorn Ester Elizabeth Du Preez Lisinda Engelbrecht	T 43744/1974 T 73351/94 T 70802/02

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER



**NOTICE 1124 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)**

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
U 0177	Emmanuel Lawrence Mabalane	A Certain Lot No 226 in Tladi street.	Rooderpoort	Rooderpoort	Privately owned	N/A
U 0244	Nomakhosazane Alice Mpendu	A Certain Lot No 445 in Sinda Street.	Rooderpoort	Rooderpoort	Privately owned	N/A

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

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Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER

## NOTICE 1125 OF 2005

GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	INTERESTED PARTIES
T 0068	Kelegetse Lydia Mancoe	Certain Lot No 292 in Jacob Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0090	Aphiri Goitsemodimo Elizabeth	Certain Lot No 220 in Church Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0097	Noma Virginia Baleni.	Certain Lot No 83 in Foreman Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0099	Thlokomelo Mercy Maruping	Certain Lot No 172 in Foreman Street	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0104	Kgakgamatso Mary Jack	Certain Lot No 299 in Jacob Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0106	Tshere Mirriam Phetoe.	Certain Lot No 346 in Sereko Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0113	Mahlubandile Richard Bekwapi.	Certain Lot No 265 in Makwena Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0019	Mosontsasi Elizabeth kakoma	Certain Lot No 134 in Dlangamandla Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0024	Dichaba Elias Gaoagwe.	Certain Lot No 148 Foreman Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0029	Thaelo Solomon Mpedi	Certain Lot Certain 162 Foreman Street.	Makweteng Native	Mafikeng	The City of Mafikeng	Mafikeng City Council



			Location.		Municipality.	
T 0051	Motlalepula Minah Sethlopi	Certain 335 in Sesoko Street.	Makweteng Native Location.	Mafikeng	The City of Mafikeng Municipality.	Mafikeng City Council
T 0067	Nkonko National Mpese	Certain Stand No 8 Mokgashane.	Makweteng Native Location.	Mafikeng	The Klerkdorp City Council.	N/A

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER

**NOTICE 1126 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)**

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
B 0460	Nathaline Maake	Certain Lot No 103 in La Fleur Street.	Lady Selborne	Pretoria	Pretoria City Council.	T 4620/1996

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
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ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER



# NOTICE 1127 OF 2005

## GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
K 0113	Nomasonto Getrude Mbele	Lot No 64 situated in Evaton Road.	Evaton	Vereeniging	Management Board Sebokeng.	T 8474/1970
K 0172	Andrew Tsiunyane Tsoaela.	Lot No 201 Situated in Evaton Road.	Evaton	Vereeniging	Management Board Sebokeng.	T 28162/1972
K 0260	Johannes Meluse Nhlapo	Lot No 64 situated in Milner Road.	Evaton	Vereeniging	Management Board Sebokeng.	T 36291/1970

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

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Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER

## NOTICE 1128 OF 2005

### GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
Q 0608	More Morobi Sivia	Certain Stand No 16 in Mbambo Street	Old Brakpan Location.	Ekurhuleni	N/A	N/A

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

Tel: (012) 310-6500  
Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER

**NOTICE 1129 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994)**

Notice is hereby given in terms of section 11(1) of the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994 as amended), that a claim for restitution of land rights on:

REF NO.	CLAIMANT	PROPERTY	TOWNSHIP	DISTRICT	CURRENT LAND OWNER	DEED OF TRANSFER
J 0430	Auma Selina Motsoeneng	Certain Stand No 636- 11st Street.	Meyerton	Heidelberg	Privately owned	N/A
J 0517	Nobayeni Ellen Naught	Certain Stand No 233,1 <sup>st</sup> Street.	Meyerton	Heidelberg	Privately Owned	N/A

has been submitted to the Regional Land Claims Commissioner for Gauteng and North West Province and that the Commission on Restitution of Land Rights will investigate the claim in terms of the provisions of the Act in due course. Any person who has an interest in the above-mentioned land is hereby invited to submit, within 21( twenty one) days from the publication of this notice, any comments/information to:

The Regional Land Claims Commissioner: Gauteng and North West Province  
Private Bag X03  
ARCADIA  
0007.

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Fax: (012) 324-5812

ABM MPHELA  
REGIONAL LAND CLAIMS COMMISSIONER



**NOTICE 1130 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994), AS AMENDED**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act, Act No.22 of 1994, as amended, that a claim for restitution of land rights has been lodged on the farms De Gladdeklip kop 73 KS and Doornhoek 257 KS, District of Capricorn, Limpopo.

Chief Cecil Ditsepu Maja lodged a claim on the 18<sup>th</sup> December 1995 on behalf of the Maja community. The Maja community was gradually removed from the abovementioned farms from 1940 to 1969. The claimants were forcibly removed from their land because they refused to work as labour tenants. Community members are presently residing at Ga-Maja and other neighbouring villages such as Ga-Chuene and Ga- Molepo which, are in the Lepelle-Nkumpi Municipality, Capricorn District.

<b>PROPERTY</b>	<b>OWNER</b>	<b>TITLE DEED</b>	<b>EXTENT IN HA.</b>	<b>ENDORSEMENT S/BONDS</b>	<b>HOLDER</b>
Remaining Extent of the farm De Gladdeklip kop 73 KS	Suid-Afrikaanse Ontwikkelstrust & Venter Maartin Petrus Albertus	T14485/1985 T20708/1991  T8148/1958	180.3157 H	K1400/1991RM	Moolman Christoffel Johannes
Ptn 1 of the farm De Gladdeklip kop 73 KS	Republiek Van Suid-Afrika	T19495/1982	45.3991 H	None	None
Ptn 2 of the farm De Gladdeklip kop 73 KS	Republiek Van Suid-Afrika	T19495/1982	45.4005 H	None	None
Ptn 3 of the farm De Gladdeklip kop 73 KS	Republiek Van Suid-Afrika	T19495/1982	42.6824 H	K1345/1998S	No Details
Ptn 4 of the farm De Gladdeklip kop 73 KS	Suid-Afrikaanse Ontwikkelstrust	T30101/1982	76.2855 H	K647/1985S K818/1973S	No Details No Details
Ptn 5 of the farm De Gladdeklip kop 73 KS	Suid-Afrikaanse Ontwikkelstrust	T21721/1982	85.6532 H	K786/1978S	No Details
Ptn 6 of the farm De Gladdeklip kop 73 KS	Suid-Afrikaanse Ontwikkelstrust	T11728/1988	1.2848 H	None	None
Ptn 7 of the farm De Gladdeklip kop 73 KS	Republiek Van Suid-Afrika	T18453/1982	85.6532 H	K1345/1988S	No Details
Ptn 8 of the farm De Gladdeklip kop 73 KS	Suid-Afrikaanse Ontwikkelstrust	T32086/1982	42.8266 H	None	None
Remaining extent of the farm	Venter Elizabeth Magdalena	T2909/1982	177.9633 H	None	None

Doornhoek 257 KS					
Remaining extent of Ptn 1 of the farm Doornhoek 257 KS	Venter Jacobus Daniel	T82376/2003	102.7838 H	B55712/2003 K2500/1985S	Absa Bank Ltd No Details
Portion 2 of the farm Doornhoek 257 KS	Leslie John	T23631/2001	130.3883 H	I-572/2003AT K128/1982RM K2893/1983RM K4811/1992RM	18422/1999 Nel Marthinus Stephanus Jacobus Petrus Nel Heilje Magdalena Nel Cornelis Johannes
Portion 3 of the farm Doornhoek 257 KS	Munnik Schalk Willem	T33477/1981	37.1278 H	B30243/1990 B8748/1985 I-28109/2000AT	Santam Santam 19839/1999
Portion 4 of the farm Doornhoek 257 KS	Wentzel Anton Pieter	T100438/1997	102.7838 H	B29152/1999 B88448/1998 K3371/1979S	Absa Bank Ltd Absa Bank Ltd No Details

The Regional Land Claims Commission of the Limpopo Province is investigating this claim. Any party that has an interest in the above-mentioned properties is hereby invited to submit in writing, within 30 days of the publication of this notice, any comment, objection or information under reference number KRP 6193 to:

The Regional Land Claims  
Commission: Limpopo  
Private Bag x 9552  
Polokwane  
0700

or

Submission may also be delivered to:  
First Floor, 96 Kagiso House  
Corner Rissik & Schoeman Street  
Polokwane  
0700

**MASHILE MOKONO**  
**REGIONAL LAND CLAIMS COMMISSIONER**  
**LIMPOPO**



**NOTICE 1131 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 1994  
(ACT NO. 22 OF 1994), AS AMENDED**

Notice is hereby given in terms of section 11 (1) of the Restitution of Land Rights Act, Act No.22 of 1994, as amended, that a claim for restitution of land rights has been lodged on the farm De Beer 448 KS, (now consolidated into the farm Voorspoed 458 KS which is subdivided into 22 portions) situated in Lepelle-Nkumpi Municipality, Capricorn Limpopo.

Mr. Maritagane Klaas Mapheto lodged a claim on the 28<sup>th</sup> December 1998 on behalf of the Thabamoopo community. Thabamoopo community was dispossessed of their land rights in 1964 because their land was earmarked for the development of Lebowakgomo Township. The claimants are currently residing at Serobaneng, Mooiplaats, Hwelereng and Malemang villages under Chief Mphahlele in the Lepelle-Nkumpi Local Municipality, outside Lebowakgomo Township in the Limpopo Province.

In view of the fact that, the land is currently a proclaimed Lebowakgomo Township, the community has opted for financial compensation.

PROPERTY	OWNER	TITLE DEED	EXTENT IN HA.	ENDORSEMENTS/ BONDS	HOLDER
The remaining extent of the farm Voorspoed 458 KS	Republic of South Africa	T44612/2003	7742.7774 H	K1099/1975RM K1309/2004S K1469/1974RM K154/1985RM K1675/2000RM	No Details No Details No Details No Details Lebowa





Portion 4 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44616/2003	1232.2069	None	None
Portion 5 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44617/2003	195.7567	None	None
Portion 6 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44618/2003	95.4409	None	None
Portion 7 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44619/2003	30.9580	None	None
Portion 8 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44620/2003	144.9971	None	None
Portion 9 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44621/2003	307.4352	None	None
Portion 11 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44622/2003	53.2586	None	None
Portion 12 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44623/2003	110.9561	None	None
Portion 14 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44624/2003	16.1836	None	None
Portion 15 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44625/2003	76.5366	None	None
Portion 16 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44626/2003	485.1041	None	None
Portion 17 of the farm Voorspoed	Provincial Government of the	T44627/2003	35.5886	None	None

458 KS	Northern Province				
Portion 18 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44628/2003	261.7896	None	None
Portion 19 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44629/2003	188.9455	None	None
Portion 20 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44630/2003	43.2814	None	None
Portion 21 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44631	160.5781	None	None
Portion 22 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44632/2003	313.0713	None	None
Portion 23 of the farm Voorspoed 458 KS	Provincial Government of the Northern Province	T44633/2003	22.6964	None	None

The Regional Land Claims Commission of the Limpopo Province is investigating this claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing, within 30 days of the publication of this notice, any comment, objection or information under reference number KRP 10763 to:

The Regional Land Claims Commission: Limpopo  
Private Bag x 9552  
Polokwane  
0700

or Submission may also be delivered to:  
First Floor, 96 Kagiso House  
Corner Rissik & Schoeman Street  
Polokwane  
0700

**MASHILE MOKONO**  
**REGIONAL LAND CLAIMS COMMISSIONER: LIMPOPO**  
**DATE:**



**NOTICE 1132 OF 2005****DEPARTMENT OF AGRICULTURE****AGRICULTURAL PRODUCT STANDARDS ACT, 1990 (ACT No. 119 OF 1990)****STANDARDS AND REQUIREMENTS REGARDING CONTROL OF THE EXPORT OF HONEYBUSH  
AND GREEN HONEYBUSH: AMENDMENT**

I, Ebenhaezer Rademeyer, appointed as Executive Officer in terms of section 2(1) of the Agricultural Product Standards Act, 1990 (Act No. 119 of 1990), hereby give notice under section 4(3)(c) of the said Act, that --

- (a) the standards and requirements regarding control of the export of honeybush and green honeybush as stipulated in Government Notice No. R. 4495 of 1 December 2000 are hereby amended; and
- (b) the standards mentioned in paragraph (a) -
  - (i) shall be available for inspection at the office of the Executive Officer: Agricultural Product Standards, Harvest House, 30 Hamilton Street, Arcadia, Pretoria;
  - (ii) may be obtained from the Executive Officer: Agricultural Product Standards, Department of Agriculture, Private Bag X258, Pretoria, 0001, tel. no. (012) 319 6059, fax no. (012) 319 6055 or e-mail [Annemarie@nda.agric.za](mailto:Annemarie@nda.agric.za) on payment of the prescribed fees or from <http://www.nda.agric.za/docs/plantquality/default.htm>; and
  - (iii) shall come into operation seven days after publication of this notice.

**E. RADEMEYER**

**Executive Officer: Agricultural Product Standards**

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**KENNISGEWING 1132 VAN 2005****DEPARTEMENT VAN LANDBOU****WET OP LANDBOUPRODUKSTANDAARDE, 1990 (WET No. 119 VAN 1990)****STANDAARDE EN VEREISTES BETREFFENDE BEHEER OOR DIE UITVOER VAN HEUNINGBOS EN  
GROEN HEUNINGBOS: WYSIGING**

Ek, Ebenhaezer Rademeyer, ingevolge artikel 2(1) van die Wet op Landbouprodukstandaarde, 1990 (Wet No. 119 van 1990), as Uitvoerende Beampte aangewys, gee hiermee kragtens artikel 4(3)(c) van die vermelde Wet, kennis dat --

- (a) die standaarde betreffende beheer oor die uitvoer van heuningbos en groen heuningbos soos gestipuleer in Goewermentskennisgewing No. R. 4495 van 1 Desember 2000 gewysig word; en
- (b) die standaarde soos in paragraaf (a) vermeld -
  - (i) ter insae beskikbaar is by die kantoor van die Uitvoerende Beampte: Landbouprodukstandaarde, Harvest House, Hamiltonstraat 30, Arcadia, Pretoria;
  - (ii) teen betaling van die voorgeskrewe bedrag vanaf die Uitvoerende Beampte: Landbouprodukstandaarde, Departement van Landbou, Privaatsak X258, Pretoria, 0001, tel. no. (012) 319 6059, faks no. (012) 319 6055 of e-pos [Annemarieb@nda.agric.za](mailto:Annemarieb@nda.agric.za) vanaf <http://www.nda.agric.za/docs/plantquality/default.htm> verkrygbaar is; en
  - (iii) sewe dae na die publikasiedatum van hierdie kennisgewing in werking tree.

**E. RADEMEYER**

**Uitvoerende Beampte: Landbouprodukstandaarde**

**NOTICE 1134 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994, AS AMENDED**

Notice is hereby given in terms of Section 11(1) of the restitution of Land Rights Act, No. 22 of 1994, as amended that claims for the restitution of land rights on:

**Reference No:** KRK6/2/3/B/44/299/0/1-30,33,37,39,42,43  
 KRK6/2/2/B/440/0/3,5,6,7,9,10,12,13  
 KRK6/2/3/B/44/301/0/1  
 KRK6/2/3/8/1/0/319/1

**Name of claimants &  
 Property details:**

The properties mentioned below are all situated within the Hantam Municipality, Calvinia, Northern Cape

Name of Claimant	Property Number	Current Title Deed Number	Extent	Current Land Owner
H ADAM	ERF174		580.0000 SQM	
H Adam	ERF 175		2900.0000 SQM	
Z BUX	ERF 217	T32719/2005	1.6412 H	SM Pierie
J.M Esau	ERF 314	T2821/1967	334.0000 SQM	Municipality
M.M Leukes	ERF215	T51787/95	1606.0000 SQM	S.E Dhlamini & M Dhlamini
P.L Krieling	ERF 2562	T8600/99	12,1770H	D.J Theart
R Lombard	ERF 655	T 63124/98	8565.0000 SQM	Jaco Vlok Trust
R Lombard	ERF 653	T73759/2002	1.7131 H	JC Steenkamp
H Lombard	ERF 642	T96386/2004	4283.0000 SQM	JC Steenkamp
J Maasdorp	Erf 650	T88135/2004	2320.0000 SQM	Jaco Vlok Trust
C Maasdorp	ERF 672	T6268/00	1.7131 H	A Van Wyk
C Maasdorp	ERF674	T6268/00	8565.0000 SQM	A Van Wyk
J Farao	ERF 665	T6163/2003	8565.0000 SQM	JC Steenkamp
D Leukes	ERF670 & 669	T83092/94	17 130,0000 SQM	J.Dgoosen & L Goosen
H Leukes	Erf 647	T11953/99	2320.0000 SQM	LJ Koopman
C Persens	ERF 678	T66182/98	4283.0000 SQM	Batavia Family Trust
C Persens	ERF 325	T9285/75	1821.0000 SQM	Municipality
S Strauss	ERF 728	T109193/97	4283.0000 SQM	E.W Mostert & JM Mostert
R.J Smith	ERF 627	T49685/89	4283,000 SQM	C.J Botha
D Smith	ERF 639			
P.F Van Wyk	ERF 880	T15443/63	4281.0000 SQM	H.H Nel
L.P Van Zyl	ERF 634	T22240/75	4283.0000 SQM	Municipality
M.M.M Wyngaard	ERF 629	T73331/03	4283.0000SQM	JC Steenkamp
MMM Wyngaard	ERF 877	T73331/03	4640.0000 SQM	JC Steenkamp



**Date submitted: Before 31 December 1998**

Has been submitted to the Regional Land Claims Commissioner for the Free State and Northern Cape and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as amended, in due course.

Any party who has an interest in the abovementioned land claim is hereby invited to submit, within 60 days from the date of the publication of this Notice, any comments/information to:

**The Regional Land Claims Commissioner: Free State and Northern Cape  
PO Box 2458  
Kimberley  
8300**

**Tel: (053) 807 5700  
Fax: (053) 831-6501**

**S.T.R. RAMAKARANE  
Regional Land Claims Commissioner**

**2005-07-08**



## NOTICE 1135 OF 2005

**AMENDMENT OF GAZETTE NOTICE 523 OF 2005 AS CONTAINED IN  
GOVERNMENT GAZETTE NUMBER 27434 IN RESPECT OF THE SMITHSMINE  
LAND CLAIM**

Notice is hereby given in terms of section 11A(4) of Restitution of Land Rights Act, 1994 (Act 22 of 1994), as amended, due to an omission in gazette notice 523 of 2005 dated 08th April 2005 contained in gazette number 27434.

The above-mentioned gazette notice is hereby amended to include the following as the properties under claim.

Property: 1. Plaas 105, Portion 1 in the registration division of Barkly West Rd, Northern Cape

Extent of land: 212.6911 ha

Current Owner: Good Hope Diamonds & Estates (Pty) Ltd

Current Title Deed No.: T1751/1992

Bonds on property: Bond in favour of The El Shaddai Trust

Property: 2. Plaas 89, Portion 2 in the registration division of Barkly West Rd, Northern Cape

Extent of Land: 1670.2374 ha

Current owner: Jeanzyl CC

Current Title Deed No.: T1036/2004

Date submitted: Before 31 December 1998

The Regional Land Claims Commission Free State and Northern Cape is investigating this claim. Any party that has an interest in the above-mentioned property is hereby invited to submit in writing, within 30 days of publication of this notice, any comment, information or objection under reference number: M412 to:

**The Regional Land Claims Commission: Free State and Northern Cape**  
**P. O. Box 2458**  
**Kimberley**  
**8300**

Tel: (053) 807-5700

Fax: (053) 831-6501

**S. T. R. RAMAKARANE**

**Regional Land Claims Commissioner**



2005-07-08

**NOTICE 1136 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF  
LAND RIGHTS ACT, 22 OF 1994**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act no. 22 of 1994, that claims for the restitution of land rights on:

Reference No.	N6/2/2/C/959/0/0/13
Claimant:	Mr. Adriaan Venter
Property:	Farms called Zamenloop 56 Spitzpunt 345 in the Magisterial district of Thaba Nchu, Motheo District Municipality
Extent of the Farms;	604,4155 hectares
Title Deed:	T3198/1970 and T3200/1970
Date submitted	9 <sup>th</sup> October 1998
Current owner:	Republic of South Africa
Bonds on the Property	There are no bonds on this property

Has been submitted to the Regional Land Claims Commissioner for Free State and Northern Cape and that the Commission on Restitution of Land Rights will investigate the claims in terms of the provisions of the Act in due course. Any party who has an interest in the above mentioned land claim is hereby invited to submit, within 30 days from the date of publication of this notice, any comments/ information to:

The Regional Land Claims Commissioner  
Free State and Northern Cape  
P.O Box 4376  
Bloemfontein  
9300

Tel: 051 403 0700  
Fax 051 430 3930

  
**S. T.R. Ramankarane**  
**Regional Land Claims Commissioner**

2005-07-08

**NOTICE 1137 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF  
LAND RIGHTS ACT, 22 OF 1994**

Notice is hereby given in terms of Section 11 (1) of the Restitution of Land Rights Act no. 22 of 1994, that claims for the restitution of land rights on:

Reference No.	NC/2/2/C5
Claimant:	Mr G.F.H. Greyling
Property:	Gilbert 552 in the magisterial district of Harrismith, in the Thabo Mofutsanyane District Municipality
Extent of the Farm;	459.5866
Title Deed:	T2982/81
Date submitted	9 <sup>th</sup> June 1993
Current owner:	Republic of South Africa
Bonds on the Property	There are no bonds on this property

Has been submitted to the Regional Land Claims Commissioner for Free State and Northern Cape and that the Commission on Restitution of Land Rights will investigate the claims in terms of the provisions of the Act in due course. Any party who has an interest in the above mentioned land claim is hereby invited to submit, within 30 days from the date of publication of this notice, any comments/ information to:

The Regional Land Claims Commissioner  
Free State and Northern Cape  
P.O Box 4376  
Bloemfontein  
9300

Tel: 051 403 0700  
Fax 051 430 3930

 2005-07-08  
**S. T.R. Ramankarane**  
**Regional Land Claims Commissioner**



**NOTICE 1138 OF 2005****GENERAL NOTICE IN TERMS OF THE RESTITUTION OF LAND RIGHTS ACT, 22 OF 1994, AS AMENDED**

Notice is hereby given in terms of Section 11(1) of the restitution of Land Rights Act, No. 22 of 1994, as amended that claims for the restitution of land rights on:

**Reference No:** KRK6/2/3/B/44/299/0/1-30,33,37,39,42,43  
 KRK6/2/2/B/440/0/3,5,6,7,9,10,12,13  
 KRK6/2/3/B/44/301/0/1  
 KRK6/2/3/8/1/0/319/1

**Name of claimants & Property details:** The properties mentioned below are all situated within the Hantam Municipality, Calvinia, Northern Cape

Name of Claimant	Property Number	Current Title Deed Number	Extent	Current Land Owner
H ADAM	ERF174		580.0000 SQM	
H Adam	ERF 175		2900.0000 SQM	
Z BUX	ERF 217	T32719/2005	1.6412 H	SM Pierle
J.M Esau	ERF 314	T2821/1967	334.0000 SQM	Municipality
M.M Leukes	ERF215	T51787/95	1606.0000 SQM	S.E Dhlamini & M Dhlamini
P.L Krieling	ERF 2562	T8600/99	12,1770H	D.J Theart
R Lombard	ERF 655	T 63124/98	8565.0000 SQM	Jaco Vlok Trust
R Lombard	ERF 653	T73759/2002	1.7131 H	JC Steenkamp
H Lombard	ERF 642	T96386/2004	4283.0000 SQM	JC Steenkamp
J Maasdorp	Erf 650	T88135/2004	2320.0000 SQM	Jaco Vlok Trust
C Maasdorp	ERF 672	T6268/00	1.7131 H	A Van Wyk
C Maasdorp	ERF674	T6268/00	8565.0000 SQM	A Van Wyk
J Farao	ERF 665	T6163/2003	8565.0000 SQM	JC Steenkamp
D Leukes	ERF670 & 669	T83092/94	17 130.0000 SQM	J.Dgoosen & L Goosen
H Leukes	Erf 647	T11953/99	2320.0000 SQM	LJ Koopman
C Persens	ERF 678	T66182/98	4283.0000 SQM	Batavia Family Trust
C Persens	ERF 325	T9285/75	1821.0000 SQM	Municipality
S Strauss	ERF 728	T109193/97	4283.0000 SQM	E.W Mostert & JM Mostert
R.J Smith	ERF 627	T49685/89	4283.000 SQM	C.J Botha
D Smith	ERF 639			
P.F Van Wyk	ERF 880	T15443/63	4281.0000 SQM	H.H Nel
L.P Van Zyl	ERF 634	T22240/75	4283.0000 SQM	Municipality
M.M.M Wyngaard	ERF 629	T73331/03	4283.0000SQM	JC Steenkamp
MMM Wyngaard	ERF 877	T73331/03	4840.0000 SQM	JC Steenkamp

**Bonds:**

**Erf 880- B5679/65**

**Date submitted:                      Before 31 December 1998**

Has been submitted to the Regional Land Claims Commissioner for the Free State and Northern Cape and that the Commission on Restitution of Land Rights will further investigate the claims in terms of the provisions of the Act, as amended, in due course.  
Any party who has an interest in the abovementioned land claim is hereby invited to submit, within 60 days from the date of the publication of this Notice, any comments/information to:

**The Regional Land Claims Commissioner: Free State and Northern Cape  
PO Box 2458  
Kimberley  
8300**

**Tel: (053) 807 5700  
Fax: (053) 831-6501**

**2005-07-08**

**S.T.R. RAMAKARANE  
Regional Land Claims Commissioner**

## NOTICE 1139 OF 2005

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF  
SOUTH AFRICA****SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON ACETAMINOPHENOL  
ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA,  
FRANCE AND THE UNITED STATES OF AMERICA: FINAL DETERMINATION**

On 11 June 2004, the Commission formally initiated a review of the anti-dumping duties on acetaminophenol originating in or imported from the People's Republic of China (PRC), France and the United States of America (USA) . Notice of the initiation of the investigation was published in Notice No.1052 in *Government Gazette* No. 26422 dated 11 June 2004.

The investigation was initiated after the Commission considered that there was *prima facie* proof that expiry of the duties would likely lead to the continuation or recurrence of dumping of the subject product originating in or imported from the PRC, France and the USA and that there was *prima facie* proof of the likely continuation and/or recurrence of material injury.

Exporters review questionnaires and importers review questionnaires were sent to the various known interested parties.

Rhodia Chemie (Rhodia), France through their representatives International Trade Services (ITS), responded to the Commission's exporters questionnaire. The Chinese exporters did not respond but the Chinese government through the Ministry of Commerce (Bureau of Fair Trade) and the China Chamber of Commerce of Medicines & Health Products Importers & Exporters submitted their comments to the Commission's essential facts letter.



An importer, Glaxo SmithKline South Africa (Pty) Ltd responded to the Commission's importers questionnaire but the response was rejected as it did not have details of their imports from the overseas supplier and they also did not complete a non-confidential response.

For purposes of its preliminary decision, the Commission decided that the expiry of the duties is likely to lead to the continuation or recurrence of dumping of the subject product originating in or imported from the PRC, France and the USA and that the expiry of the duties is likely to lead to the continuation or recurrence of material injury.

After considering all parties' comments and representations in respect of the "essential facts" letters, the Commission made a final determination that the expiry of the duties is likely to lead to the continuation or recurrence of dumping of the subject product originating in or imported from the PRC, France and the USA and that the expiry of the duties is likely to lead to the continuation or recurrence of material injury.

The Commission, therefore, decided to recommend to the Minister of Trade and Industry that the anti-dumping duties on acetaminophenol originating in or imported from the PRC, France and the USA be maintained. The Commission's recommendation was approved by the Minister.

The Commission's detailed reasons for its decision are set out in Commission Report No.119 (Final Report).

**Enquiries may be directed to the investigating officers, Mr Elias Tema at telephone (012) 394 3640 and Ms Kedibone Machiu (012) 394 3599, or at fax (012) 395 0518.**

## NOTICE 1140 OF 2005

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION**  
**OF SOUTH AFRICA****CUSTOMS AND EXCISE TARIFF APPLICATIONS****LIST 10/2005**

The International Trade Administration Commission of South Africa (ITAC) has received the following application concerning the Customs and Excise Tariff. Any objection to or comment on this representation should be submitted to the Chief Commissioner, ITAC, Private Bag X753, Pretoria, 0001, within four weeks of the date of this notice. Attention is drawn to the fact that the rate of duty mentioned in the application is that requested by the applicant and that the Commission may, depending on its findings, recommend a lower or higher rate of duty.

**CONFIDENTIAL INFORMATION**

*Please note that if any information is considered to be confidential then a non-confidential version of the information must be submitted, simultaneously with the confidential version. In submitting a non-confidential version the following rules are strictly applicable and parties must indicate:*

- ☐ *Where confidential information has been omitted and the nature of such information;*
- ☐ *A summary of the confidential information which permits a reasonable understanding of the substance of the confidential information; and*
- ☐ *In exceptional cases, where information is not susceptible to summary, reasons must be submitted to this effect.*

*This rule applies to all parties and to all correspondence with and submissions to the Commission, which unless indicated to be confidential and filed together with a non-confidential version, will be made available to other interested parties.*



*If a party considers that any document of another party, on which that party is submitting representations, does not comply with the above rules and that such deficiency affects that party's ability to make meaningful representations, the details of the deficiency and the reasons why that party's rights are so affected must be submitted to the commission in writing forthwith (and at the latest 14 days prior to the date on which that party's submission is due). Failure to do so timeously will seriously hamper the proper administration of the investigation, and such party will not be able to subsequently claim an inability to make meaningful representations on the basis of the failure of such other party to meet the requirements.*

#### **AMENDMENT OF REBATE ITEM 307.09 AND 315.14/39.00**

*"Application to limit the scope of rebate item 307.09 and rebate item 315.14/39.00 by the exclusion of plasticised poly (vinyl chloride) in granules (including pellets and similar forms) of tariff subheading 3904.22 from the provisions of rebate item 307.09 and rebate item 315.14/39.00".*

#### **APPLICANT**

W.R Grace Africa (Pty) Ltd T/A Darex  
Corner Mill and Iscor Streets  
**Bellville South**

7530

Enquiries: Z Ntsangani, Tel: (012) 394 3662, Fax (012) 394 4662, E-mail:  
[zukon@itac.gov.za](mailto:zukon@itac.gov.za)

#### **The reason for the application:**

W.R. Grace (Pty) Ltd T/A Darex manufactures plasticised poly (vinyl chloride) in granules (including pellets and similar forms) of tariff subheading 3904.22.

NOTE: THIS NOTICE SUPERSEDES NOTICE 211 OF 2004 PUBLISHED IN THE GOVERNMENT GAZETTE NO. 25981 DATED 13 FEBRUARY AS WELL AS NOTICE 364 OF 2004 PUBLISHED IN THE GOVERNMENT GAZETTE NO. 26112 OF 12 MARCH 2004.

**LIST 9/2005 WAS PUBLISHED UNDER GENERAL NOTICE NO. 1100 OF 8 JULY 2005.**



## NOTICE 1141 OF 2005

**INTERNATIONAL TRADE ADMINISTRATION COMMISSION OF  
SOUTH AFRICA****SUNSET REVIEW OF THE ANTI-DUMPING DUTIES ON ACRYLIC BLANKETS  
(acrylic blankets) ORIGINATING IN OR IMPORTED FROM THE PEOPLE'S  
REPUBLIC OF CHINA (China) AND TURKEY : Final determination**

On 11 June 2004, the Commission formally initiated a review of the anti-dumping duties on acrylic blankets originating in or imported from China and Turkey. Notice of the initiation of the investigation was published in Notice No.1053 in *Government Gazette* No. 26422 dated 11 June 2004.

The investigation was initiated after the Commission considered that there was *prima facie* proof that expiry of the duties would likely lead to the continuation or recurrence of dumping of the subject product originating in or imported from China and Turkey and that there was *prima facie* proof of the likely continuation and/or recurrence of material injury.

Exporters review questionnaires and importers review questionnaires were sent to the various known interested parties. None of the exporters/foreign manufacturers responded to the Commission's exporters questionnaire.

For purposes of its preliminary decision, the Commission decided that the expiry of the duties is likely to lead to the continuation or recurrence of dumping of the subject product originating in or imported from China and Turkey and that the expiry of the duties is likely to lead to the continuation or recurrence of material injury.

After considering all parties' comments and representations in respect of the "essential facts" letters, the Commission made a final determination that the expiry of the duties is likely to lead to the continuation or recurrence of dumping of the subject product originating in or imported from China and Turkey and that the expiry of the duties is likely to lead to the continuation or recurrence of material injury.

The Commission, therefore, recommended to the Minister of Trade and Industry that the anti-dumping duties on acrylic blankets originating in or imported from Turkey be maintained. The Commission also recommended that the anti-dumping duties on acrylic blankets originating in or imported from China be increased to 2834 cents per kilogram.

The Commission's detailed reasons for its decision are set out in Commission Report No.103 (Final report).

**Enquiries may be directed to the investigating officers, Mr TP Botha at telephone (012) 394 3643 and Mr K Modimokwane at (012) 394 3637, or at fax (012) 395 0518.**

**NOTICE 1113 OF 2005**

**DEPARTMENT OF LABOUR**

LABOUR RELATIONS ACT, 1995

**CANCELLATION OF REGISTRATION OF SERVICE EMPLOYEES INDUSTRIAL UNION**

I, Johannes Theodorus Crouse, Registrar of Labour Relations, hereby notify, in terms of section 109 (2) of the Labour Relations Act, 1995, that I have cancelled the registration of **Service Employees Industrial Union** with effect from 17 June 2005.

**J. T. CROUSE**

Registrar of Labour Relations

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**KENNISGEWING 1113 VAN 2005**

**DEPARTEMENT VAN ARBEID**

WET OP ARBEIDSVERHOUDINGE, 1995

**INTREKKING VAN REGISTRASIE VAN 'N VAKBOND SERVICE EMPLOYEES INDUSTRIAL UNION**

Ek, Johannes Theodorus Crouse, Registrateur van Arbeidsverhoudinge, maak hierby ingevolge artikel 109 (2) van die Wet op Arbeidsverhoudinge, 1995, bekend dat die registrasie van **Service Employees Industrial** vakbond met ingang van 17 Junie 2005 ingetrek is.

**J. T. CROUSE**

Registrateur van Arbeidsverhoudinge

(15 July 2005)/(15 Julie 2005)

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## BOARD NOTICES RAADSKENNISGEWINGS

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### BOARD NOTICE 61 OF 2005

#### SECURITIES SERVICES ACT, 2004

#### AMENDMENT TO THE RULES OF THE BOND EXCHANGE OF SOUTH AFRICA

1. In terms of section 61(5) of the Securities Services Act, 2004 (Act No. 36 of 2004), it is hereby notified that the Bond Exchange of South Africa has applied to the Registrar of Securities Services for approval of proposed amendments of its rules, which amendments are set out in the Schedule.
2. In terms of section 61(5) of the said Act all interested persons who have any objections to the proposed amendments are hereby called upon to lodge their objections with the Registrar of Securities Services, PO Box 35655, Menlo Park, 0102, within a period of 14 days from the date of publication of this notice.
3. In terms of section 61(6) of the said Act, I, Rob Barrow, hereby determine 1 August 2005 as the date on which the rules in the Schedule will come into operation. If any objections to the proposed rules are received, another commencement date will be determined by notice in the Gazette.

RJG Barrow

Registrar of Securities Services

#### SCHEDULE

General explanatory notes:

1. Words underlined with a solid line (\_\_\_\_) indicate the insertions in the existing rules.
2. Words in square brackets in bold ([  **] ) indicate omissions from existing rules.**
3. The Rules, excluding rule A1.3, are hereby further amended by the substitution for –
  - (a) the expressions "financial instrument principal", "financial instrument trader" and "user", wherever they occur, of the expression "authorised user";
  - (b) the expression "financial instrument", wherever it occurs, of the expression "securities"; and
  - (c) the expression "listed financial instruments", wherever it occurs, of the expression "listed securities".

#### A1.3 Definitions

In these Rules a word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned to it and, unless the context otherwise indicates –



"Act"	means the <u>[Financial Markets Control Act 1989 (Act No. 55 of 1989)] Securities Services Act, 2004 (Act No. 36 of 2004) and any Regulations prescribed thereunder by the Minister of Finance or the Registrar, [as amended or substituted from time to time];</u>
"authorised user"	<u>has the meaning assigned to it by the Act;</u>
"client"	<u>has the meaning assigned to it by the Act [means any person who is not a user and who trades with or through a user];</u>
"derivative instrument"	<u>has the meaning assigned to it by the Act;</u>
"directive"	<u>has the meaning assigned to it by the Act [means a determination of the governing committee as required in terms of a specific rule, which directive binds rightsholders, users or members of a particular market association, as the case may be];</u>
"[financial instrument]"	<u>has the meaning assigned to it by the Act</u>
"securities"	<ul style="list-style-type: none"> <li>[(a) a futures contract as defined in section 1 of the Act;</li> <li>(b) an option contract as defined in section 1 of the Act;</li> <li>(c) loan stock as defined in section 1 of the Act; or</li> <li>(d) any other instrument declared by the Registrar by notice in the <i>Government Gazette</i> to be a financial instrument,]</li> </ul>
"[financial instrument principal]"	means any person who is a member, who is not a financial instrument trader, and who is authorised in terms of the Rules to carry on the business of buying and selling listed financial instruments on his own account;]
"[financial instrument trader]"	means any person who is a member who is authorised in terms of the Rules to carry on the business of buying and selling listed financial instruments on behalf of other persons or on his own account;]
"governing committee"	means the <u>controlling body [executive authority]</u> of the Bond Exchange appointed in terms of rule B3.2 and which committee succeeds the executive committee (the <u>[executive authority] controlling body</u> which managed and controlled the affairs of the Bond Exchange prior to the date of approval of these Rules);
"licensed exchange"	means an <u>[financial]</u> exchange as defined in section 1 of the Act <u>[or a stock exchange licenced in terms of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985) as amended from time to time or, if the Act so permits and with the approval of the Registrar, a foreign financial or other exchange];</u>
"listed [financial instruments] securities"	<u>has the meaning assigned to it by the Act [means financial instruments included in the list of financial instruments kept by the governing committee];</u>
"market association"	means an association of ten or more <u>authorised</u> users formed for the purpose of – <ul style="list-style-type: none"> <li>(a) carrying on the business of a market association;</li> <li>(b) supervising the buying and selling of listed <u>securities [financial instruments]</u>, as identified in the particular Market Association Rules, by its members; and</li> <li>(c) representing and promoting the common interests of its members <u>who represent a separate category of authorised users;</u></li> </ul>
"[member]"	means any person who is a financial instrument trader or financial instrument principal;]
"Registrar"	<u>has the meaning assigned to it by the Act [means the Registrar of Financial Markets as defined in section 1 of the Act];</u>



- "STRATE" means STRATE Limited, a public company incorporated in accordance with the laws of the Republic of South Africa (registration number 1998/022242/06 and **[registered]** licensed as a central securities depository under the **[Custody and Administration of Securities Act, 1992 (Act No. 85 of 1992)]** Act or any successor;
- ["user" means a member registered with the Bond Exchange in accordance with the provisions of Part C – Section 2, in order to carry on the business of buying and selling listed financial instruments and who also has membership of a market association recognised by the Bond Exchange.]

#### A1.4 Amendment of Rules

- A1.4.1 Proposals in respect of additions to or amendments of the Rules must be lodged in writing with the secretary**[for submission to the next meeting of the governing committee]**.
- A1.4.2 **[For the purposes of rule A1.4.1],** the parties who may propose additions to or amendments of the Rules are limited to –
- A1.4.2.1 in respect of General Rules, a governing committee member, a rightsholder, a market association council, three or more users or the Forum;
- A1.4.2.2 in respect of Constitutional Rules, a governing committee member, any rightsholder or the Forum;
- A1.4.2.3 in respect of Core Rules, a governing committee member, a market association council, three or more users or the Forum; and
- A1.4.2.4 in respect of any particular Market Association Rules, a governing committee member, the relevant market association council, three or more members of the relevant market association or the Forum.
- A1.4.3 The governing committee must consider the proposed addition to or amendment of the Rules and must, within **[five]** 5 days thereafter, publish its decision with regard thereto in a notice to the relevant parties referred to in rule A1.4.2.
- A1.4.4 Irrespective of whether the governing committee has adopted or rejected the proposal, if **[within five days of the publication of the governing committee's decision in terms of rule A1.4.3 an objection in writing is received from the Forum, then the governing committee shall convene a joint sitting of the governing committee and the Forum within five days of the date upon which the objection is lodged, as contemplated in rule B5.3.]** a ballot is demanded by requisition in writing within 5 days of the publication of the governing committee's decision in terms of rule A1.4.3 –
- [A1.4.5 Within five days of the joint sitting referred to in rule A1.4.4, the governing committee must publish the outcome of the decision made at the joint sitting in respect of the proposed amendment, in a notice to the relevant parties referred to in rule A1.4.2.]**
- [A1.4.6 Irrespective of whether an objection has been received in terms of rule A1.4.4 and irrespective of any decision referred to in rule A1.4.5, if a ballot is demanded by requisition in writing within 21 days of the publication of the governing committee's decision in terms of rule A1.4.3 –]**
- A1.4.**[6]**4.1 in respect of a proposed amendment of the General Rules, by not less than one-third of all rightsholders and one-third of all users;
- A1.4.**[6]**4.2 in respect of a proposed amendment of the Constitutional Rules, by not less than one-third of all rightsholders;
- A1.4.**[6]**4.3 in respect of a proposed amendment of the Core Rules, by not less than one-third of all users; or
- A1.4.**[6]**4.4 in respect of a proposed amendment of **[the particular]** Market Association Rules, by not less than one-third of all members of that particular market association, then the governing committee must convene, as the case may be, within 14 days of the date upon which the requisition is made –
- A1.4.**[6]**4.5 in respect of a proposed amendment of the General Rules, a general meeting of rightsholders and users at which meeting a separate ballot of rightsholders and of users must be conducted in terms of rule B3.10;
- A1.4.**[6]**4.6 in respect of a proposed amendment of the Constitutional Rules, a general meeting of rightsholders at which meeting a ballot of rightsholders must be conducted in terms of rule B3.10;
- A1.4.**[6]**4.7 in respect of a proposed amendment of the Core Rules, a general meeting of users at which meeting a ballot of users must be conducted in terms of rule B3.10; or



A1.4.[6]4.8 in respect of a proposed amendment of **[the particular]** Market Association Rules, a general meeting of members of that particular market association at which meeting a ballot of those members must be conducted in terms of rule B3.10.

A1.4.[7]5 If the governing committee rejects the proposal and no ballot is demanded in terms of rule A1.4.[6]4 or if at such a ballot a majority of votes cast by the relevant parties referred to in rule A1.4.[6]4 are recorded against the adoption of the proposal, the proposal is rejected.

A1.4.[8]6 If the governing committee adopts the proposal and no ballot is demanded in terms of rule A1.4.[6]4 or if at such a ballot a majority of votes cast by the relevant parties referred to in rule A1.4.[6]4 are recorded in favour of the proposal, the proposal is adopted.

A1.4.[9]7 The governing committee shall submit any adopted proposal to the Registrar for his approval, which proposal is valid from the date of granting of such approval in writing.

## A2.1 Continued existence of Bond Exchange

A2.1.1 The Bond Exchange is for all purposes in law deemed to have assumed all the rights, powers, duties and obligations of its predecessor, the BMA, at the time when it was licensed as the Bond Exchange [a financial market licence was issued to the Bond Exchange].

## B1.2 Corporate Body

The Bond Exchange is a non-proprietary, voluntary association and, as from the date upon which it is for the first time issued with an [financial market] exchange licence, a juristic person capable of –

B1.2.1 suing or being sued in the name in which it is licensed;

B1.2.2 acquiring, owning, burdening, hiring, letting and alienating property; and

B1.2.3 doing such things as may be necessary for or incidental to the exercise of its powers or the carrying out of its duties in terms of the Act, the Rules and its [financial market] exchange licence.

## B1.7 Limitation of liability

B1.7.1 Subject to section 62, [T] the Bond Exchange, the members of its governing committee or other committees, the chief executive and other officers, and the employees of the Bond Exchange are not liable for any loss sustained by or damage caused to any person, including rightsholders and users, as a result of anything done or omitted to be done by the Bond Exchange, its licensed clearing house and their agents, contractors and employees, the members of its governing committee or other committees, and their officers and employees, the Forum, a market association, rightsholders or users in the *bona fide* or negligent, but not grossly negligent, exercise of any power or carrying out of any duty or performance of any function under or in terms of the Act, the Rules or any directive.

## B2.5 Conversion of seats to rights

B2.5.1 Conversion scheme

B2.5.1.1 In this rule, unless the context otherwise indicates –

"active seat" means, in the context of the Rules approved by the Registrar on 15 May 1996, a membership seat held by an authorised user or ex-member [member] on the conversion date;

"conversion date" means a date, set by the governing committee, not more than 180 days after the date of approval of these Rules by the Registrar;

"conversion authorised user [member]" means, in the context of the Rules approved by the Registrar on 15 May 1996, an authorised user [member] who holds an active seat on the conversion date.

"conversion scheme" means the conversion scheme of the Bond Exchange which will, with effect from the conversion date, entitle –

(a) an authorised user [member] to 200 rights for each active seat held on the



	conversion date and one additional right for each completed R10 000 of the Guarantee Fund allocation of such member on the conversion date; and
	(b) each ex-member to 100 rights for each dormant seat held on the conversion date;
"dormant seat"	means, in the context of the Rules approved by the Registrar on 15 May 1996, a membership seat held by an ex-member who ceased to enjoy all the rights and privileges attaching to membership <u>of the Bond Exchange</u> prior to the conversion date, but who remains registered as the holder of such seat on the conversion date;
"ex-member"	means, in the context of the Rules approved by the Registrar on 15 May 1996, a former member <u>of the Bond Exchange</u> who holds a dormant seat on the conversion date;
"Guarantee Fund"	means <u>the Guarantee Fund contemplated in Part D – Section 8 of the Rules</u> [ in the context of the Rules approved by the Registrar on 15 May 1996, the Guarantee Fund contemplated in section 14 of those Rules];
"Guarantee Fund allocation"	means the certified rand value of each <u>authorised user's</u> [member's] notional interest in the Guarantee Fund as at the conversion date, calculated in accordance with criteria laid down by the governing committee prior to the conversion date.

#### B2.5.1.2 On the conversion date –

B2.5.1.2.1 an authorised user [member] and an ex-member will become a rightsholder;

B2.5.1.2.2 each –

**[(a) member will become a user if that member obtains membership of a market association on the conversion date or obtains such membership within 30 days after the conversion date;]**

**(a)[(b)]** active seat will be converted into 200 rights;

**(b)[(c)]** completed R10 000 of the Guarantee Fund allocation of each authorised user [member] will entitle such [rightsholder] user to one additional right;

**(c)[(d)]** dormant seat will be converted into 100 rights; and

B2.5.1.2.3 rightsholders shall be those persons who hold at least one right.

#### B2.5.2 Entitlements of dormant seat holders

B2.5.2.1 A right entitles the holder of a dormant seat on the conversion date, to –

B2.5.2.1.1 vote at any meeting of rightsholders of the Bond Exchange;

B2.5.2.1.2 participate in surplus funds or assets of the Bond Exchange on the winding-up of the Bond Exchange in accordance with the Rules, but in no other circumstances.

B2.5.2.2 An ex-member who is the holder of a dormant seat on the conversion date may not become a user by virtue of holding a dormant seat.

#### C2.3 Privileges and obligations of users

C2.3.1 A user must –

C2.3.1.1 satisfy at all times the user status requirements as determined by the governing committee, including being a member of a market association;

C2.3.1.2 where the user is a member or active participant of more than one licensed exchange, elect a lead exchange as its lead regulator;

C2.3.1.3 must at all times comply with the prescribed financial resources requirements set out by its lead regulator;

C2.3.1.4 enter into agreements covering functions designated by the governing committee in order to fulfil the functions and obligations of a user;

**[C2.3.1.5 declare in writing in advance to the governing committee the user's intention to trade as a financial instrument trader or as a financial instrument principal;]**

**[C2.3.1.6 declare in writing in advance to the governing committee the user's intention to convert his user status registration between a financial instrument trader and a financial instrument principal, and vice versa;]**

- C2.3.1.[7]5 in respect of all trades entered into by the user, comply with the reporting requirements as determined by the governing committee;
- C2.3.1.[8]6 in respect of all trades entered into by the user, comply with the settlement requirements as determined by the governing committee;
- C2.3.1.[9]7 hold such fidelity insurance cover in respect of fraud and misappropriation by any director, officer, trader or other person involved in the management or administration of trading, as the user or its board of directors or other governing entity of the user deems appropriate for the level of business undertaken by the user;
- C2.3.1.[10]8 ensure compliance with the Act, the Rules, the directives, the constitution of the market association in question, and a decision or determination of the governing committee;
- C2.3.1.9 comply with the provisions of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002) if that user who undertakes the management of listed securities, as defined in section 1 of the Act, for remuneration or benefit in any form; and
- C2.3.1.10 not effect a transaction in securities with a person whom the user believes or suspects requires approval to undertake management of securities in terms of any law without having taken reasonable measures to ascertain that such person has the necessary approval.

**[C3.1.11 permit any officer, trader or employee from circumventing the restrictions on unsolicited calls, as provided for in section 25 of the Act.]**

#### **C5.5 User trades**

A market association shall prescribe the requirements in respect of the trading of listed financial instruments between members of that market association, which requirements must be approved by the governing committee **[and the Registrar]**.

#### **D5.1 Eligibility to trade**

Prior to concluding any trades in listed financial instruments, a BTA member must ensure that –

- D5.1.1 the BTA member is **[registered with]** authorised by the Bond Exchange as **either** a financial instrument principal or financial instrument trader];
- D5.1.2 every trader employed by the BTA member to conclude trades in listed **financial** instruments must have completed the registered person's examination of the South African Institute of Financial Markets, or any equivalent examination recognised by the BTA and approved by the governing committee; and
- D5.1.3 traders employed by the BTA member to conclude trades in listed financial instruments are registered with the Bond Exchange.

### **SECTION 9 SEGREGATION OF ASSETS**

#### **C9 Segregation of financial instruments and other assets**

A user must, in accordance with the provisions of section 27 of the Act -

- C9.1 at all times identify and keep separate the financial instruments and other assets of another user or of a client from the user's own assets;
- C9.2 not use the financial instruments or other assets belonging to another user or client to finance the user's own trades or the trades of any other person; and
- C9.3 not use the financial instruments or other assets of another user or client to operate his own business.



**C12.4 Inspections by Disciplinary Tribunal**

C12.4.1 The Disciplinary Tribunal may authorise any person (hereunder referred to as "the inspector") not associated with any user to inspect the affairs of an user -

C12.4.1.1 to ascertain whether the user or any officer, trader or employee of the user complies with the provisions of the Act, the Rules, the directives and any decision or determination of the governing committee;

C12.4.1.2 to ascertain whether the user or trader is trading in such a manner that as a consequence of such trading such user may not be able to fulfil its obligations to another user, a client, the Bond Exchange or the licensed clearing house; or

C12.4.1.3 to ascertain whether the user is carrying on the business of buying and selling listed financial instruments in a manner which could be detrimental to the interest, good name or welfare of the Bond Exchange and its users.

C12.4.2 The inspector must be furnished by the Disciplinary Tribunal with a letter of authority which the inspector must produce at the request of any interested person, and the inspector may with regard to a matter that is the subject of an investigation, subject to rule C12.4.1, without prior notice -

C12.4.2.1 enter the premises of any user;

C12.4.2.2 have access to documents, books, records, articles, recordings of a user or make copies of or take extracts from, such documents, books, records, articles or recordings in possession of a user, officer or employee of a user;

C12.4.2.3 question a director, officer, trader, employee or representative of a user; and

C12.4.2.4 request information from the recognised clearing house.

**C12.9 Notice of convictions**

C12.9.1 The chief executive officer must publish a written notice to users setting out details of any conviction of a user, officer or trader and the penalty imposed by the Disciplinary Tribunal: Provided that the contravention is an offence as determined by the Disciplinary Tribunal justifying such notice.

C12.9.2 The chief executive officer may publish, or cause to be published, in any newspaper or other periodical, or permit or authorise the proprietor or publisher of such newspaper or other periodical to publish the notice referred to in rule C12.9.1.

C12.9.3 The chief executive officer must submit a written report to the Registrar setting out details of any conviction of a user, officer or trader and the penalty imposed by the Disciplinary Tribunal, within 30 days of the conviction being imposed.

**BOARD NOTICE 62 OF 2005****SECURITIES SERVICES ACT, 2004****AMENDMENT OF THE RULES OF JSE LIMITED**

1. In terms of section 61(5) of the Securities Services Act, 2004 (Act No. 36 of 2004), it is hereby notified that JSE Limited has applied to the Registrar of Securities Services for approval of proposed amendments of its rules, which amendments are set out in the Schedule.
2. In terms of section 61(5) of the said Act all interested persons who have any objections to the proposed amendments are hereby called upon to lodge their objections with the Registrar of Securities Services, PO Box 35655, Menlo Park, 0102, within a period of 14 days from the date of publication of this notice.
3. In terms of section 61(6) of the said Act, I, Rob Barrow, hereby determine 1 August 2005 as the date on which the rules in the Schedule will come into operation. If any objections to the proposed rules are received, another commencement date will be determined by notice in the Gazette.

**RJG BARROW****Registrar of Securities Services****SCHEDULE**

## General explanatory notes

1. Words underlined with a solid line (\_\_\_\_) indicate the insertions in the existing rules.
2. Words in square brackets in bold ([  ]) indicate omissions from existing rules.

**AMENDMENTS TO THE FIDELITY FUND RULES OF JSE LIMITED****1. Name**

The name of the fund **[required in terms of section 9(1)(e) of the Act]** shall be the JSE Fidelity Fund hereinafter referred to as "the Fidelity Fund".

**2. Separate [I]identity and ownership**

**[The Fidelity Fund shall be a separate legal person capable of owning property in its own name and of suing and being sued in its own name. The Fidelity Fund shall have no members and no member of the JSE shall have any claim on the assets of the Fidelity Fund save as set out in these Rules.]**

**2.1**     The Fidelity Fund shall consist of assets acquired and liabilities incurred by the trustees of the JSE Derivatives Fidelity Fund Trust, with Master's reference number IT 9149/2003 ("the Trust"), which vest in the trustees of the Trust.

**2.2**     The trustees will acquire, hold and administer the Fidelity Fund subject to, and in accordance with these Rules.

**3. Administration**

**3.1**     The **[administrators] trustees** of the Fidelity Fund shall be the controlling body of the JSE who **[exercise their powers of delegation in respect of the administration of the Fidelity Fund in terms of the Articles of the JSE]** have those powers in respect of the administration of the Fidelity Fund as are set out in the trust deed of the Trust on the basis of which the Fidelity Fund is established.

**3.2**     The JSE shall act as the secretary of the Fidelity Fund.

**3.3**     The affairs of the Fidelity Fund shall be administered by the **[administrators] trustees** at meetings convened for this purpose.



#### 4. Definitions

For the purpose of these Rules –

- [4.1] "Act" shall mean the [Financial Markets Control Act, 1989 (Act No. 55 of 1989) and any subsequent amendments thereto or any replacement Act] Securities Services Act, 2004 (Act No. 36 of 2004) and any measures prescribed thereunder by the Minister of Finance or the Registrar;
- [4.2] ["agricultural products member"] [shall mean a member authorised to trade on the agricultural products market in terms of the derivatives rules;]
- [4.3] "client" shall [mean any client registered as a client of a derivatives member or a Yield-X member and with whom the said member has concluded a client agreement] have the same meaning as that contained in section 1 of the Act;
- [4.4] "derivatives member[s]" shall mean [members of both the agricultural products market and the financial derivatives market] a category of authorised user admitted to membership of the JSE under the derivatives rules;
- [4.5] "derivatives rules" shall mean the rules and the directives of the JSE applicable to derivative[s] securities, excluding the equities and Yield-X rules;
- "derivative securities" shall mean those JSE listed securities traded on the JSE derivatives trading system;
- "derivatives trading member" shall mean a sub-category of authorised user of the JSE, registered to trade in the equity derivatives market or the agricultural products market or both under the derivatives rules;
- [4.6] "equities rules" shall mean the rules and the directives of the JSE applicable to [equities] equity securities, excluding the derivatives and Yield-X rules;
- "equity securities" shall mean those JSE listed securities traded on the JSE equities trading system;
- [4.7] ["financial derivatives member"] [shall mean a member authorised to trade on the financial derivatives market in terms of the derivatives rules;]
- "interest rate member" shall mean a category of authorised user admitted to membership of the JSE under the Yield-X rules;
- "interest rate securities" shall mean those JSE listed securities traded on the Yield-X trading system;
- "interest rate trading member" shall mean a sub-category of authorised user of the JSE, registered to trade interest rate securities under the Yield-X rules;
- [4.8] "JSE" shall mean JSE Limited, a company duly registered and incorporated with limited liability under the company laws of [South Africa] the Republic, licensed to operate an exchange under the [Securities Services] Act;
- "JSE listed securities" shall mean those listed securities included in the list of securities kept by the JSE;
- [4.9] ["JSE rules"] [shall mean the rules of the JSE applicable to the equities, derivatives and Yield-X markets;]
- "listed securities" shall have the same meaning as that contained in section 1 of the Act;
- [4.10] "Registrar" shall [mean the Registrar of Financial Markets, appointed in terms of the Act] have the same meaning as that contained in section 1 of the Act;
- [4.11] "SAFCOM" shall mean [SAFEX] Safex Clearing Company (Proprietary) Limited, [recognised] licensed by the Registrar as [the] a clearing house in

- terms of the Act;
- "securities" shall have the same meaning as that contained in section 1 of the Act; and
- [4.12] "Yield-X member" [shall mean a member authorised to trade on Yield-X in terms of the Yield-X rules;]
- [4.13] "Yield-X rules" shall mean the rules and the directives of the JSE applicable to [Yield-X] interest rate securities, excluding the derivatives and equities rules.

## 5. Management of the Fidelity Fund

- 5.1 The [administrators] trustees shall open a banking account with a bank **[registered otherwise than provisionally in terms of]** as defined in the Banks Act, 1990 (Act No. 94 of 1990) in the name of the Fidelity Fund and shall have the power to draw and endorse cheques and other negotiable instruments connected with the business of the Fidelity Fund. All monies accruing to the Fidelity Fund shall, pending the investment or application thereof, in accordance with these Rules, be paid into the said banking account. The [administrators] trustees shall have power to close the banking account and open an account with another bank so **[registered]** defined.
- 5.2 Subject to these Rules, the [administrators] trustees shall have exclusive administration and control of all assets of the Fidelity Fund and of the income arising therefrom. Such assets or income shall be applied or invested by the [administrators] trustees in the manner hereafter provided and in no other manner, that is to say –
- 5.2.1 if necessary, all the assets of the Fidelity Fund shall be used to meet claims on the Fidelity Fund in terms of these Rules;
- 5.2.2 not less than 25 per cent of the total assets of the Fidelity Fund shall be invested –
- 5.2.2.1 on deposit with a bank (**[registered otherwise than provisionally in terms of]** as defined in the Banks Act, 1990);
- 5.2.2.2 in bills, bonds, debentures or stock issued or guaranteed by the government of the Republic;
- 5.2.2.3 in stock of any local authority in the Republic authorised by law to levy rates upon immovable property; and
- 5.2.2.4 in debentures or stock of the Reserve Bank, the Rand Water Board, Eskom or such other similar body constituted or established by or under law;
- 5.2.3 any monies not invested in the manner set forth in Rule 5.2.2 above shall be invested in accordance with sound financial principles in securities **[and financial instruments]**, in such manner as the [administrators] trustees deem fit.
- 5.3 All contributions levied in terms of these Rules together with the income arising from the Fidelity Fund shall be invested in the manner set forth in Rule 5.2 until the net value of the assets of the Fidelity Fund has reached the amount determined by the Registrar in Rule 6.3 after which such income may be applied for the purposes set forth in Rule 6.4.
- 5.4 In selecting securities **[and financial instruments]** for the Fidelity Fund, the [administrators] trustees shall follow an investment policy, which shall have as its primary objectives a reasonable level of current income and maximum stability for capital invested. **[To achieve this objective, the securities and financial instruments normally to be included in the Fidelity Fund shall consist of financially sound ordinary shares, to be acquired at fair market prices, and financially sound fixed income securities embracing stock, preference shares, debenture stock, debenture bonds or unsecured notes.]**
- 5.5 Notwithstanding anything contained in these Rules, the [administrators] trustees shall be empowered to sell, exchange, or redeem any investment. The [administrators] trustees may determine what proportion of the monies in the Fidelity Fund may be retained for the immediate requirements of the Fidelity Fund and what proportion may be invested.
- 5.6 Save as may otherwise be determined by the [administrators] trustees all contracts, deeds and instruments of a like nature and all drafts, cheques or orders drawn on banks against any account of the Fidelity Fund in any bank shall be signed by two of the [administrators] trustees.



## 6. Fidelity Fund [A]assets

- 6.1 The [administrators] trustees shall apply the assets of the Fidelity Fund solely for the purposes set forth in these Rules. No withdrawal or appropriation of any part of the assets of the Fidelity Fund shall be made without special authorisation by the [administrators] trustees.
- 6.2 For the purposes of these Rules the expression "the net assets of the Fidelity Fund" shall mean the assets of the Fidelity Fund, valued at market value less provisions made by the [administrators] trustees at their discretion for all actual and contingent liabilities of the Fidelity Fund.
- 6.3 The net assets of the Fidelity Fund shall at all times be at least R50 million. Should the net assets of the Fidelity Fund at any time fall below R50 million the [administrators] trustees shall, in the manner set out in Rule 7, levy contributions from derivatives and [Yield-X] interest rate members sufficient to bring the net assets of the Fidelity Fund to R50 million.
- 6.4 When the net assets of the Fidelity Fund exceed R50 million or such other amount as the Registrar may determine after consultation with the [administrators] trustees, the [administrators] trustees shall, until such time as the net assets of the Fidelity Fund are reduced to such figure, be entitled, at their discretion, to apply the income arising from the assets of the Fidelity Fund received -
- 6.4.1 for maintaining or for strengthening the financial resources of the JSE as an institution;
  - 6.4.2 to fund the expenses of the JSE in operating the equities market, the agricultural [derivatives] products market, the [financial] equity derivatives market and Yield-X; and
  - 6.4.3 for reducing the listing fees payable by the issuers of [financial instruments listed on the JSE] JSE listed securities.

## 7. Contributions to the Fidelity Fund

- 7.1 In the event that the [administrators] trustees invoke the provisions of Rule 6.3 as a result of a claim by a derivatives member, [Yield-X] interest rate member or client, the [administrators] trustees shall levy additional contributions on those members falling within that market on which the claim arose.
- 7.2 Each such member shall contribute to the Fidelity Fund in relation to the volume of transactions that it trades on a basis and in an amount determined by the [administrators] trustees. Such contributions shall be obtained from the applicable clearing members together with the trading fees and the said clearing members shall be entitled to recover such contributions from the members with whom they have entered into clearing agreements, together with the fees referred to in rule 8.80.2 of the derivatives rules or rule 8.70.2 of the Yield-X rules, as the case may be.

## 8. Claims against the Fidelity Fund

- 8.1 A derivatives trading member, [Yield-X] an interest rate trading member or a client may recover from the Fidelity Fund the amount of [the outstanding obligation of a derivatives member or Yield-X member to pay] initial margin, settlement margin, variation margin or top-up margin already paid by such member or client to a derivatives member or interest rate member in terms of the derivatives rules or Yield-X rules, as the case may be, to such derivatives member, Yield-X member or client: Provided that the liability of the Fidelity Fund shall be limited to the amount of such margin [initial margin, settlement margin, variation margin or top-up margin] which accrued or became due by the derivatives member or [Yield-X] interest rate member on the day of default by such member, and provided further that -]
- [8.1.1 the amount of the claim has been determined by way of arbitration as contemplated in rule 17 of the derivatives rules or rule 5 of the Yield-X rules, as the case may be, and has become final and the award of the arbitrator has not been satisfied by such member; or
  - 8.1.2 the claim is otherwise admitted by the administrators and has not been satisfied by such member; and the provisions of rule 12.30 and 12.40 of the derivatives rules or rule 11.40 and 11.50 of the Yield-X rules, as the case may be, have been satisfied; and any remaining balance has been applied towards the claim.]
- [8.2 A derivatives clearing member, Yield-X clearing member or SAFCOM shall be entitled to apply any balance remaining in terms of Rule 8.1.2 towards a claim by a person against a derivatives or Yield-X member and, if after the application of such balance, any part of the award remains unpaid, the administrators shall consider a payment from the Fidelity Fund, subject to Rule 10.]



8.2 A claim as contemplated in terms of Rule 8.1 will only be considered by the trustees if the derivatives trading member, interest rate trading member or client, as the case may be, can evidence to the satisfaction of the trustees that the amount of the claim is not recoverable from the defaulting member.

8.3 The Fidelity Fund shall be liable to SAFCOM for a shortfall in margin for whatever reason.

#### 9. Settlement of claims

9.1 The **[administrators]** trustees shall make an award for compensation to the claimant from the Fidelity Fund, which award shall not exceed 5% of the Fidelity Fund, or R1 million, whichever is the smaller amount.

9.2 The **[administrators]** trustees may decide to consolidate more than one claim against a particular derivatives member or a particular **[Yield-X]** interest rate member when making an award in terms of this section.

#### 10. Cession of claim against member

The **[administrators]** trustees may satisfy a claim as set out in Rule 9 provided that the claimant shall cede his claim against the relevant member to the Fidelity Fund.

#### 11. **[Arbitrator's finding]** Reserved

**[In the event of a member failing to satisfy the award of the arbitrator fully, the arbitrator shall make his deliberations and findings available to the administrators.]**

#### 12. General

12.1 The whole of the expenses in connection with or incidental to the management or administration of the Fidelity Fund including the cost of audit and legal expenses shall be borne by the Fidelity Fund.

12.2 The **[administrators]** trustees shall cause proper accounting records relating to the Fidelity Fund to be kept and shall cause such accounting records to be audited **[in respect of each] every year [ended on the last day of December]** by a person registered as an accountant and auditor under the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991) or any replacement Act **[and who publicly carries on the profession of an accountant and auditor and shall not later than three months after the said date in each year, or within such further period as the Registrar may allow, transmit to the Registrar a copy of the accounts and balance sheet of the Fidelity Fund for the said year certified by the said auditor and accompanied by a copy of his report.]**

12.3 Any notice to be given to derivatives or **[Yield-X]** interest rate members in terms of these Rules shall be properly given if given in terms of rule 3.140 of the derivatives rules and rule 3.110 of the Yield-X rules **[or any amendment thereof]**.

12.4 Subject to the Act and these Rules, the decision of the **[administrators]** trustees in regard to the administration of the Fidelity Fund and other matters arising therefrom shall be final.

12.5 In all disputes or queries other than those referred to in a court of law, the interpretation of these Rules shall vest with the **[administrators]** trustees, whose interpretation shall be final.

12.6 The Rules of the Fidelity Fund may be amended in the same manner as any of the rules of the JSE [rules] may now or hereafter be amended, provided that every amendment shall be subject to the approval of the Registrar.

#### 13. Winding up

13.1 If the JSE should be wound up, the assets of the Fidelity Fund shall be used, subject to **[the derivatives rules and the Yield-X rules] these Rules**, in discharging –

13.1.1 first all claims against the Fidelity Fund which are accepted by the **[administrators]** trustees in terms of these Rules;

13.1.2 thereafter all obligations of the JSE to the public arising out of the business of an exchange carried on by the JSE.

13.2 The balance (if any) of the assets of the Fidelity Fund shall be assets of the JSE.

13.3 In the event of a merger, amalgamation or transfer of business by or to the JSE –



- 13.3.1 the assets of the Fidelity Fund will not be dealt with pursuant to Rules 13.[1.1] or 13.[1.2], notwithstanding that the JSE may be wound up pursuant to such merger or transfer;
- 13.3.2 at the discretion of the **[administrators]** trustees, the Fidelity Fund may merge or amalgamate with or be transferred to any other fidelity or guarantee fund of the merged, amalgamated or transferee exchange.

**[14. Repeal**

**Section 18 of the Derivatives Rules of the JSE is hereby repealed.]**

**BOARD NOTICE 63 OF 2005****SECURITIES SERVICES ACT, 2004****AMENDMENT OF THE RULES OF JSE LIMITED**

1. In terms of section 61(5) of the Securities Services Act, 2004 (Act No. 36 of 2004), it is hereby notified that JSE Limited has applied to the Registrar of Securities Services for approval of proposed amendments of its rules, which amendments are set out in the Schedule.
2. In terms of section 61(5) of the said Act all interested persons who have any objections to the proposed amendments are hereby called upon to lodge their objections with the Registrar of Securities Services, PO Box 35655, Menlo Park, 0102, within a period of 14 days from the date of publication of this notice.
3. In terms of section 61(6) of the said Act, I, Rob Barrow, hereby determine 1 August 2005 as the date on which the rules in the Schedule will come into operation. If any objections to the proposed rules are received, another commencement date will be determined by notice in the Gazette.

**RJG BARROW**  
Registrar of Securities Services

**SCHEDULE**

## General explanatory notes

1. Words underlined with a solid line (\_\_\_\_) indicate the insertions in the existing rules.
2. Words in square brackets in bold ([  ]) indicate omissions from existing rules.

**AMENDMENTS TO THE GUARANTEE FUND RULES OF JSE LIMITED***Name*

1. The name of the [F]und shall be the JSE Guarantee Fund, hereafter referred to as "the Fund".

*Separate Identity and Ownership*

- [2. The Fund shall be a separate legal person capable of owning property in its own name and of suing and being sued in its own name. The Fund shall have no members and no member of the JSE shall have any claim on the assets of the Fund save as set out in these Rules.]
- 2.1 The Fund shall consist of assets acquired and liabilities incurred by the trustees of the JSE Guarantee Fund Trust, with Master's reference number IT 9150/2003 ("the Trust"), which vest in the trustees.
- 2.2 The trustees will acquire, hold and administer the Fund subject to and in accordance with these Rules.

*Trustees*

3. The [T]rustees of the Fund shall be those independent non-stockbroking members of the [Board] controlling body of the JSE as nominated and elected by [the Board] that controlling body from time to time. The JSE shall act as the secretary of the Fund.
4. The affairs of the Fund shall be administered by the [T]rustees at meetings convened for this purpose.

*Definitions*

5. For the purpose of these Rules –

[5.1] "Act"

shall mean the [Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), any subsequent amendments thereto or any replacement Act] Securities Services Act, 2004 (Act No. 36 of



		<u>2004) and any measure prescribed thereunder by the Minister of Finance or the Registrar;</u>
	<u>Banks Act</u>	<u>shall mean the Banks Act, 1990 (Act No. 94 of 1990);</u>
[5.2]	["carry account"]	<b>[shall have the same meaning as contained in Section 2.40 of the JSE Rules];</b>
	<u>"central securities depository"</u>	<u>shall have the same meaning as that contained in section 1 of the Act;</u>
[5.3]	"client"	<b>shall [mean any person, including a controlled client, on whose behalf securities or uncertificated securities are bought, sold or held by a member or their CSA] have the same meaning as that contained in section 1 of the Act;</b>
[5.4]	"controlled client"	<b>shall mean a client or an account holder on whose behalf a client is acting, whose funds and uncertificated equity securities are under the control of a [CSM or a CSA] custody services provider or whose settlements take place via the CSDP [participant] of [the] a member [as if the client's funds or uncertificated securities were under the control of a CSM or a CSA];</b>
[5.5]	["counterparty"]	<b>[shall mean in any particular transaction, any person buying or selling securities from or to a member either for that person's own account or on behalf of a client;]</b>
[5.6]	["CSA" or "custody and settlement agent"]	<b>[shall mean a CSM which has been appointed by a broking member (equities) in terms of the JSE rules to:</b> (a) <b>exercise custody over that member's managed account, safe custody and controlled account assets, and</b> (b) <b>effect settlement of certificated and uncertificated securities on behalf of that member and its clients;]</b>
[5.7]	["CSD"]	<b>[shall mean a public company registered as a central securities depository in terms of the Custody and Administration of Securities Act, 1992 (Act No. 85 of 1992);]</b>
[5.8]	"CSDP [participant]"	<b>shall mean a [person accepted by the CSD as a CSD participant in terms of the CSD rules] <u>central securities depository participant that has been accepted by a central securities depository as a participant in that central securities depository;</u></b>
[5.9]	["CSD rules"]	<b>[shall mean the rules of the CSD approved in terms of the Custody and Administration of Securities Act, 1992 ;]</b>
[5.10]	["CSM" or "custody settlement member"]	<b>[shall mean a member which has been appointed as a custody and settlement member in terms of the JSE rules and, on behalf of its clients and/or another member and that member's clients –</b> (a) <b>exercises custody over managed accounts, safe custody and controlled account assets, and</b> (b) <b>effects settlement of certificated and uncertificated securities;]</b>
[5.11]	"custody account"	<b>shall mean an [uncertificated] equity securities account with a CSDP [participant] which reflects the uncertificated equity securities balances of controlled accounts of a member [broking member (equities)] and through which settlement of transactions in [uncertificated] equity securities is effected;</b>
	<u>"custody services provider"</u>	<u>shall mean a member which has been authorised by the JSE to perform custody services in terms of the equities rules;</u>
	<u>"equities rules"</u>	<u>shall mean the rules and the directives of the JSE applicable to equity securities;</u>
	<u>"equity securities"</u>	<u>shall mean those JSE listed securities traded on the JSE equities trading system;</u>

[5.12]	"JSE"	shall mean JSE Limited, a company duly registered and incorporated with limited liability under the company laws of [South Africa] the Republic, licensed to operate an exchange under the [Securities Services] Act;
	<u>"JSE listed securities"</u>	<u>shall mean those listed securities included in the list of securities kept by the JSE;</u>
[5.13]	["JSE rules"]	[shall mean the rules of the JSE applicable to securities, excluding the derivatives rules;]
	<u>"listed securities"</u>	<u>shall have the same meaning as that contained in section 1 of the Act;</u>
[5.14]	"member"	shall mean [a sole proprietor, partnership or corporate entity as the case may be,] <u>an equities member, which is a category of authorised user admitted to membership of the JSE [in terms of] under the [JSE rules] equities rules</u> [For the avoidance of doubt it is recorded that reference to member does not include derivative members of the JSE];
[5.15]	["minimum cover securities"]	[shall mean the securities or uncertificated securities deposited by a client with a member or their CSA in respect of transactions on a carry account;]
	<u>"participant"</u>	<u>shall have the same meaning as that contained in section 1 of the Act;</u>
	<u>"Registrar"</u>	<u>shall have the same meaning as that contained in section 1 of the Act;</u>
[5.16]	"securities"	shall [mean those securities as defined] <u>have the same meaning as that contained in section 1 of the Act [which are listed securities];</u>
	<u>"Settlement Authority"</u>	<u>shall mean the person or persons appointed by the JSE to manage the settlement of transactions in equity securities effected through the JSE equities trading system in terms of the equities rules; and</u>
[5.17]	["trust account"]	[shall mean an account maintained by a member in terms of section 14 of the Act at a bank registered otherwise than provisionally in terms of the Banks Act, 1990; and;]
[5.18]	"uncertificated <u>equity</u> securities"	shall mean <u>equity securities [which in terms of section 91A of the Companies Act, 1973 (Act No. 61 of 1973),] that are not evidenced by a certificate or written instrument and are transferable by book entry without a written instrument [and are not evidenced by a certificate].</u>

#### *Administration and Investments*

6. The [T]trustees shall open a banking account with a bank ([registered otherwise than provisionally in terms of] as defined in the Banks Act[, 1990]) in the name of the Fund and shall have the power to draw and endorse cheques and other negotiable instruments or effect electronic fund transfers connected with the business of the Fund. All monies constituting or accruing to the Fund shall, pending the investment or application thereof, in accordance with these Rules, be paid into the said banking account. The [T]trustees shall have power to close the banking account and open an account with another bank so [registered] defined.
7. Subject to these Rules, the [T]trustees shall have exclusive administration and control of all assets belonging to the Fund and of the income arising therefrom. Such assets or income shall be applied or invested by the [T]trustees in the manner hereafter provided and in no other manner, that is to say –
  - 7.1 if necessary, all the assets of the Fund shall be used to meet claims on the Fund in terms of these Rules;
  - 7.2 not less than 25 per cent of the total assets of the Fund shall be invested –
    - 7.2.1 on deposit with a bank ([registered otherwise than provisionally in terms of] as defined in the Banks Act[, 1990]);



- 7.2.2 in bills, bonds, debentures or stock issued or guaranteed by the government of the Republic;
- 7.2.3 in stock of any local authority in the Republic authorised by law to levy rates upon immovable property;
- 7.2.4 in debentures or stock of the Reserve Bank, the Rand Water Board, Eskom or such other similar body constituted or established by or under law;
- 7.3 any monies not invested in the manner set forth in Rule 7.2 above shall be invested in accordance with sound financial principles in securities, in such manner as the **[T]r**ustees deem fit;
- 7.4 all contributions levied in terms of these Rules together with the income arising from the Fund shall from time to time be invested in the manner set forth in Rules 7.2 and 7.3 until the net value of the assets of the Fund has reached the amount determined by the Registrar **[of Stock Exchanges]** in terms of Rule 11.3 after which the assets of the Fund in excess of that amount may be applied for the purposes set forth in that Rule~~;~~].
- 8.1 In selecting securities for the Fund, the **[T]r**ustees shall follow an investment policy which shall have as its primary objectives a reasonable level of current income and maximum stability for capital invested. **[To achieve this objective, the securities normally to be included in the Fund shall consist of financially sound securities and bonds, to be acquired at fair market prices.]**
- 8.2 Such securities shall be registered in the name of the Fund or in the name of a nominee company and shall be held in a custody account in the name of the Fund with a bank **[(registered otherwise than provisionally in terms of] as defined in the Banks Act[, 1990])** or a **[CSD Participant] CSDP** or a **[Central Depository] central securities depository [approved] licensed** in terms of the **[Custody and Administration of Securities Act 1992] Act**.
- 8.3 Notwithstanding anything contained in these Rules, the **[T]r**ustees shall be empowered to sell, exchange, or redeem any investment. The **[T]r**ustees may, from time to time, determine what proportion of the monies in the Fund may be retained for the immediate requirements of the Fund and what proportion may be invested.
- 9. Save as may otherwise be determined by the **[T]r**ustees from time to time, all contracts, deeds and instruments of a like nature and all drafts, cheques or orders drawn on banks against any account of the Fund in any bank shall be signed by one of the **[T]r**ustees and the secretary of the Fund.

#### **Fund Assets**

- 10. The **[T]r**ustees shall apply the assets of the Fund solely for the purposes set forth in these Rules. No withdrawal or appropriation of any part of the assets of the Fund shall be made without special authorisation by the **[T]r**ustees.
- 11.1 For the purposes of this Rule 11, the expression "the net assets of the Fund" shall mean the assets of the Fund, valued at market value from time to time, less provisions made from time to time by the **[T]r**ustees in their discretion for all actual and contingent liabilities of the Fund.
- 11.2 It is the intention that the net assets of the Fund shall at all times be at least R50 million or such other amount as the Registrar **[of Stock Exchanges]** may determine from time to time, after consultation with the **[T]r**ustees. Should the net assets of the Fund at any time fall below R50 million, the **[T]r**ustees shall levy contributions from members sufficient to bring the net assets of the Fund to R50 million.
- 11.3 The **[T]r**ustees **[shall] may**, until such time as the net assets of the Fund are reduced to less than R50 million, **[be entitled in their discretion, but]** in accordance with such conditions as the Registrar may determine, **[to]** apply the assets of the Fund **[which may be received from time to time]** –
  - 11.3.1 for maintaining or for strengthening the financial resources of the JSE as an institution;
  - 11.3.2 for reducing the listing fees payable by the issuers of JSE listed securities**[ listed on the JSE]**;
  - 11.3.3 to pay the premium in respect of any "In and Out" fidelity insurance policy which the JSE may arrange or procure;
  - 11.3.4 to provide funding and/or collateral security to enable the JSE to facilitate the settlement of transactions in terms of the **[JSE rules and directives] equities rules**; and
  - 11.3.5 to reimburse the JSE for any amounts that may have been disbursed by the JSE pursuant to any action taken by the Settlement Authority in terms of the **[JSE rules and directives] equities rules** to facilitate the settlement of transactions in JSE listed securities.



**Contributions**

12. Members shall contribute to the Fund as hereinafter provided, and such contributions together with assets already in the Fund and all other sums which may accrue to the Fund shall constitute the assets of the Fund.
- 13.1 All contributions referred to in these Rules shall be made –
  - 13.1.1 not later than one month after the [T]trustees have informed the member of the amount it is liable to contribute; or
  - 13.1.2 on such basis, for such period and upon such rate as the [T]trustees may determine.
- 13.2 The [T]trustees [shall have the right to] may recover in a court of competent jurisdiction any amount due to the Fund but not paid by a member in accordance with Rule 13.1, which shall constitute a liquidated amount of money due by a member to the Fund. A certificate issued by the [T]trustees shall be *prima facie* proof of any amount so due and payable.
14. The [T]trustees may[, at any time in their discretion,] levy contributions for the purpose of making up any diminution in the Fund or of increasing the size of the Fund from members on such basis as the [T]trustees may decide [in their absolute discretion from time to time].
15. Subject to Rule 25, no member shall be entitled at any time to any refund of contributions paid in terms of these Rules, except where the [T]trustees may determine that an overpayment of a contribution levied in terms of Rule 14 has been made by a member.

**Liability of the Fund for Losses**

- 16.1 Where a member has been declared [a defaulter] to be in default by the JSE in terms of the [JSE] equities rules, the Fund shall be liable [against receipt of the cessions referred to in 16.3] subject to the limit of liability referred to in Rule 16.5 –
  - 16.1.1 [F]for the reimbursement [, subject to the limit of liability referred to in 16.2,] of –
    - 16.1.1.1 funds owed by the defaulting member to a controlled client in respect of which the client is unable to obtain a refund from such member; and [monies paid by a buyer to the defaulting member in respect of securities or uncertificated securities purchased by the member on behalf of the buyer which have not been allocated or delivered to such buyer by the member;]
    - 16.1.1.2 equity securities due to a client by a defaulting member in respect of which the client is unable to obtain delivery from such member; and [monies due to a seller by the defaulting member where the securities or uncertificated securities sold by the member on behalf of the seller have been delivered to the member by the seller and of which the buyer or seller is unable to obtain a refund for such member;]
  - 16.1.2 for any outstanding obligations of a defaulting member to a client in respect of a decision made by an ombud in terms of the equities rules.
  - 16.1.3 securities or uncertificated securities –
    - 16.1.3.1 held by the defaulting member or their custody and settlement agent as minimum cover securities or in respect of a managed account or controlled client account (whether or not deposited by the member in a safe custody account with a bank or in a custody account with a CSD participant); or
    - 16.1.3.2 held by the defaulting member for any other purposes on behalf of a client or counterparty and of which the client or counterparty is unable to obtain delivery from the defaulting member;]
  - 16.1.4 cash and scrip accruals at the date of default of the defaulting member in respect of securities or uncertificated securities purchased on behalf of a client or held on behalf of a client in custody;]
  - 16.1.5 cash held by the defaulting member in a trust account or in JSE Trustees (Pty) Limited on behalf of a client in respect of a managed account or a controlled client account and interest accrued thereon at the date of default of the member of which the client is unable to obtain a refund from such member; and]
  - 16.1.6 any other monies received from or due to a client by the defaulting member in respect of a transaction in securities where such monies are irrecoverable.]



- 16.[6]2 The liability of the Fund shall not necessarily be restricted to the types of losses described in the various categories referred to in Rule 16.1 and may be extended to such other losses as the [T]trustees may [in their absolute discretion] determine.
- 16.3 Payment of any amount in terms [hereof] of these Rules shall only be made against a valid out and out cession to the [T]trustees of the respective claims that the client [or counterparty] has against the defaulting member.
- 16.4 Subject to Rule 16.[2]5 and notwithstanding anything else contained in these Rules, the liability of the Fund shall be [limited] –
- 16.4.1 in relation to funds, the amount owed to a client at the date of default; and [to the amount which the defaulting member owes a client or counterparty at the time of the default of such member in respect of a transaction arising from the buying or selling of securities or uncertificated securities and where the transaction has not been settled –]
- [16.4.1.1 by the payment of cash where the delivery of the securities or uncertificated securities sold has taken place; or]
- [16.4.1.2 by the delivery of the securities or uncertificated securities where payment has been made for the securities or uncertificated securities purchased; and]
- 16.4.2 in relation to equity securities, the value based on the closing price on the date of default; [in the case of a liability arising from securities or uncertificated securities held by the member in custody or as minimum cover securities or for any other purpose on behalf of a client or counterparty an amount equal to the market value at the time of default of such member of the securities or uncertificated securities which were not available nor identifiable for delivery to such client or counterparty at the said time;]
- provided that any amount payable by the Fund to a claimant shall be reduced by any amount which such claimant owed to the member at the time of default.
- [16.5 The Fund shall not be liable –
- 16.5.1 for any loss associated with any transaction other than a transaction in securities, including but not limited to transactions in bonds, unlisted securities, listed derivatives, money market instruments or money broking transactions;
- 16.5.2 for any consequential indirect, unforeseeable or indeterminable loss suffered by a client or counterparty as a result of any default including breach of contract, negligence or fraud by a member; or
- 16.5.3 for any loss of income, profits and any loss sustained as a result of fluctuations in the market price of securities or uncertificated securities after the time of the default of such member.]
- 16.[2]5 Reimbursement of the losses referred to in Rule 16.1 shall not exceed the sum of [R200 000 (Two hundred thousand Rand)] R500 000 per claimant in aggregate. If the aggregate of all claims admissible against the Fund exceeds the total net assets of the Fund, the liability of the Fund shall be distributed in the ratio, pro rata, which the total net assets of the Fund bears to the total claims of the claimants admissible against the Fund.
- 16.[8]6 [Notwithstanding anything else contained in these rules, a] A claim by a client [or counterparty for monies, securities or uncertificated securities in respect of which they are unable to obtain a refund or delivery from the defaulting member] in terms of Rule 16.1 or Rule 16.2 shall, in the first instance, be against the defaulting member. The Fund shall only be liable for such claims [in the event that] which the defaulting member is unable to meet [such a claim or] and [the claim is] which are not covered by an insurance policy which indemnifies the member against such a claim.
- [16.7 The limit of liability of the Fund referred to in 16.2 shall, if the aggregate of all claims admissible against the Fund exceeds the total net assets of the Fund, be distributed in a ratio, pro rata, which the total net assets of the Fund bears to the total claims of the claimants admissible against the Fund.]
- 16.[9]7 [Notwithstanding the provisions of 16.8 in the discretion of the Trustees, the Fund may at any time consider a claim in terms of 16.1 if] if the [T]trustees [determine] are of the view that there may be circumstances which could cause an unreasonable delay by the defaulting member or the insurance policy in the settlement of [such] a claim,[by the defaulting member or the insurance policy] the trustees may proceed to consider such claim.

### Claims

17. All claims on the Fund by or on behalf of clients [or counterparties] of the defaulting member –
- 17.1 shall be submitted in writing to the [T]trustees, within a period of one year of such claim arising, who[shall be entitled to] may require such evidence as they deem sufficient as proof of the liabilities referred to in Rule16;



- 17.2 shall, if accepted by the [T]trustees, be paid subject to these Rules directly to such claimants and the amount of such payments shall not form part of the assets of the member;
- 17.3 shall be satisfied by payment by cheque or by electronic funds transfer and in no other manner; and
- [17.4 shall be limited to the extent of the total net assets of the Fund; and]**
- [17.5]17.4** shall be decided in the discretion of the [T]trustees, who may reject a claim which does not conform with any of the categories referred to in Rule 16.1.
- 18.[1] Failure by a claimant to comply within a reasonable period with any of the requirements of the [T]trustees under [r]Rule 17 shall be grounds upon which the [T]trustees may reject a claim.

### General

19. The whole of the expenses in connection with or incidental to the management or administration of the Fund including the cost of audit and legal expenses shall be borne by the Fund.
20. The [T]trustees shall cause proper accounting records relating to the Fund to be kept and shall cause such accounting records to be audited **[in respect of each] every year [ended on the last day of December]** by a person registered as an accountant and auditor under the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991) or any replacement Act[, and who publicly carries on the profession of an accountant and auditor and shall not later than three months after the said date in each year, or within such further period as the Registrar may allow, transmit to the Registrar a copy of the accounts and balance sheet of the Fund for the said year certified by the said auditor and accompanied by a copy of his report.]
21. Any notice to be given to members in terms of these Rules shall be properly given if given in terms of rule **[3.140] 2.150** of the **[JSE rules] equities rules [or any amendment thereof]**.
22. The Rules of this Fund may be amended in the same manner as the **[JSE rules] equities rules** may **[now or hereafter]** be amended, provided that every amendment shall be subject to the approval of the Registrar **[of Stock Exchanges]**.
23. Subject to the Act and these Rules, the decision of the [T]trustees in regard to the administration of the Fund and other matters arising therefrom shall be final.
24. In all disputes or queries other than those referred to **[in]** a court of law, the interpretation of these Rules shall vest with the [T]trustees, whose interpretation shall be final.

### Winding Up

- 25.1 If the JSE should be wound up, the assets of the Fund shall be used, subject to these Rules, in discharging –
- 25.1.1 all claims against the Fund which are accepted by the [T]trustees in terms of these Rules; and
- 25.1.2 thereafter all obligations of the JSE to the public arising out of the business of an exchange carried on by the JSE.
- 25.2 The balance (if any) of the assets of the Fund shall be deemed to become assets of the JSE.
- 25.3 In the event of a merger, amalgamation or transfer of business by or to the JSE:
- 25.3.1 the assets of the Fund shall not be dealt with pursuant to Rules 25.1 or 25.2, notwithstanding that the JSE may be wound up pursuant to such merger or transfer;
- 25.3.2 at the discretion of the [T]trustees, the Fund may merge or amalgamate with or be transferred to any other fidelity or guarantee fund of the merged, amalgamated or transferee exchange.



**BOARD NOTICE 64 OF 2005****SECURITIES SERVICES ACT, 2004****AMENDMENT TO THE DERIVATIVES RULES OF JSE LIMITED**

1. In terms of section 61(5) of the Securities Services Act, 2004 (Act No. 36 of 2004), it is hereby notified that JSE Limited has applied to the Registrar of Securities Services for approval of proposed amendments of its Derivatives rules, which amendments are set out in the Schedule.
2. In terms of section 61(5) of the said Act all interested persons who have any objections to the proposed amendments are hereby called upon to lodge their objections with the Registrar of Securities Services, PO Box 35655, Menlo Park, 0102, within a period of 14 days from the date of publication of this notice.
3. In terms of section 61(6) of the said Act, I, Rob Barrow, hereby determine 1 August 2005 as the date on which the rules in the Schedule will come into operation. If any objections to the proposed rules are received, another commencement date will be determined by notice in the Gazette.

**RJG Barrow**  
**Registrar of Securities Services**

**SCHEDULE**

## General explanatory notes

1. Words underlined with a solid line (\_\_\_\_) indicate the insertions in the existing rules.
2. Words in square brackets in bold ([  **]**) indicate omissions from existing rules.
3. The Rules, excluding Section 2 of the Rules, are further amended by the substitution for the term –
  - (a) "derivatives member", wherever it appears, of the term "member";
  - (b) "broking member (derivatives)", wherever it appears, of the term "trading member";
  - (c) "non-broking member (derivatives)", wherever it appears, of the term "trading member";
  - (d) "clearing member (derivatives)", wherever it appears, of the term "clearing member"; and
  - (e) "non-clearing member (derivatives)", wherever it appears, of the term "trading member".

**Section 1: Derivatives rules****1.10 [Demutualisation] Reserved**

[The demutualisation of the JSE does not affect the continued corporate existence of the JSE and any actions of the JSE before its demutualisation remain effectual as provided for in section 53(2) of the Securities Services Act.]

**1.20 Reserved****1.30 Reserved****1.40 Powers exercisable by the [Board] controlling body**

- 1.40.1 The management and control of the JSE shall be exercised by the [Board] controlling body which shall be the governing body managing the affairs of the JSE.

1.40.2 The **[Board]** controlling body may, in addition to the powers and authorities expressly conferred upon it by the Act, the JSE's Memorandum and Articles of Association and these derivatives rules, exercise all such powers and do all such things as may be exercised or done by the JSE.

[1.40.3 Without limiting the generality of 1.40.2:

1.40.3.1 subject to a superior court's inherent right of judicial review, any decision of the Board on a matter before it shall be final unless and until (in cases where an appeal to that body lies) the Appeal Board established under the Act shall have varied or reversed such decision;

1.40.3.2 any action, procedure, directive, instruction or decision of the Board in relation to the administration, management, control, conduct or procedures for the orderly functioning of the JSE as an efficient market for listed products which is in accordance with the provisions and powers contained in the derivatives rules shall be binding upon members, their officers, employees, clients and other parties with whom members are permitted to deal.

1.40.3.3 The Board shall also have the power –

1.40.3.3.1 to decide on the hours of business of the JSE trading system and subject to the approval of the Registrar, to reduce or extend such hours as circumstances may dictate;

1.40.3.3.2 to close the JSE trading system for trading purposes at any time and for any period. The Board shall cause the Registrar to be advised forthwith of any such closure; and

1.40.3.3.3 to declare, in exceptional circumstances, that a transaction effected by or through the JSE trading system is void. Such a declaration shall bind a member, a client of such member, or a counterparty with whom such transaction was effected.]

#### 1.41 Advisory Committees

1.41.1 The **[Board]** controlling body shall procure the appointment of advisory committees.

1.41.2 The function of the advisory committees will be to make recommendations to **[the executive of]** the JSE Executive on operational issues **[of principle relevance to the JSE]**.

1.41.3 The advisory committees shall consist of –

1.41.3.1 a chairperson, who shall be the JSE **[executive]** Executive member responsible for the area in question; and

1.41.3.2 such persons as the chairperson, in consultation with the JSE **[executive]** Executive and the **[Board]** controlling body, shall appoint by reason of their knowledge of or experience in the securities or other relevant markets and which shall include representatives of **[members]** authorised users of the JSE.

1.41.4 ...

1.41.5 In the event that an advisory committee is not able to reach reasonable consensus on any issue considered by it, the conflicting views on the issue in question shall be **[referred]** advised to the JSE **[executive]** Executive **[or, where appropriate, to the Board for determination]**.

#### 1.50 [Rules and Directives] Derivative rules and directives

1.50.1 Purpose of the derivatives rules and directives

The purpose of the derivatives rules and directives is to achieve the objects of the JSE as set out in its Memorandum and Articles of Association by providing the procedures necessary to establish and regulate fair and efficient markets and to ensure that the business of the JSE is carried out in an orderly manner and with due regard to the **[interests of the public in general]** objects of the Act.

1.50.2 Derivatives rules and directives are binding



- 1.50.2.1 The derivatives rules[, and directives [and any decisions or determinations made under the derivatives rules now or hereafter in force shall be] are binding [upon all] on derivatives members, officers and their employees.
- 1.50.2.2 [Derivatives members shall ensure that their employees have entered into a written agreement with such member to comply with the provisions of the Act, the derivatives rules and directives and decisions made in terms of these derivatives rules] Reserved.
- 1.50.2.3 The derivatives rules [shall be] are binding on any person utilising the services of a derivatives member or who concludes a transaction with a derivatives member in the course of that member's business.
- 1.50.2.4 The [Board] controlling body shall notify [a member or] members of any [a] decision [of the Board with which such member or members must comply] or determinations made under the derivatives rules and directives.

#### 1.60 Transactions subject to provisions of the Act, the derivatives rules [, etc] and directives

[Notwithstanding anything contained in these derivatives rules every] Every transaction in [listed products] derivative securities entered into by a member [with or on behalf of another member or a member of the public shall] must be concluded on the specific condition that the transaction is entered into subject to the provisions of the Act, these derivatives rules [, the JSE directives and decisions of the Board in force at the time the bargain was struck] and the directives.

#### 1.70 Interpretation of the derivatives rules and directives

The interpretation and enforcement of the derivatives rules and directives [, JSE directives, listing requirements and decisions of the Board shall] vests in the [Board] controlling body.

#### 1.80 Proposals for [alterations and additions] amendments to derivatives rules and directives

- 1.80.1 Any member of the [Board] JSE Executive may propose in writing any [alteration or addition] amendment to the derivatives rules or directives. [The proposal shall be lodged with the JSE and shall be submitted to the Board for consideration at its next ordinary meeting.]
- 1.80.2 The [Board] JSE Executive shall consider the proposed [alteration or addition] amendment to the derivatives rules or directives and notify members by way of notice of its decision in regard thereto.
- 1.80.3 If, within ten days of the announcement of the [Board's] JSE Executive's decision to adopt the proposal, [10] 5 or more members object in writing to the decision, the objection together with the reasons for such objection will be referred to the controlling body for determination [a ballot of members shall be taken at a meeting of members convened for that purpose, called by not less than 14 days' notice].
- 1.80.4 [If at such ballot a majority of votes be recorded against the adoption of the proposal, then the proposal will be deemed to have been rejected.] If, in respect of a proposal with regard to the derivatives rules, an objection as referred to in rule 1.80.3 has not been lodged, or the controlling body upholds the JSE Executive's decision to adopt the proposal, the proposal will be submitted to the Registrar for his approval.
- 1.80.5 [If a ballot is not demanded or if at such ballot a majority is recorded in favour of any proposal, the Board shall submit the accepted proposal to the Registrar for his approval.] If an objection to a proposed amendment to the directives has not been lodged within the prescribed period, or the controlling body upholds the JSE Executive's decision to adopt the proposal, the proposal will take effect immediately.

#### 1.90 JSE not responsible for any losses

Subject to section 62 of the Act, the JSE and the clearing house shall not be [responsible or] liable to any person for [(or in respect of) direct, indirect or consequential liability,] loss or damage [of any kind or nature, howsoever arising, incurred as a result of] resulting from -

- 1.90.1 ...



- 1.90.2 ...
- 1.90.3 ...
- 1.90.4 ...
- 1.90.5 ...
- 1.90.6 ...

#### 1.100 [Board members and others indemnified] Indemnification

A member of an advisory committee, trustee of the Fidelity Fund and employee of the JSE shall be indemnified by the JSE out of the funds of the JSE against any liability, loss or, damage incurred or suffered as a result of any *bona fide* or negligent, but not grossly negligent or wilful, act or omission in the execution of their duties. For the purposes of this rule, such member, trustee or employee shall not be regarded as having been grossly negligent or having acted in wilful breach of duty or trust if the act or omission resulted from incorrect information supplied to such member, trustee or employee by a source from which the member, trustee or employee would normally accept the information as correct and which can be expected to provide the correct information.

[1.100.1 Every member of the Board, every member of an advisory committee and every employee of the JSE shall be indemnified by the JSE against all actions, liabilities, costs, charges, losses, damages and expenses which they or any of them may incur or become liable for in respect of any act done, concurred in, or omitted, in or about the execution of their duties in their respective offices and trusts, as a member of the Board or an advisory committee or an employee of the JSE, whether in their capacity as a member of the Board, trustee of the Fidelity Fund, director of any company as a representative of the JSE or otherwise, including all such actions, liabilities, costs, charges, losses, damages and expenses which arise as a consequence of any mistake, oversight or omission on the part of such member or employee other than through his gross negligence or wilful breach of duty or trust and it shall be the duty of the Board to pay and discharge all such actions, liabilities, costs, charges, losses, damages and expenses out of the funds of the JSE. For the purposes of this rule such member or employee shall not be regarded as having been grossly negligent or having acted in wilful breach of duty or trust if such apparent negligence or breach was solely or mainly the result of incorrect information supplied to such member or employee by a source from which the member or employee would normally accept the information as correct and which can be expected to provide the correct information.]

[1.100.2 No person mentioned in 1.100.1 shall be answerable for the acts, rights, neglects or defaults of any other such person or of any bankers or other persons with whom monies or effects of the JSE may, subject to the provisions hereof, be or have been lodged or deposited for safe custody, or for joining in any action for the sake of conformity or for the insufficiency or deficiency of any security accepted by the Board or for any other loss, misfortune or damage which may happen in the execution of their respective offices or trusts or in relation thereto, accept as may happen by or through their own wilful breach of duty or breach of trust.]

#### 1.120 [Transitional Provisions]Fidelity Fund

1.120.1 The JSE shall have the power to –

- 1.120.1.1 establish and maintain, to the satisfaction of the Registrar, a Fidelity Fund out of which shall be paid claims up to an amount specified in the rules of such fund in respect of liabilities arising prior to the default of a member. Such payment shall be limited to claims arising out of transactions in derivative securities with or on behalf of other persons by such member and such other liabilities as may be specified in the rules of the Fidelity Fund and shall be subject to any defences which the defaulting member may have against a claimant; and
- 1.120.1.2 determine a levy to be payable by every member to the Fidelity Fund on all transactions in derivative securities.



- 1.120.2 Where a trading member has effected a transaction on behalf of a buyer or a seller of derivatives securities, such member may recover the levy imposed in terms of rule 1.120.1.2 from such buyer or seller.
- 1.120.3 The trustees of the Fidelity Fund, in their capacity as trustees, acquire, incur and administer the assets and liabilities of the Fidelity Fund.
- 1.120.4 The income of the Fidelity Fund, including but not limited to levy contributions by members, vests in the trustees and is administered by the trustees as part of the Fidelity Fund.
- [1.120.1 Anything done under or for the purposes of a provision of the old rules and directives shall be effective from the effective date as if done under or pursuant to the derivatives rules and directives.
- 1.120.2 The disciplinary procedures set out in section 3 will, from the effective date, be applied in the investigation and prosecution of any offence in terms of the old rules and directives committed prior to the effective date.
- 1.120.3 The coming in to operation of the derivatives rules and directives shall not effect the validity of anything done under or pursuant to the old rules and directives.]

## Section 2: Interpretation and definitions

### 2.10 Definitions

In these derivatives rules, unless otherwise clearly indicated by, or inconsistent with the context, the following terms shall have the meanings that are assigned to them hereunder, namely -

"Act"	means the <u>Securities Services Act (Act No. 36 of 2004)</u> and any <u>measure prescribed thereunder by the Minister of Finance or the Registrar</u> ; <u>[Financial Markets Control Act, 1989 (Act No. 55 of 1989) or any replacement Act;]</u>
["administrators"]	[means the administrators of the Fidelity Fund in terms of rule 18.20;]
["advice"]	<p>[means any recommendation, guidance or proposal of a financial nature furnished by a member, by any means or medium, to any client or group of clients -</p> <p>a) in respect of the purchase or sale of any listed financial instruments or other investments; or</p> <p>b) on any corporate action or other event affecting any rights or benefits in respect of any listed financial instruments or other investments; or</p> <p>c) on the exercise or lapse of any rights in respect of any listed financial instruments or other investments;</p> <p>and irrespective of whether or not such advice results in any transaction being effected, except that advice does not include -</p> <p>d) factual advice given merely -</p> <p>(i) on the procedure for entering into a transaction in respect of any listed financial instruments or other investments;</p> <p>(ii) in relation to the description of any listed</p>

	<p>financial instruments or other investments;</p> <p>(iii) in answer to routine administrative queries;</p> <p>(iv) in the form of objective information about any listed financial instruments or other investments; or</p> <p>(v) by the display or distribution of promotional material;</p> <p>e) an analysis or report on any listed financial instruments or other investments without any express or implied recommendation, guidance or proposal that any particular transaction in respect of the relevant product is appropriate to the particular investment objectives, financial situation or particular needs of a client;]</p>
["affiliated officer"]	<p>[means, in relation to any derivatives member -</p> <p>a) a registered officer; or</p> <p>b) a director, employee, associate, shareholder, partner, or member of a close corporation materially concerned in the management or administration of trading; or</p> <p>c) a person who controls the derivatives member or who is privy to information regarding the derivatives member's or a client's trades or positions;]</p>
["approved investment manager"]	[means a person who is not a derivatives member and who has been approved in terms of section 5(1) of the Act to manage investments;]
["Arbitration Act"]	[means the Arbitration Act, 1965 (Act No 42 of 1965) as amended and includes any regulations promulgated thereunder;]
["arbitrator"]	[means the Chief Executive Officer or the person or persons appointed by him to perform the functions of an arbitrator in terms of these derivatives rules;]
<u>"authorised user"</u>	<u>has the same meaning as that contained in section 1 of the Act;</u>
"automated trading system" or "ATS"	means the computerised facility of the [clearing house] JSE by means of which a derivatives member shall make an offer in respect of a trade in [financial instruments] <u>derivative securities</u> that shall, in terms of the derivatives rules, be done on the ATS or reports an off-ATS trade to the clearing house and on which the JSE and the clearing house may display notices to derivatives members;
<u>"bank"</u>	<u>has the same meaning as that contained in section 1 of the Act;</u>
["Board"]	[means the board of directors of the JSE which is the governing body managing the affairs of the JSE;]
<u>"board of appeal"</u>	<u>has the same meaning as that contained in section 1 of the Act;</u>
["broking member (derivatives)"]	[means a derivatives member who may trade in financial instruments for his own account and for or on behalf of clients, and has the same meaning as a financial instrument



	<b>trader as defined in the Act;]</b>
<b>"business day" or "day"</b>	means any day except a Saturday, Sunday, public holiday or any other day on which the JSE is closed;
<b>"buy"</b>	means, in relation to <b>[financial instruments listed by the JSE]</b> <u>derivative securities</u> , to enter into either - <ul style="list-style-type: none"> <li>(a) a futures contract in terms of which the buyer is obliged to take delivery of the underlying instrument from the seller at the agreed price on the future date or to pay an amount of money to the seller if, on the future date, the price or value of the underlying instrument is less than the agreed price; or</li> <li>(b) an option contract in terms of which the buyer obtains the right from the seller to buy or sell the underlying instrument of the option contract at the agreed price from or to the seller on or before the future date;</li> </ul>
<b>"capital adequacy requirement"</b>	means the sum of the greater of a derivatives member's initial capital or one quarter of <b>[his] its annual fixed</b> operating costs plus <b>[the funds that he shall have in relation to the financial risks of the business] the risk requirements</b> as determined by the JSE <b>by directive [in agreement with the Registrar];</b>
<b>"capital adequacy return"</b>	means the submission by a derivatives member of his capital adequacy requirement to the JSE in the manner and form specified by the JSE <b>[ in agreement with the Registrar];</b>
<b>"Chief Executive Officer"</b>	means the person appointed by the <b>[Board] controlling body</b> as the Chief Executive Officer of the JSE;
<b>"clearing"</b>	means the process in terms of which the clearing house becomes the buyer from the seller and the seller to the buyer in every trade whereupon the clearing member (derivatives) guarantees to the clearing house all obligations arising out of any position resulting from such trade in terms of these derivatives rules;
<b>"clearing house"</b>	<u>has the same meaning as that contained in section 1 of the Act;</u> <b>[means Safex Clearing Company (Proprietary) Limited or any other body corporate or unincorporated association or department of the JSE designated by the JSE as such and recognised by the Registrar as a clearing house in terms of the Act;]</b>
<b>"clearing member (derivatives)"</b>	means a <b>[person] sub-category of authorised user of the JSE, registered to perform clearing in the equity derivatives market or the agricultural products market or both [admitted by the JSE as a clearing member (derivatives) of the JSE]</b> and who has entered into a clearing house agreement with the clearing house;
<b>"client"</b>	<u>has the same meaning as that contained in section 1 of the Act;</u> <b>[means a person -</b> <ul style="list-style-type: none"> <li>a) who has been registered as a client of the derivatives member and with whom the derivatives member has concluded a client agreement; or</li> <li>b) on whose instruction or authority JSE authorised investments are bought, sold or safeguarded by a derivatives member;]</li> </ul>

<u>"Companies Act"</u>	<u>means the Companies Act, 1973 (Act No. 61 of 1973);</u>
"contract specification"	means the standard terms and formal requirements of a futures or option contract <b>[contemplated in the definition of standardised contract in section 1 of the Act,]</b> as determined <b>[from time to time]</b> by the JSE;
<u>"controlling body"</u>	<u>means the board of directors of the JSE which is the governing body managing the affairs of the JSE;</u>
<u>"corporate action"</u>	<u>means an action taken by an issuer or any other entity or third party, which affects the registered owner and the beneficial owner of derivative securities in terms of an entitlement;</u>
"counterparty risk requirement"	means the own funds that a derivatives member shall have in relation to the risk to the derivatives member of unsettled transactions with other parties as calculated in a manner determined from time to time by the JSE <b>[in agreement with the Registrar];</b>
<b>["corporate entity (limited liability)"]</b>	<b>[means an incorporated company which is a derivatives member of the JSE and has the minimum number of directors as prescribed in the rules of the JSE;]</b>
"corporate entity (unlimited liability)"	<b>[means an incorporated company which is a derivatives member of the JSE. ]</b>
<b>["derivatives member"]</b>	<b>[means an entity admitted to membership of the JSE to trade financial instruments under the derivatives rules;]</b>
<u>"derivative instruments"</u>	<u>has the same meaning as that contained in section 1 of the Act;</u>
"derivatives rules"	means these derivatives rules issued in pursuance of section <b>[17] 18</b> of the Act <b>[, including any alteration, addition or amendment thereof];</b>
<u>"derivative securities"</u>	<u>means those derivative instruments listed on the JSE and traded on the JSE derivatives trading system;</u>
<b>["directive"]</b>	<b>[means a directive as referred to in rule 1.50.2;]</b>
<u>"Disciplinary Committee"</u>	<u>means the committee appointed in terms of rule 3.290.2</u>
"dispute"	means any dispute arising between any of the persons bound by these derivatives rules and which the JSE declares to be a dispute <u>in terms of rule 17.90;</u>
<b>["equities rules"]</b>	<b>[means the rules of the JSE issued pursuant to section 12 of the Stock Exchanges Control Act 1985 (No. 1 of 1985), including any alteration, addition or amendment thereof;]</b>
<u>"employee"</u>	<u>means a person engaged by a member within that area of its business that operates as a member;</u>
<u>"equity derivatives market"</u>	<u>means the market operated by the JSE in terms of the Act to facilitate trading in equity derivatives;</u>
<u>"exchange"</u>	<u>has the same meaning as that contained in section 1 of the Act;</u>
"executive director"	<b>[of a corporate entity]</b> means a person appointed as a director of <b>[the corporate entity, whether with limited or unlimited liability,]</b> <u>a member,</u> under the Companies Act <b>[1973]</b> and who, in terms of a contract of employment with such <b>[corporate entity]</b> <u>member</u> is in its full-time employ;
"external company"	means an external company as defined in Section 1 of the



		Companies Act [, 1973 (Act No. 61 of 1973),] and registered in terms of Section 322(2) of the [said] Companies Act;
<u>"external exchange"</u>		has the same meaning as that contained in section 1 of the Act;
"Fidelity Fund"		means the JSE [Derivatives] Fidelity Fund [provided for] contemplated in terms of Section [18] 9(1)(e) of the Act;
["financial derivatives market"]		[means the market operated by the JSE in terms of the Act to facilitate trading in financial derivatives;]
["financial instruments"]		[means financial instruments as defined in Section 1 of the Act;]
"financial products"		shall have the same meaning as that contained in section 1 of the FAIS Act, and by definition includes [listed financial instruments and other JSE regulated investments] JSE authorised investments;
["foreign exchange"]		[means a person authorised to function as an exchange in terms of the laws of a country other than the Republic of South Africa;]
"foreign exchange risk requirement"		means the amount of own funds required in relation to the derivatives member's risk exposure arising from dealings in foreign exchange, or exposure to changes in the value of foreign currencies relative to the Rand as calculated in a manner determined by the JSE by directive [in agreement with the Registrar];
"futures contract"		means a contract, the effect of which is that - <ul style="list-style-type: none"> <li>(a) a person agrees to deliver the underlying instrument to or receive it from another person at an agreed price on a future date; or</li> <li>(b) a person will pay to or receive from another person an amount of money according to whether, on the future date, the price or value of the underlying instrument is higher or lower than the agreed price on that future date,</li> </ul> in accordance with these derivatives rules and the contract specification of the futures contract and which is included in the list of [instruments] derivatives securities kept by the JSE in terms of the Act;
"initial capital"		means the minimum capital as specified from time to time by the JSE [in agreement with the Registrar];
["investment agreement"]	management	[means the prescribed agreement to be entered into between a derivatives member who manages investments and an approved investment manager;]
<u>"investment advice"</u>		means any recommendation, guidance or proposal of a financial nature furnished by a member, by any means or medium, to any client or group of clients - <ul style="list-style-type: none"> <li>(a) in respect of the purchase or sale of JSE authorised investments; or</li> <li>(b) on any corporate action or other event affecting any rights or benefits in respect of any JSE authorised investments; or</li> <li>(c) on the exercise or lapse of any rights in respect of any JSE authorised investments;</li> </ul> and irrespective of whether or not such investment advice results

in any transaction being effected.

Investment advice does not include -

- factual advice given merely -
  - (i) on the procedure for entering into a transaction in respect of any JSE authorised investments;
  - (ii) in relation to the description of any JSE authorised investments;
  - (iii) in answer to routine administrative queries;
  - (iv) in the form of objective information about JSE authorised investments; or
  - (v) by the display or distribution of promotional material;
- an analysis or report on any JSE authorised investments without any express or implied recommendation, guidance or proposal that any particular transaction in respect of the relevant product is appropriate to the particular investment objectives, financial situation or particular needs of a client;

"investment manager"

means a broking member (derivatives) who is authorised in terms of Section 15 of the derivatives rules to undertake the management of investments on a discretionary basis;

"in writing"

has the same meaning as that contained in section 1 of the Act; [in relation to anything which, in terms of these Rules and Directives, must be done in writing, includes any such thing done in electronic form, unless the context indicates otherwise; and "written" has a corresponding meaning;]

"JSE"

means JSE Limited, a company duly registered and incorporated with limited liability under the company laws of [South Africa] the Republic, licensed to operate an exchange under the [Securities Services] Act;

"JSE authorised investments"

means -

- (a) derivative securities;
- (b) JSE listed securities traded on the JSE equities trading system or the Yield-X trading system;
- (c) securities listed on an exchange in the Republic other than the JSE;
- (d) securities listed on an external exchange;
- (e) participatory interests in a collective investment scheme as defined in the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002), and units or any other form of participation in a foreign collective investment scheme approved by the Registrar of Collective Investment Schemes in terms of section 65 of that Act;
- (f) units or any other form of participation in a collective investment scheme licensed or registered in a foreign country; and
- (g) funds intended for the purchase of such securities, units or participation;

"JSE derivatives trading system"

means the computer system or systems and associated network



	or networks operated or used by the JSE for the purpose of providing a market for the trading of derivative securities, including the ATS;
<u>"JSE Gazette"</u>	means the gazette published by the JSE under the authority of the JSE Executive;
<u>"JSE listed securities"</u>	means those securities included in the list of securities kept by the JSE;
<u>"JSE trading system"</u>	[means the computer system or systems and associated network or networks operated or used by the JSE for the purpose of providing a market for the trading of listed products, including the ATS;]
<u>"JSE year"</u>	means the financial year of the JSE which shall end on the last [Friday] day in December in each year or such other date as the [Board] JSE may determine;
<u>"large exposure risk"</u>	means the amount of own funds required in relation to the derivatives member's risk arising from large exposures to a third party or a connected group of third parties as calculated in a manner determined by the JSE [in agreement with the Registrar];
<u>"listed products"</u>	[means products listed by or traded on the JSE;]
<u>"listed securities"</u>	has the same meaning as that contained in section 1 of the Act;
<u>"market corner"</u>	has the same meaning as that contained in section 72 of the Act;
<u>"mediation"</u>	[means the process in terms of these derivatives rules through which two parties to a dispute, facilitated by a mediator, resolve the dispute themselves;]
<u>"mediator"</u>	[means the Chief Executive Officer or the person appointed by him in terms of rule 17.50 to assist the parties to a dispute to resolve the dispute between them;]
<u>"member"</u>	means [an entity admitted to membership of the JSE under the derivatives rules or the equities rules or both] a derivatives member, which is a category of authorised user admitted to membership of the JSE under these rules;
<u>"non-broking member (derivatives)"</u>	[means a derivatives member who may trade financial instruments with derivatives members for his own account but not for or on behalf of clients, and has the same meaning as a financial instrument principal as defined in the Act;]
<u>"non-clearing member (derivatives)"</u>	[means any person admitted by the JSE to membership of the JSE and who is not a clearing member (derivatives) but who is either a broking member (derivatives) or a non-broking member (derivatives);]
<u>"non-executive director"</u>	[of a corporate entity] means a person appointed as a director of [the corporate entity, whether with limited or unlimited liability] a member, under the Companies Act [1973] but who is not employed by such [corporate entity] member;
<u>"officer"</u>	means an executive director or a registered officer of a member;
<u>"option contract"</u>	means a put option contract [and/] or a call option contract, as the context may require;
<u>"old rules and directives"</u>	[means the rules and directives of SAFEX;]

["other investments"]

[means-

- (a) financial instruments listed on a financial exchange other than the JSE;
- (b) financial instruments listed on a foreign exchange;
- (c) participatory interests in a collective investment scheme as defined in the Collective Investment Schemes Control Act, 2002 (Act No.45 of 2002), and units or any other form of participation in a foreign collective investment scheme approved by the Registrar of Collective Investment Schemes in terms of section 65 of that Act;
- (d) units or any other form of participation in a collective investment scheme licensed or registered in a foreign country; and
- (e) funds intended for the purchase of such financial instruments, units or participation;]

"own funds"

means the net financial worth of a derivatives member calculated in the manner as decided by the JSE [in agreement with the Registrar];

"position risk requirement"

means the amount of own funds required in relation to the derivatives member's open positions in [exchange contracts, unsettled positions in other financial instruments and securities and other assets included in the capital adequacy return as calculated in a manner] securities as determined by the JSE [in agreement with the Registrar];

"professional client"

in relation to a trading member, means –

- (a) another authorised user;
- (b) a bank;
- (c) a long-term or short-term insurer registered as such under the Long-term Insurance Act, 1998 (Act No. 52 of 1998) or the Short-term Insurance Act, 1998 (Act No. 53 of 1998), respectively;
- (d) a person outside the Republic who –
  - (i) as a regular feature of the person's business, renders a service similar to a "securities service" as defined in section 1 of the Act or conducts the business of a bank or a business referred to in paragraph (c); and
  - (ii) is registered, licensed, recognised, approved or otherwise authorised to render the service or conduct the business referred to in paragraph (d)(i) by a foreign regulator with functions similar to those of the Registrar, the Registrar of Banks or the Registrar of Long-term or Short-term Insurance;
- (e) any person who is mandated to manage assets and who has confirmed to the satisfaction of the authorised user that the market value of the assets managed by the person will exceed R1 billion at all times during the rendering of securities services to the person;



(f) any other client, who has confirmed to the satisfaction of the member that the person will have assets of which the net asset value will exceed R20 million at all times during the rendering of securities services to the person, but who is not –

(i) a natural person;

(ii) a pension fund organisation as defined in section 1 (1) of the Pension Funds Act, 1956 (Act No. 24 of 1956);

(iii) a friendly society referred to in the Friendly Societies Act, 1956 (Act No. 25 of 1956);

(iv) a medical scheme as defined in section 1(1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

**"Registrar"**

has the same meaning as that contained in section 1 of the Act;

**"Registrar of Banks"**

means the Registrar of Banks designated under section 4 of the Banks Act, 1990 (Act No 94 of 1990);

**"regulation"**

means any regulation which may be made by the Minister in terms of section [37] 113 of the Act;

**"Republic"**

means the Republic of South Africa;

**["resolution"]**

[means any resolution adopted in terms of these derivatives rules by the JSE to regulate the implementation of these derivatives rules and the affairs of the JSE;]

**"safeguard"**

means, in relation to [listed financial instruments or other investments means] JSE authorised investments, –

(a) the holding of such investments in safe custody by a derivatives member on behalf of a client; or

(b) being accountable as a derivatives member to a client for such investments held by another financial services provider;

**["SAFEX"]**

[means the South African Futures Exchange;]

**"securities"**

[shall have] has the same meaning as that contained in section 1 of the [Stock Exchanges Control Act, 1985 (Act No.1 of 1985)] Act;

**["Securities Services Act"]**

[means the Securities Services Act, 2004 (Act No. 36 of 2004);]

**"securities services"**

has the same meaning as that contained in section 1 of the Act;

**"sell"**

means, in relation to [financial instruments listed by the JSE] derivative securities, to enter into either –

(a) a futures contract in terms of which the seller is obliged to make delivery of the underlying instrument to the buyer at the agreed price on the future date; or to pay an amount of money to the buyer if, on the future date the price or value of the underlying instrument is greater than the agreed price; or

(b) an option contract in terms of which the seller grants the right to the buyer to buy or sell the underlying instrument of the option contract from, or sell it to, the seller at the

	agreed price on or before the future date;
["the Registrar"]	[means the Registrar of Financial Markets appointed in terms of the Act;]
["the Registrar of Banks"]	[means the Registrar of Banks designated under section 4 of the Banks Act, 1990 (Act No 94 of 1990);]
"trade"	means [, in relation to one of the parties,] to buy or to sell [financial instruments] <u>derivative securities</u> [or, in relation to both parties, to buy and to sell financial instruments] whether by means of the ATS or off-ATS;
<u>"trading member"</u>	<u>means a sub-category of authorised user of the JSE, registered to trade in the equity derivatives market or the agricultural products market or in both under the derivatives rules;</u>
<u>"transaction"</u>	<u>has the same meaning as that contained in section 1 of the Act;</u>
<u>"trustees"</u>	<u>means the trustees of the Fidelity Fund;</u>
"underlying instrument"	means the corporeal or incorporeal thing, asset, index as referred to in the definition of "securities" in section 1 of the [Stock Exchanges Control Act, 1985 (Act No 1 of 1985)] Act, currency, rate of interest or any other factor which is the subject matter of a futures contract or an option contract, or the futures contract that is the subject matter of an option contract;
<u>"unsolicited call"</u>	<u>means any first communication made to a person by a trading member or an employee of a trading member, without an express or tacit invitation from such person;</u>

### Section 3: General membership and disciplinary procedures

#### 3.10 General Membership of the JSE

- 3.10.1 In order to qualify to be a member, an applicant must:
- 3.10.1.1 ...
  - 3.10.1.2 ...
  - 3.10.1.3 comply with any specific requirements applicable to members who participate in the agricultural products market and in the [financial] equity derivatives market [as set out in the derivative rules or to members who participate in the equities market as set out in the equities rules, as the case may be].
- 3.10.2 The JSE shall keep a register of members and shall in such register indicate in which category or [class] sub-category of [membership] authorised user the member has been authorised to operate.
- 3.10.3 Depending on the category [or class] of membership enjoyed by a member, a member may –
- 3.10.3.1 ...
  - 3.10.3.2 perform clearing and settlement [for the JSE] in one or more product categories; and/or
  - 3.10.3.3 ...

#### 3.20 General requirements

- 3.20.1 [Members, who are natural persons, and officers] Officers of members shall, subject to any waiver by the JSE–



- 3.20.1.1 ...
- 3.20.1.2 comply with such criteria [on] of good character and high business integrity as the JSE deems fit;
- 3.20.1.3 ...
- 3.20.1.4 not in the period preceding the application as the JSE in its discretion deems fit, have been –
  - 3.20.1.4.1 convicted of activities constituting a criminal offence, whether in [South Africa] the Republic or elsewhere;
  - 3.20.1.4.2 ...
  - 3.20.1.4.3 expelled, whether as a member or otherwise, from any [stock or financial] exchange or external exchange [,whether in South Africa or elsewhere];
  - 3.20.1.4.4 employed by or associated with a member of any [stock or financial] exchange or external exchange, [whether in South Africa or elsewhere], which member was expelled from that exchange and where the person or officer has, in the opinion of the JSE, contributed to the circumstances leading to the expulsion;
  - 3.20.1.4.5 declared a [defaulter] defaulting member [on] of the JSE or any other [stock or financial] exchange or external exchange [, whether in South Africa or elsewhere]; or
  - 3.20.1.4.6 ...
- 3.20.2 ...
- 3.20.3 ...
- 3.20.4 In addition to the requirements set out in this rule 3.20, members seeking admission within a specific membership category shall comply with any additional requirements applicable to such membership category set out in the derivatives rules[and the equities rules].
- 3.20.5 Members shall at all times have and maintain the necessary administrative and other systems, facilities, resources and expertise to ensure that –
  - 3.20.5.1 the management of their own and clients' funds is adequate and in accordance with the derivatives rules relating to the management or separation of funds [or otherwise];
  - 3.20.5.2 ...
  - 3.20.5.3 ...
  - 3.20.5.4 they comply with all the financial resources requirements pertaining to the relevant category of [membership] authorised user as prescribed in the derivatives rules.

### 3.30 Reserved

### 3.40 Applications for membership

- 3.40.1 ...
- 3.40.2 The following provisions shall apply to applicant members who are partnerships:
  - 3.40.2.1 ...
  - 3.40.2.2 the JSE shall not grant its consent for the admission of a partnership unless it is satisfied that all the partners are jointly and severally liable for the debts and obligations of the partnership in terms of the provisions of the deed of

partnership, which shall comply with the Act, the derivatives rules[,] and directives [and Board decisions].

3.40.3 ...

3.40.4 ...

3.40.5 ...

3.40.6 ...

3.40.7 ...

3.40.8 Any person aggrieved by the decision of the JSE to reject an application, shall have a right of appeal to the [Appeal Board] board of appeal in terms of the Act.

3.40.9 ...

3.40.10 ...

3.40.11 ...

3.40.12 ...

3.40.13 ...

3.40.14 Upon approval of the application of the member, such member shall obtain membership and the status in such sub-category or categories of [membership] authorised user as determined by the JSE shall be activated.

3.40.15 ...

### 3.50 Voluntary changes to, or termination of, membership

3.50.1 A member may apply to terminate its membership by giving the JSE 30 [(thirty)] days written notice.

3.50.2 ...

3.50.3 Should a member wish to change its [membership] authorised user status or wish to obtain authorisation to operate [as a member] in another sub-category of [membership] authorised user, the provisions of rule 3.40 shall apply *mutatis mutandis*.

3.50.3A Changes in name or corporate structure:

3.50.3A.1 ...

3.50.3A.2 The notification referred to in rule 3.50.3A.1 shall be accompanied by such information as the JSE may determine from time to time. Provided that -

3.50.3A.2.1 ...

3.50.3A.2.2 in the event that a trading member's [trading] business or infrastructure relating to trading in [instruments listed on the JSE] derivative securities[,] is transferred to another legal entity in any manner, including but not limited to a merger, take-over, transfer of business or corporate restructuring, the trading member shall inform the JSE of the change at least one month before it takes effect, and the notification shall be accompanied by such information as would be required in the case of a new application for membership: Provided that the JSE may, at its discretion, request full particulars regarding the change and the reasons therefor, and provided further that the JSE may determine that a new application for membership must be made.

3.50.4 The JSE shall notify members of the termination of or change in membership, and the termination shall become effective on the date and time of the notice, unless otherwise stated in the notice.



**3.60 Involuntary termination of membership**

3.60.1 Membership shall terminate when –

3.60.1.1 ...

3.60.1.2 ...

3.60.1.3 ...

3.60.1.4 ...

3.60.1.5 the disciplinary tribunal has decided in terms of rule 3.300 that membership should be terminated;

3.60.1.6 ...

3.60.1.7 ...

3.60.1.8 ...

3.60.1.9 the **[Board]** controlling body has resolved to terminate the membership of the member after taking into account the member's representations in this regard.

3.60.2 ...

**3.70 Duty to furnish information**

3.70.1 ...

3.70.2 A member shall in addition inform the JSE in writing –

3.70.2.1 of any person holding, or having a beneficial interest in[, 20% **[(twenty percent)]** or more of any class of the share capital of a member that is a company or in the member's interest of a member that is a close corporation, as the case may be, and of any change in such holding;

3.70.2.2 if it or any **[affiliated officer]** employee thereof holds, or has a beneficial interest in, any class of the share capital of a client that is a company or in the membership interest of a client that is a close corporation or in a client that is a partnership.

3.70.3 ...

3.70.4 ...

3.70.5 ...

**3.120 Consent required for employment of certain persons**

3.120.1 No member shall without the written consent of the JSE take into or continue in its employment in any capacity in any business carried on by it as a member –

3.120.1.1 ...

3.120.1.2 ...

3.120.1.3 any person refused approval to operate as **[an investment manager]** a financial services provider in terms of the FAIS Act or any other act;

3.120.1.4 any person expelled, whether as an authorised user or otherwise, from **[membership of]** any other exchange; or

3.120.1.5 ...

3.120.2 ...

**3.275 Surveillance and investigation by the JSE's Surveillance Department**

3.275.1 Surveillance

The JSE's Surveillance Department shall at all times have the power to set up and maintain systems for-

- 3.275.1.1 monitoring compliance by members with the provisions of the Act, the derivatives rules[,] and directives **[and Board decisions]** and any arrangements made with a clearing house for the provision of services and facilities; **[and]**
- 3.275.1.2 the surveillance of any matter relevant for the purposes of the Act and these derivatives rules; and
- 3.275.1.3 supervising compliance by members with the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001).
- 3.275.2 Investigation
  - 3.275.2.1 The Director: Surveillance, and any other person designated by him, shall at all times have the power to:
    - 3.275.2.1.1 ...
    - 3.275.2.1.2 investigate whether that member or any of its employees complies with all the provisions of the Act, these derivatives rules, **[JSE]** directives and **[Board decisions]** the Financial Intelligence Centre Act;
    - 3.275.2.1.3 ...
    - 3.275.2.1.4 ...
    - 3.275.2.1.5 ...
- 3.275.3 ...
- 3.275.4 Referral to another authority

Should the JSE's Surveillance Department become aware of any possible contravention of law by a person over whom the JSE does not have jurisdiction, the JSE's Surveillance Department shall be entitled to refer such matter to the appropriate authority or authorities, whether outside or within the Republic **[of South Africa]**.

### **3.280 Use Of Information Obtained By the JSE's Surveillance Department**

Any information, document, book, tape or electronic record or other object obtained by the JSE's Surveillance Department, whether by investigation or otherwise, may be used in evidence in any disciplinary proceedings contemplated in rule 3.290 below and may be furnished by the JSE's Surveillance Department to any other body which may have jurisdiction over the matter under consideration, whether outside or within the Republic **[of South Africa]**.

### **3.285 Improper Conduct**

The following acts and practices whether of commission or omission on the part of any person who at the time of the alleged act or practice was a member or a partner, employee or officer of a member shall constitute improper conduct: Provided that the acts and practices so specified are not intended to be a complete list of acts and practices which may constitute improper conduct:

- 3.285.1 committing or attempting to commit any act which is **[any one or more of]** dishonest [,] or fraudulent [, **dishonourable or disgraceful**];
- 3.285.2 ...
- 3.285.3 contravening, attempting to contravene, or failing to comply with any one or more of any provision of the Act, a **[JSE]** derivatives rule[,] or a directive **[or a Board decision]**;
- 3.285.4 ...
- 3.285.5 ...
- 3.285.6 ...



- 3.285.7 failing, when requested, to assist the JSE['s] Surveillance Department in the exercise of its duties (which shall include, but shall not be limited to, failure without sufficient cause to provide information in accordance with the provisions of rule 3.275.2.1.5).

### 3.290 Disciplinary procedures

3.290.1 ...

3.290.2 Disciplinary Committee

3.290.2.1 The Chairman may from time to time appoint one or more Disciplinary Committees. Each Disciplinary Committee shall consist of three persons, as follows: any one of the Chairman or a Deputy Chairman or the Chief Executive Officer or acting Chief Executive Officer of the JSE, and at least two appropriate representatives of two members. The Chairman, Deputy Chairman, Chief Executive Officer or acting Chief Executive Officer who is a member of the Disciplinary Committee shall be the chairman. A Disciplinary Committee **[shall have the right]** may at any time **[to]** co-opt additional members, whenever it deems such additional appointments to be necessary and appropriate.

3.290.2.2 ...

3.290.2.3 ...

3.290.2.4 No fine imposed by a Disciplinary Committee may exceed R25 000 per contravention, or such other amount as the JSE may determine by directive from time to time. A Disciplinary Committee may direct that any action taken in terms of rule 3.290.2 be published **[in a JSE Gazette or other member publication and/or in the media]**.

3.290.2.5 ...

3.290.3 ...

### 3.295 Procedure and Evidence – Disciplinary Matters

3.295.1 ....

3.295.2 In a hearing before a Tribunal:

3.295.2.1 ...

3.295.2.2 the chairman of the Tribunal shall determine the procedure which the Tribunal shall follow both in respect of preliminary issues and in respect of the hearing itself, subject to these derivatives rules, the directives and to the principles of natural justice;

3.295.2.3 ...

3.295.2.4 ...

3.295.3 ...

3.295.4 ...

3.295.5 ...

3.295.6 ...

3.295.7 A report on the findings of a Disciplinary Committee or a Tribunal will be furnished to the Registrar within 30 days after the completion of the proceedings.

### 3.300 Disciplinary Matters – Penalties

3.300.1 When any person has been found guilty of improper conduct by a Tribunal pursuant to these derivatives rules, the Tribunal:

3.300.1.1 **may[by a simple majority]** warn or impose a reprimand, censure or fine upon the respondent, which fine shall in respect of each contravention not exceed

R1 million, or such other amount as may be stipulated in the Act or in any regulations promulgated in terms of the Act;

3.300.1.2 ...

3.300.1.3 may **[by a simple majority]**, on such conditions as the Tribunal may deem fit, suspend or terminate the membership of a member who has been found guilty of improper conduct or in the case of a partner or an officer or employee of a member, require such member to hold a disciplinary enquiry to consider terminating or suspending the employment of such person;

3.300.1.4 may direct a member to prevent or relieve an officer or employee of that member from carrying out any specified activity, function or duty for such reasonable period as the Tribunal deems appropriate;

3.300.1.**[4]5** may direct a member to ensure that any sanction imposed by the Tribunal on a partner, officer or employee of that member is complied with by such partner, officer or employee;

3.300.1.**[5]6** may make a fair and reasonable order as to costs; and

3.300.1.**[6]7** may order that particulars of the offence, the [and/or] finding of the Tribunal and [/or] the penalty imposed be published **[in a JSE Gazette and/or in the media]**: Provided that if publication is ordered, the respondent shall be given an opportunity to make representations to the Tribunal in this regard.

3.300.2 ...

3.300.3 ...

3.300.4 **[Should]** If a member or a partner, officer or employee of a member fails to pay any fine imposed by a Disciplinary Committee or a Tribunal, within 7 days after being informed of the amount of the fine, the JSE shall have the right **[after serving notice of not less than 3 days on such person,]** to:

3.300.4.1 ...

3.300.4.2 ...

3.300.4.3 ...

3.300.5 ...

3.300.6 ...

3.300.7 ...

3.300.8 ...

### 3.305 Urgent Issues

3.305.1 In order to ensure that the business of the JSE is carried on with due regard to the public interest, the Chairman may from time to time appoint one or more Urgent Issues Committees. The Chief Executive Officer or the acting Chief Executive Officer, the Chairman and/or a Deputy Chairman of the JSE and at least two other members of the **[Board]** controlling body shall constitute an Urgent Issues Committee.

3.305.2 An Urgent Issues Committee shall consider whether a member is operating in such a manner that there is imminent danger that such member may be unable to meet its commitments to clients, counterparties, other members or to a settlement system of the JSE or any other exchange, or that it is conducting business in a manner which could be **[directly]** detrimental to the interests of the JSE or to the interests of the members of the JSE and the public.

3.305.3 ...

3.305.4 With the agreement of the member concerned or, **[should]** if the outcome of such meeting fails to satisfy the Urgent Issues Committee with regard to the above, the Urgent Issues Committee may by a two-thirds majority and subject to this rule 3.305:



- 3.305.4.1 ...
- 3.305.4.2 ...
- 3.305.4.3 ...
- 3.305.5 The Urgent Issues Committee shall during the period of any order in terms of rule 3.305.4 have such power as it in its discretion may deem fit to appoint a registered public accountant and auditor or a member or employee of the JSE to supervise and control the activities of the member, at the member's cost. Such member may further be prohibited from entering into JSE related contracts without the prior consent of the person appointed as aforesaid to control and supervise the member which consent may be given upon such terms and conditions as the Urgent Issues Committee [and/] or the said appointee shall determine.
- 3.305.6 [Notice to the member concerned of such prohibition, restriction or instruction shall be accompanied by particulars of any alleged contraventions of the Act, derivatives rules, directives, Board decisions and special gazettes governing members. Any requirements of the Urgent Issues Committee for the rectification of the alleged contraventions shall be stated so as to enable the member in question to apply to the Urgent Issues Committee for the removal of the order once the conditions stated in the order have been satisfied.] Reserved.
- 3.305.7 Any action taken by an Urgent Issues Committee in terms of this rule may continue until such time as that Committee is satisfied as to the financial position and business conduct of the member in question. [ : Provided that such action shall be reviewed by the Committee at least once every month and any order given above shall thereafter only continue to the extent that such continuation is resolved by a two-thirds majority of the Committee.]
- 3.310 [Disciplinary Matters – Transactions Open] Reserved**
- [3.310.1 In the event of any member being suspended or ceasing to enjoy membership other than by death, expulsion or resignation, and having open positions with another member under these derivatives rules, such transactions shall be dealt with in terms of the default rules.]
- 3.325 Default [, suspension] or termination of membership – Control of assets and accounting records**
- 3.325.1 In the event of any member being [suspended or] declared a [defaulter] defaulting member or ceasing to enjoy membership by termination –
- 3.325.1.1 the member shall hand over to the JSE all books and accounting records of the member including all scrip registers, safe custody ledgers and cheque books, and all cash, securities [, bonds] and other assets relating to the [stockbroking] business of the member including cash and control of securities[and bonds] held on behalf of clients in safe custody in a banking institution;
- 3.325.1.2 the [Board] controlling body may grant authority to the Director: Surveillance or his nominated deputy to assume control of such cash[, and securities [and bonds] referred to in rule 3.325.1.1 which are owned by clients, including [money market instruments,] securities [and bonds] held on behalf of clients in safe custody and cash held on behalf of clients in JSE Trustees (Pty) Limited.
- 3.325.2 ...
- 3.325.3 ...
- 3.325.4 ...

**3.330 Lien over proceeds of sale of JSE shares**

The JSE shall have a first lien on the proceeds of the sale or other disposition of any JSE shares held by a member in the event that the member selling or disposing of such JSE shares is in any way indebted to the JSE. The [JSE] Fidelity Fund or Funds of the JSE shall have a second lien on the proceeds of the sale or other disposition of such JSE shares in the event that the member selling or disposing of such shares has defaulted and the [JSE] Fidelity Fund or Funds have discharged any of the member's obligations. After the

satisfaction of the lien or liens, the balance of the proceeds of the sale or other disposition will revert to the selling or disposing member or the estate of the selling or disposing member as the case may be.

### 3.350 JSE's powers of publication

- 3.350.1 The JSE may **[in its discretion and]** in such manner as it may deem fit, notify the public of **[or cause to be notified to the public]** any fact that the JSE considers to be in the public interest, including, but not limited to the name of a member or any employee or officer of a member and the fact that any such employee or officer has been found guilty of any charge and of the sentence so imposed on such member, employee or officer of a member. **[The JSE shall inform or cause the public to be informed that a particular member or employee or officer of a member has been expelled, suspended, declared a defaulter or has otherwise ceased to be a member.]**
- 3.350.2 No action or other proceeding shall in any circumstances be taken by any member or any employee or officer of a member referred to in any notification referred to above or in a JSE Gazette, against the JSE or any **[Board]** controlling body or **[Committee]** JSE Executive member or employee thereof or any person publishing or circulating the same **[, and this rule shall operate as leave to any person to publish and circulate such notification and be pleadable accordingly].**

## Section 4: Derivatives membership

### 4.10 [Classes and categories of derivatives membership] Categories of authorised users

- 4.10.1 A derivatives member **[of the JSE]** is a category of authorised user of the JSE and may be authorised by the JSE to operate in one of two sub-categories, either as a clearing member or a trading member, or in both. [shall be registered to trade in the financial derivatives market or the agricultural products market or in both, and shall in respect of each market be registered in one of two classes, namely, as a clearing or non-clearing member (derivatives) in such market and in one of two categories, namely as a broking or non-broking member (derivatives) in such market.]
- 4.10.2 A trading member may be authorised to trade in the equity derivatives market or the agricultural products market, or both, and a clearing member may be authorised to perform clearing in the equity derivatives market or the agricultural products market, or in both. [Reserved]
- 4.10.3 A non-clearing member (derivatives) may only enter into a clearing agreement with one clearing member (derivatives) to **[clear and settle]** perform clearing and settlement of the trades of that non-clearing member (derivatives).
- 4.10.4 A broking member (derivatives) -
- 4.10.4.1 may be a clearing member (derivatives) **[or a non-clearing member (derivatives)];**
- 4.10.4.2 ...
- 4.10.4.3 ...
- [4.10.5 A non-broking member (derivatives) shall not be entitled to trade for or on behalf of clients or to enter into client agreements with any client.]**

### 4.20 Capital adequacy requirements

- 4.20.1 ...
- 4.20.1A The following provisions shall apply to a derivatives member that is an external company -
- 4.20.1A.1 the external company shall, when submitting its application for membership, submit proof of compliance with the requirements of Section 322 of the Companies Act **[, 1973 (Act No. 61 of 1973)]** by furnishing the JSE with the certificate of registration as provided for in Section 322(2) of the **[said]** Companies Act;
- 4.20.1A.2 ...



- 4.20.1A.3 the foreign parent of the local branch of the external company shall in writing confirm to the **[exchange] JSE** that it is required to comply with capital adequacy requirements similar to those in the Republic, and that they are reporting such as required to an appropriate foreign regulator;
- 4.20.1A.4 ...
- 4.20.1A.5 ...
- 4.20.2 A **[non-clearing,]** non-broking member (derivatives) that does not have clients in any other market shall have the initial capital as required by his clearing member (derivatives).
- 4.20.3 A **[non-clearing,]** broking member (derivatives) who does not receive a client's margins or hold the client's margins in terms of rule 8.60.4 or who does not receive any other assets of his client with respect to the client's buying and selling of **[financial instruments whether listed by the JSE or not, or with respect to the client's buying and selling of securities] JSE authorised investments**, shall have an initial capital of at least R200 000 **[(two hundred thousand Rand)]** or such other minimum amount that the JSE may **[, subject to the approval of the Registrar,]** decide.
- 4.20.4 A **[non-clearing,]** broking member (derivatives) who receives client's margins or holds clients' margins in terms of rule 8.60.4, or that receives any other assets of his client with respect to the client's buying and selling of **[financial instruments whether listed by the JSE or not, or with respect to the client's buying and selling of securities] JSE authorised investments**, shall have an initial capital of at least R400 000 **[(four hundred thousand Rand)]**, or such other minimum amount that the JSE may **[, subject to the approval of the Registrar,]** decide.
- 4.20.5 A clearing member (derivatives) shall have own funds of R200 000 000 **[(two hundred million Rand),]** or such other sum as the JSE may determine: Provided that the JSE may, at its discretion, impose additional suretyship, guarantee or other requirement on a clearing member (derivatives) if -
- 4.20.5.1 ...
- 4.20.5.2 ...
- 4.20.6 A clearing member (derivatives) shall provide, maintain and keep in force a suretyship in favour of the clearing house by a financial or other institution acceptable to the JSE, in such form and upon such terms and conditions as the JSE may determine, for the due performance of all or any of its obligations to the clearing house in terms of these derivatives rules, jointly and severally, for an amount of not less than R10 000 000 **[(ten million Rand)]** or such other sum as the JSE may determine.
- 4.20.7 ...

## Section 5: Registered officers

### 5.10 Derivatives members' obligation to ensure registration of officers

Each derivatives member which is a body corporate or a partnership -

- 5.10.1 ...
- 5.10.2 ...
- 5.10.3 ...
- 5.10.4 **[shall ensure that no person is registered as a registered officer unless he has entered into a written agreement with the derivatives member in terms of which he agrees to be bound by the provisions of the Act, the derivatives rules, the directives, customs and usages of the JSE] Reserved.**

**5.50 Registration of officers by the JSE**

5.50.1 ...

5.50.2 ...

5.50.3 ...

5.50.4 An application to change the registration of a registered officer from one derivatives member to another or from one office to another shall be made in writing to the Chief Executive Officer by the derivatives member intending to register the officer and the Chief Executive Officer shall, in his discretion, decide to grant such change in registration or to refer the application to the JSE Executive for consideration at its next meeting: Provided that, if aggrieved by the decision of the JSE Executive, the derivatives member concerned shall have the right of appeal to the ~~[appeal board]~~ board of appeal.

5.50.5 ...

**5.90 [Giving of advice by employees] Reserved**

[A derivatives member shall, in the course of its business, give advice to its clients on the buying and selling of financial instruments only through an affiliated officer.]

**Section 7: Trading****7.10 Financial ~~[market]~~ exchange**

The business of the buying and selling of exchange contracts as contemplated by section ~~[8]~~ 10(2) of the Act shall be conducted both on the ATS and off-ATS. Trading in all exchange contracts shall be conducted by means of the ATS: Provided that -

7.10.1 ...

7.10.2 ...

**7.20 Offers and acceptances**

7.20.1 ...

7.20.2 An offer in terms of rule 7.20.1 may include the following specifications -

7.20.2.1 ~~[The]~~ the particular exchange contract;

7.20.2.2 ...

7.20.2.3 ...

7.20.2.4 ...

7.20.2.5 ...

7.20.2.6 ...

7.20.2.7 ...

7.20.2.8 ...

7.20.2.9 ...

7.20.2.10 a clear indication of whether in the case of an order the derivatives member shall be entitled to fill the order in more than one purchase or sale in the market and whether or not such purchases or sales are to be concluded by the derivatives member as the offeror's agent as specified in rule ~~[7.40.2.2]~~ 7.40.3 or as the offeror's principal, as specified in rule ~~[7.40.2.1]~~ 7.40.2;

7.20.2.11 ...



7.20.2.12 the place where and/or telephone [or telex] or facsimile number or electronic mail address at which the client is to be contacted to confirm the acceptance of the offer; and

7.20.2.13 ...

7.20.3 ...

7.20.4 ...

7.20.5 ...

7.20.6 ...

7.20.7 ...

7.20.8 ...

### 7.30 Order priority

7.30.1 ...

7.30.2 ...

7.30.3 ...

7.30.4 A derivatives member shall not trade for his own account or for the account of an [affiliated officer] employee of the derivatives member or any account in which the derivatives member, or [affiliated officer] employee of the derivatives member has a beneficial interest if the trade could satisfy an order from a client or another derivatives member.

### 7.50 [Affiliated officers] Employees and derivatives members trading as clients

7.50.1 An [affiliated officer] employee of a broking member (derivatives) may be a client of the broking member (derivatives); Provided that such client fulfils all his obligations in terms of these derivatives rules.

7.50.2 Except with the written approval of the JSE and subject to such conditions as it may impose-

7.50.2.1 An [affiliated officer] employee of a derivatives member may not have a beneficial interest in another derivatives member;

7.50.2.2 An [affiliated officer] employee of a broking member (derivatives) may not be a client of another derivatives member or have a beneficial interest in a client;

7.50.2.3 ...

7.50.2.4 A derivatives member may not accept an [affiliated officer] employee of another derivatives member or another derivatives member as a client.

7.50.3 [An official or employee of the JSE or the clearing house may not be a client of any derivatives member or have a beneficial interest in a client of any derivatives member] Reserved.

### 7.60 Trading for or on behalf of clients

7.60.1 ...

7.60.2 ...

7.60.3 [Client advice notes] Notification of transactions

[The JSE may send a client advice note to the client confirming a trade with a derivatives member and may include such information in the advice note as the JSE may require.]

7.60.3.1 A trading member must ensure that clients are notified of all transactions executed on or reported to the derivatives trading system, for or on behalf of such clients, in the manner and within the time period as set out in the directives.

7.60.3.2 The transaction notification referred to in rule 7.60.3.1 must set out –

- 7.60.3.2.1 the terms of the transaction;
- 7.60.3.2.2 the capacity in which the trading member acted; and
- 7.60.3.2.3 if the transaction is executed by the trading member in an agency capacity, the details of any commission charged by the trading member

#### **7.139 ATS 4-Digit Sub Account**

- 7.139.1 ...
- 7.139.2 ...
- 7.139.3 Members are precluded from trading on the dedicated sub account for their own accounts or for any accounts in which [affiliated officers] employees have a direct or indirect beneficial interest; and
- 7.139.4 ...

#### **7.180 Declarations of transactions being void**

- 7.180.1 Despite any other provision of the derivatives rules or any directive, the JSE Executive may, if there has been any failure of the JSE systems for any reason, or if JSE systems have been closed, suspended or halted, declare that a transaction effected through or by the JSE derivatives trading system is void. Such declaration shall bind a trading member and a client of a trading member on behalf of or with whom the transaction was effected.
- 7.180.2 Where, from a lack of clarity in the published information available at the time of the transaction, a trading member deals in a quantity or at a price which in the opinion of the Director: Surveillance is unreasonable, the Director: Surveillance may declare such transaction void. Such declaration shall be binding on the trading members who entered into such transaction and on the clients for or on whose behalf the transaction was executed.

#### **7.190 Suspension or halting of trading in derivative securities**

- 7.190.1 The Director: Surveillance or his deputy, in conjunction with the Chief Executive Officer or acting Chief Executive Officer or, failing the Chief Executive Officer or acting Chief Executive Officer, the Director: Issuer Services, may declare a trading halt in a derivative security in circumstances where the Director: Surveillance determines that the trading activity in a derivative security –
  - 7.190.1.1 is being or could be undertaken by persons possessing unpublished price-sensitive information that relates to the underlying instrument to which the derivative security relates; or
  - 7.190.1.2 is being influenced by a manipulative or deceptive trading practice; or
  - 7.190.1.3 may otherwise give rise to an artificial price in that derivative security.
- 7.190.2 No trading member may trade that derivative security for the duration of the trading halt but may delete orders from the derivatives trading system.

#### **7.200 Manipulative or deceptive trading practices**

- 7.200.1 No trading members shall use, or knowingly participate in the use of any manipulative or deceptive trading practice in a derivative security, either for its own account or on behalf of clients, which creates or may create –
  - 7.200.1.1 a false or misleading appearance of trading activity; or
  - 7.200.1.2 an artificial value for such derivative security.
- 7.200.2 A trading member must give consideration to the circumstances of orders placed by clients before entering such orders in the JSE derivatives trading system and is responsible for the integrity of such orders.
- 7.200.3 A trading member or employee of a member may not place an order in the JSE derivatives trading system to buy or sell derivative securities which to the knowledge of the trading member or employee of a trading member will, if executed, have the effect contemplated in rule 7.200.1.



7.200.4 Without in any way limiting the generality of the foregoing, the following shall be deemed to be manipulative or deceptive methods of trading:

7.200.4.1 Approving or entering on the JSE derivatives trading system –

7.200.4.1.1 an order to buy or sell a derivative security with the knowledge that an opposite order of substantially the same size at substantially the same time and at substantially the same price, has been or will be entered by or for the same or different persons with the intention of creating a false or misleading appearance of active public trading in connection with, or an artificial market price for, such derivative security;

7.200.4.1.2 orders to buy any derivative security at successively higher prices, or orders to sell any derivative security at successively lower prices for the purpose of unduly or improperly influencing the market price of such derivative security;

7.200.4.1.3 an order at or near the close of the market, the primary purpose of which is to change or maintain the closing price of such derivative security;

7.200.4.1.4 an order to buy or sell a derivative security which involves no change in the beneficial ownership of that derivative security; or

7.200.4.1.5 reported transactions which would result in a contravention of rule 7.200.1;

7.200.4.2 Effecting or assisting in effecting a market corner;

7.200.4.3 Maintaining the price of a derivative security at a level that is artificial;

7.200.4.4 Employing any device, scheme or artifice to defraud any other person as a result of a transaction effected through the JSE derivatives trading system; or

7.200.4.5 Engaging in any act, practice or course of business in respect of trading in derivative securities which is deceptive or which is likely to have such an effect.

#### **7.210 False, misleading or deceptive statements, promises and forecasts**

A member or employee of a member may not, directly or indirectly, make or publish in respect of derivative securities, or in respect of the past or future performance of a listed company –

7.210.1 any statement, promise or forecast which is, at the time and in the light of the circumstances in which it is made, false or misleading or deceptive in respect of any material fact and which the member or employee of a member knows, or ought reasonably to know, is false, misleading or deceptive; or

7.210.2 any statement, promise or forecast which is, by reason of the omission of a material fact, rendered false, misleading or deceptive and which the member or employee of a member knows, or ought reasonably to know, is rendered false, misleading or deceptive by reason of the omission of that fact.

### **Section 8: Positions**

#### **8.80 Trading fees**

8.80.1 ...

8.80.2 ...

8.80.3 A derivatives member may levy such fees and charges for different categories of transactions as he deems fit on clients with whom he trades: Provided that such fees and charges shall be in accordance with the schedule of fees and charges which shall form part of the client agreement.

8.80.4 ...

#### 8.90 Settlement procedures

8.90.1 With respect to his proprietary positions, the positions of his clients, the positions of the non-clearing members (derivatives) with whom he has entered into clearing agreements and the positions of the clients of non-clearing members (derivatives), the clearing member (derivatives) shall pay to or receive from, the clearing house the net amount of -

8.90.1.1 subject to rule 9.20[.1], the sum of the initial margin referred to in rule 8.60.1;

8.90.1.2 ...

8.90.1.3 ...

8.90.1.4 ...

8.90.2 ...

8.90.3 ...

8.90.4 With respect to his proprietary positions, and the positions of his clients, a non-clearing member (derivatives) shall pay to or receive from the clearing member (derivatives) the net amount of -

8.90.4.1 subject to rule 9.20[.2], and read together with rule 8.60.3.1, the initial margin referred to in rule 8.60.1;

8.90.4.2 ...

8.90.4.3 ...

8.90.4.4 ...

8.90.5 ...

8.90.6 ...

8.90.7 ...

8.90.8 ...

8.90.9 ...

### Section 10: Trading and positions – sundry provisions

#### 10.20 Trading and position records

10.20.1 ...

10.20.2 ...

10.20.3 ...

10.20.4 Telephone recordings

10.20.4.1 the JSE, the clearing house and derivatives members shall have the right to tape-record all telephone calls[ using a device approved by Telkom].

10.20.4.2 ...

10.20.4.3 With respect to such telephone calls, the tape-recording shall be admissible as evidence in any disciplinary or [arbitration] dispute resolution proceedings contemplated in these derivatives rules: Provided that the person who intends to rely on such tape recordings in evidence shall bear the onus of proving the authenticity thereof.

10.20.4.4 ...

10.20.4.5 ...



10.20.5 ...

### 10.30 Emergency provisions

- 10.30.1 In order that the business of the JSE be carried out with due regard to the interests of the public in a fair and orderly market the JSE may, in addition to the powers given in terms of the Act, **[with the prior consent of the Registrar,]** in circumstances of emergency restrict or suspend trading in any or all of the **[instruments] derivative securities** kept by it in its list of **[financial instruments] derivative securities**.
- 10.30.2 Circumstances of emergency shall include but are not limited to the closing of any other exchange, a state of war or threatening hostilities, acts of state affecting the market or the due performance of trades or any position, any change in the law affecting the market or the due performance of trades or positions and any other situation or circumstances affecting, in the opinion of the JSE, a fair and orderly market for the trading in **[instruments listed by the JSE] derivative securities**.
- 10.30.3 If the trading in any security[,] **or commodity [or financial instrument]** on any exchange or market ceases, the JSE Executive shall **[convene to]** consider the cessation of trading in **[all] derivative securities [financial instruments listed by the JSE]** for which such security[,] **or commodity [or financial instrument]** comprises the underlying instrument of the **[financial instrument] derivative security** concerned.
- 10.30.4 In the event of any of the circumstances contemplated in this rule 10.30 occurring, the Chief Executive Officer shall **[request the executive officers of all the other exchanges and] notify** the Registrar **[to attend a meeting to co-ordinate the course of action to be taken by the exchanges]** of such circumstances and shall co-operate with the Registrar to restore and maintain a fair and orderly market.

### 10.40 Speculative position limits

- 10.40.1 This rule applies only to trading members authorised to trade on the agricultural products market. For the purposes of this rule, the following definitions are applicable -

"hedging positions"

means positions in futures or options on the JSE, where such positions normally represent a substitute for positions to be made or positions to be taken at a later time in a physical commodity, and where they are economically appropriate to the reduction of risks in the conduct and management of a commercial enterprise. The primary purpose for hedging positions must be to offset price risks incidental to the commercial cash or spot operations. These risks may arise from: -

- (a) potential changes in the value of assets which a person owns, produces, processes, manufactures or anticipates owning, producing, processing or manufacturing; or
- (b) potential changes in the value of liabilities which a person owns or anticipates incurring; or
- (c) potential changes in the value of services which a person provides, purchases or anticipates providing or purchasing.

For the purposes of this definition, hedging positions include, but are not limited to, the following specific positions:

- (a) Sales for future delivery, purchases of any put options on futures contracts and/or sales of any call options on futures contracts, which do not exceed in quantity -
  - (i) Ownership of the same cash commodity by the same person; and
  - (ii) Fixed-price purchases of the same cash commodity by the same person;
- (b) Purchases of any commodity for future delivery, sales of any put

options on futures contracts and/or purchases of any call options on futures contracts, which do not exceed in quantity fixed-price sales of the same cash commodity by the same person;

(c) Short-hedging positions of unsold anticipated positions or anticipated production of the same commodity by the same person;

(d) Long-hedging positions of unfilled anticipated requirements of the same cash commodity by the same person for processing, manufacturing or feeding;

"spot month limit"

means the spot month futures equivalent position limit net long or short effective at the start of trading on the first delivery day of the spot month as determined by directive;

"single month limit"

means the futures equivalent position limit net long or short in any one month other than the spot month as determined by directive;

"all month limit"

means the futures equivalent position limit either long or short in all months as determined by directive;

"futures equivalent positions"

means the futures positions plus or minus option contracts that have been adjusted for the delta coefficient as calculated at the close of trading by the JSE -

(a) Long futures contracts shall have positive delta factor of +1 and short futures shall have a negative delta factor of -1;

(b) Long call option and short put option positions shall have positive delta factors; and

(c) Short call option and long put option positions shall have negative delta factors.

#### 10.40.2 Duty to furnish information

The JSE may at its discretion request trading members or clients to provide it with written statements in relation to agricultural derivative positions owned, controlled or carried by the trading member or a client of the trading member. On receipt of a written request from the JSE, a trading member or client must within two business days, furnish the JSE with a written statement in the form, manner and content prescribed by the JSE. Statements submitted to the JSE must include information necessary to enable the clearing house, or any person or committee authorised by the JSE to make a determination as to whether the relevant position of a trading member or client should be limited or reduced in terms of this rule.

#### 10.40.3 Net limits

##### 10.40.3.1

No trading member or client may hold or control positions separately or in combination, net long or net short for the purchase or sale of a commodity for future delivery, or on a futures equivalent basis, options thereon, in excess of the limits as set out in the directives.

##### 10.40.3.2

The clearing house or any person authorised by the JSE may direct any trading member owning, controlling or carrying a position for a client, whose total net speculative position as determined by the JSE exceeds the position limits as set out in the directives, to liquidate or otherwise reduce the position within a time period stipulated by the JSE.

##### 10.40.3.3

For the purposes of determining whether a trading member or client has exceeded these position limits, the JSE will include all positions that such member or client by power of attorney or otherwise, directly or indirectly, owns or controls or where positions are held by two or more persons acting pursuant to an express or implied agreement or understanding the same as if the positions were held or trading positions were done by a single individual.



10.40.3.4            The term "net" shall mean the long or short position held after offsetting long futures equivalent positions against short futures equivalent positions.

10.40.4    Exceeding position limits

The position limits set out in rule 10.40.3 may be exceeded to the extent that such positions are -

10.40.4.1            bona fide hedging positions in futures and options; or

10.40.4.2            spread or arbitrage positions between single months of a futures contract or, on a futures equivalent basis, options thereon, outside of the spot month, provided that such spread or arbitrage positions, when combined with other net positions in the single month, do not exceed the all months limit.

## **Section 11: Management of derivatives members' and clients' funds**

### **11.10 Management of funds by the clearing house**

11.10.1    The clearing house shall separate the margins and other moneys, **[financial instruments] securities** and other corporeal and incorporeal things of any derivatives member or client from its own assets and shall manage and invest such margins and other moneys in a manner and subject to such terms and conditions as the JSE shall decide.

11.10.2    ...

### **11.20 Separation of funds**

A derivatives member shall -

11.20.1    at all times separate a client's or other derivatives member's funds, including money, **[financial instruments] securities** and other corporeal and incorporeal things of the client or other derivatives member, from his own assets;

11.20.2    ...

11.20.3    not allow the use of funds, **[or financial instruments] securities** or corporeal or incorporeal things belonging to any client or other derivatives member to finance his own trades or the trades of any other person;

11.20.4    not allow the use of funds, **[or financial instruments] securities** or corporeal or incorporeal things of any client or other derivatives member to operate his own business; and

11.20.5    in respect of the trades or positions of a derivatives member or client, not retain any money, **[financial instruments] securities** or other corporeal or incorporeal things given by such derivatives member or client or received by the derivatives member on behalf of any person other than additional margin contemplated in rule 8.60.3 or retained margin contemplated in rule 8.60.4.

### **11.60 Acceptance of cash deposits**

No member shall knowingly receive or accept a deposit of cash from any person exceeding an amount of R5 000. For the purpose of this rule "cash" shall mean coin and paper money of the Republic or any other country. A member shall not receive or accept two or more cash amounts exceeding R5 000 in total with the purpose of avoiding compliance with this rule.

## **Section 12: Defaults**

### **12.40 Consequences of default by a clearing member (derivatives)**

Without limiting or detracting from any other remedies and rights which a derivatives member or client or the clearing house may have against a clearing member (derivatives), in the event of default by a clearing member (derivatives) -

12.40.1    ...

- 12.40.2 the clearing house shall open a separate trust account with a bank (hereinafter referred to as the "trust account"), into which shall be paid all margin due and payable, the proceeds from the sale of any JSE shares held by the clearing member (derivatives), the proceeds from the suretyship referred to in rule 4.20.6 and any other moneys, [ securities or investments ] or securities held by the clearing house in favour of or on behalf of or for the account of the clearing member (derivatives);
- 12.40.3 ...
- 12.40.4 ...
- 12.40.5 ...
- 12.40.6 after all liabilities of the defaulting clearing member (derivatives) have been settled, the amounts paid by any surety in terms of the derivatives rules shall be refunded from any balance remaining in the trust account and any further balance remaining shall be paid to the defaulting clearing member (derivatives) :Provided that if there are insufficient funds to cover such liabilities, the clearing house shall call on all clearing members (derivatives) for an equitable contribution on a voluntary basis to make good any shortfall and, in the event of such contributions being insufficient, the funds of the [fidelity fund] Fidelity Fund shall be applied.

### Section 13: [Financial instruments] Derivative securities

#### 13.10 List of [financial instruments] derivative securities

The [financial instruments] derivative securities which may be bought or sold [on the financial market referred to as provided for in rule 7.10] shall be kept by the JSE in the list of [financial instruments] derivative securities in terms of section [14] 12(6)(a) of the Act.

#### 13.20 Contract specification of the [financial instruments] derivative securities

- 13.20.1 The contract specification of [financial instruments] derivative securities contained in the list of [financial instruments] derivative securities kept in terms of these derivatives rules shall be determined by the JSE.
- 13.20.2 The JSE may, in its discretion, conduct surveys and research, call for the views of (derivatives) members and any committee and take such other steps as it may deem appropriate in determining the contract specification of [financial instruments listed by the JSE] derivative securities.

#### 13.30 Listing of [financial instruments] derivative securities

- 13.30.1 The JSE shall have the power [, subject to the approval of the Registrar,] to -
- 13.30.1.1 add [financial instruments] derivative securities to, or remove [financial instruments] derivative securities from, the list of [financial instruments] derivative securities kept in terms of these derivatives rules, or suspend [financial instruments] derivative securities from such list;
- 13.30.1.2 impose new conditions on or amend the existing conditions of such [financial instruments] derivative securities.
- 13.30.2 The JSE shall notify all derivatives members of the approval of an application in terms of this rule, and shall stipulate a date for the coming into operation of an addition, removal or suspension of [financial instruments] derivative securities or new or amended conditions relating to [financial instruments] derivative securities.



**Section 14: Prescribed agreements**

The JSE shall prescribe and specify the basic terms and formal requirements of the agreements for dealing in derivative securities [listed financial instruments], including, but not limited to the clearing house agreement, the clearing agreement and the client agreement.

**Section 15: Management of investments****15.10 Authority to manage investments in [listed financial instruments] derivative securities**

All broking members (derivatives) [of the JSE] are [, for the purposes of Section 5 (1) of the Act,] authorised to manage investments comprising [financial instruments listed on the JSE] derivative securities: Provided that they comply with the provisions of this rule, and other applicable derivatives rules, and undertake such management in compliance with the prescribed client agreement. This rule shall, however, not apply to a derivatives member if the member is a bank or if the majority of such member's intermediary services do not relate to trading in [listed financial instruments as a broking member (derivatives) and, if applicable, trading in listed securities as a broking member (equities)] JSE listed securities as an authorised user of any of the JSE markets. Such a member shall be required to obtain a licence to operate as a financial services provider in terms of the FAIS Act in respect of any advice or intermediary services which it provides to clients relating to [listed financial instruments] derivative securities, and the relevant provisions of that Act shall apply to such advice or intermediary services.

**15.20 Trading as an investment manager in [listed financial instruments] derivative securities**

15.20.1 A derivatives member may not trade as an investment manager in [listed financial instruments] derivative securities for or on behalf of a client unless he or she has concluded a discretionary client agreement with the client and the client has been registered as a client of that derivatives member with the clearing house in terms of rule 7.60.2.

15.20.2 An investment manager may not directly or indirectly buy or sell [listed financial instruments] derivative securities for or from his own account or any account in which an [affiliated officer] employee has a direct or indirect beneficial interest, to or from a client.

**15.30 Management and investment advice in respect of [other] JSE authorised investments other than derivative securities**

15.30.1 This rule is only applicable to trading members whose investment management activities in relation to derivative securities are regulated by the JSE in terms of rule 15.10.

15.30.2 The provisions of rules 15.30.4 to 15.30.13 shall not apply to a trading member if the trading member is a bank or if the majority of such member's intermediary services do not relate to trading in JSE listed securities as an authorised user of any of the JSE markets. Such a member shall be required to obtain a licence to operate as a financial services provider in terms of the FAIS Act in respect of any advice or intermediary services which it provides to clients relating to JSE authorised investments other than derivative securities and the relevant provisions of that Act shall apply to such advice or intermediary services.

15.30.3 The provisions of rules 15.30.4 to 15.30.13 shall not apply to a trading member in respect of transactions in JSE authorised investments other than derivative securities where such transactions relate to securities listed on an exchange other than the JSE, including the Bond Exchange of South Africa, and where such transactions are conducted as an authorised user of such exchange. Such transactions will instead be subject to the rules of the relevant exchange.

15.30.[1]4 A broking member (derivatives) may not enter into transactions as an investment manager in [other investments] JSE authorised investments other than derivative securities on behalf of clients or provide investment advice to any clients in respect of such investments unless it has notified the Director: Surveillance, in writing, of its intention to effect such transactions or provide such investment advice.

15.30.[2]5 In order for the JSE to identify the scope of an investment manager's activities in [other investments] JSE authorised investments other than derivative securities, the written notification to the Director: Surveillance referred to in rule 15.30.[1]4 shall indicate which specific investments the investment manager is intending either to transact in on behalf of its clients or to provide investment advice on, or both.



- 15.30.[3]6 The details which are required to be submitted to the Director: Surveillance in terms of rule 15.30.[3]5 shall specify the particular types of [other investments] JSE authorised investments other than derivative securities in which activity is to be conducted, but need not include the name of the particular investments.
- 15.30.[4]7 The failure by an investment manager to provide the notification referred to in rules 15.30[1]4 and 15.30.[2]5 prior to undertaking the relevant activity may result in the JSE imposing restrictions or a prohibition on the investment manager's activities in [other investments] JSE authorised investments other than derivative securities.
- 15.30[5]8 If an investment manager has previously notified the Director: Surveillance in terms of rules 15.30[1]4 and 15.30.[2]5 of its intention to conduct activity in any [other investments] JSE authorised investments other than derivative securities and the investment manager ceases to conduct activity in respect of one or more particular types of investments, with no intention of resuming activity in such investments in the foreseeable future, the investment manager shall notify the Director: Surveillance forthwith, in writing, of such cessation of activity.
- 15.30.[6]9 Any decision by an investment manager to invest in [other investments] JSE authorised investments other than derivative securities on behalf of a client shall be made with due regard to the relevant provisions of rule 16.10 regarding the conduct of derivatives members, particularly the provisions relating to the General Conduct Towards Clients in rule 16.10.2 and the Exercise of Discretion in rule 16.10.3.
- 15.30.[7]10 An investment manager shall not effect transactions in [other investments] JSE authorised investments other than derivative securities on behalf of a client unless the client has given his general consent to such transactions being effected in a written mandate.
- 15.30.[8]11 Every investment manager who purchases [other investments] JSE authorised investments other than derivative securities on behalf of a client and who is accountable to the client for the client's investment in such [instruments] JSE authorised investments shall comply with the following requirements:
- 15.30.[8]11.1 the relevant investments shall be segregated from the investment manager's own assets at all times. If the [investments] JSE authorised investments other than derivative securities are held in an account maintained by another financial services provider, the account shall either be opened in the client's own name or, if the investment manager opens a single account in respect of transactions executed on behalf of more than one client, the investment manager shall procure that the account is clearly designated in the records of the relevant financial services provider as being an account utilised for investments made by the investment manager on behalf of its clients;
- 15.30.[8]11.2 the investment manager shall maintain proper accounting records in respect of all [other investments] JSE authorised investments other than derivative securities purchased or sold on behalf of clients. These records shall be updated forthwith in respect of any transactions in [other investments] JSE authorised investments other than derivative securities and shall clearly identify the beneficial owners of all such investments at all times;
- 15.30.[8]11.3 the investment manager must balance its clients' holdings in [other investments] JSE authorised investments other than derivative securities, as reflected in the investment manager's records, with the accounts maintained by the other financial services providers who hold such investments, on a monthly basis. Any differences identified between the respective records must be rectified forthwith.
- 15.30.[9]12 Every investment manager who holds [other investments] JSE authorised investments other than derivative securities on behalf of a client or who is accountable to a client for such investments shall implement and maintain an effective system of internal controls to safeguard such investments and prevent unauthorised access thereto.



15.30.[10]13 Transactions by an investment manager in [other investments] JSE authorised investments other than derivative securities which constitute foreign investments shall also be subject to 15.35.

[15.30.11 The provisions of 15.30.1 to 15.30.10 shall not apply to a broking member (derivatives) if the member is a bank or if the majority of such member's intermediary services do not relate to trading in listed financial instruments as a broking member (derivatives) and, if applicable, trading in listed securities as a broking member (equities). Such a member shall be required to obtain a licence to operate as a financial services provider in terms of the FAIS Act in respect of any advice or intermediary services which it provides to clients relating to other investments, and the relevant provisions of that Act shall apply to such advice or intermediary services.]

[15.30.12 The provisions of 15.30.1 to 15.30.10 shall not apply to a broking member (derivatives) in respect of transactions in other investments where such transactions relate to financial instruments listed on a financial exchange other than the JSE, including the Bond Exchange of South Africa, and where such transactions are conducted as a member of such financial exchange. Such transactions will instead be subject to the rules of the relevant financial exchange.]

### 15.35 Management of foreign investments

15.35.1 For the purpose of this rule, foreign investments means the following JSE authorised investments –

15.35.1.1 [financial instruments] securities listed on [a foreign] an external exchange;

15.35.1.2 units or any other form of participation in a foreign collective investment scheme approved by the Registrar of Collective Investment Schemes in terms of section 65 of the Collective Investment Schemes Control Act, 2002;

15.35.1.3 units or any other form of participation in a collective investment scheme licensed or registered in a foreign country; and

15.35.1.4 foreign funds intended for the purchase of such [financial instruments] securities, units or participation.

15.35.2 An investment manager shall not enter into transactions in foreign investments on behalf of a client unless:

15.35.2.1 the mandate entered into between the investment manager and the client in terms of rule 15.30.[7]10 –

15.35.2.1.1 ...

15.35.2.1.2 ...

15.35.2.1.3 ...

15.35.2.1.4 ...

15.35.2.2 ...

15.35.3 An investment manager must, on request by a client, furnish the client with the following information regarding any foreign investments made by the investment manager on behalf of the client –

15.35.3.1 the name of the licensed [foreign] external exchange on which the foreign investments are listed, if applicable;

15.35.3.2 ...

15.35.3.3 ...

15.35.3.4 the name and address of the regulator of the foreign financial services provider referred to in rule 15.35.3.3 and whether such foreign financial services provider is approved or registered by such regulator.

### 15.50 Client statements

15.50.1 ...

- 15.50.2 ...
- 15.50.3 Pursuant to rule 15.50.2, and to provide the client with the information necessary for them to review the operation of their account and make appropriate investment decisions, a client statement must contain at least the following information:
- 15.50.3.1 ...
  - 15.50.3.2 ...
  - 15.50.3.3 ...
  - 15.50.3.4 ...
  - 15.50.3.5 ...
  - 15.50.3.6 ...
  - 15.50.3.7 ...
  - 15.50.3.8 ...
  - 15.50.3.9 ...
  - 15.50.3.10 ...
  - 15.50.3.11 ...
  - 15.50.3.12 ...
  - 15.50.3.13 in respect of investments in [listed financial instruments] derivative instruments, a description of the underlying financial product, index, commodity or thing, the expiry month and in the case of options, the exercise or strike price; and
  - 15.50.3.14 ....
- 15.50.4 The information referred to in rule 15.50.3 may be provided to the client in separate statements either during the reporting period or as at the reporting date.
- 15.50.5 ...

#### **15.60 Exercising of discretion and provision of investment advice by employees**

A trading member shall, in the course of its business, exercise discretion in the management of JSE authorised investments and provide investment advice to its clients on the buying and selling of JSE authorised investments only through an employee who has obtained such qualification as may be prescribed in the directives.

### **Section 16: Ethics and conduct**

#### **16.10 Code of conduct**

##### **16.10.1 Standards of Integrity**

A derivatives member shall, in the conduct of its business, observe high standards of integrity and fair dealing. It [shall] must –

- 16.10.1.1 not provide, or accept material inducements of a non-business nature to, or from any person to obtain business;
- 16.10.1.2 not knowingly circulate information or submit information to the JSE or the clearing house which is false or misleading, or which affects or tends to affect unfairly the price of any [listed financial instrument] derivative security;
- 16.10.1.3 ...
- 16.10.1.4 ...



- 16.10.1.5 conduct its activities **[strictly in accordance]** in a manner that is compatible with the **[public interest]** objects of the Act and with full respect for the dignity of the JSE; and
- 16.10.1.6 ...
- 16.10.2 ...
- 16.10.3 Furnishing of investment advice and exercise of discretion
- In providing investment advice to a client, other than a professional client, or exercising discretion in relation to the management of JSE authorised investments, a derivatives member shall –
- 16.10.3.1 take reasonable steps to seek from the client information regarding the client's financial situation, investment experience, particular needs and objectives in connection with the services required, to enable the member to provide the client with sound investment advice or make an appropriate investment decision;
- 16.10.3.2 ...
- 16.10.3.3 identify the **[listed financial instrument or other investment]** JSE authorised investments that will suit the client's risk profile and financial needs, subject to the terms of any client agreement entered into between the client and the member or any other mandate provided to the member by the client;
- 16.10.3.4 take reasonable steps to ensure that the client understands any investment advice that has been provided, as well as the nature and material terms and risks involved in the relevant transaction, so as to enable the client to make an informed decision; and
- 16.10.3.5 ensure that any investment advice provided or discretion exercised is not for the sole purpose of maximising the income of the member.
- 16.10.4 Disclosure to clients
- 16.10.4.1 ...
- 16.10.4.2 A member –
- 16.10.4.2.1 ...
- 16.10.4.2.2 ...
- 16.10.4.2.3 must advise a client in advance of any restrictions or limitations that may affect the access of that client to their funds **[ listed financial instruments or other investments]** or JSE authorised investments.
- 16.10.5 Maintenance of client records
- 16.10.5.1 ...
- 16.10.5.2 ...
- 16.10.5.3 The client records in rule 16.10.5.2 may be kept in printed, electronic or voice-recorded format.
- 16.10.5.4 ...
- 16.10.5.5 ...
- 16.10.6 Contact with the member
- A member must provide for the necessary resources and functionality to ensure that clients are able to readily contact the member **[easily and timely]**.
- 16.10.7 Waiver of rights
- A member may not request or induce in any manner a client to waive any right or benefit conferred on the client by or in terms of this code or the derivatives rules, or recognise, accept or act on any such waiver by the client, and any such waiver is void.
- 16.10.8 ...

- 16.10.9 ...
- 16.10.10 ...
- 16.10.11 Enforcement of code on employees

A member shall enforce the provisions of this code on all its employees **[and affiliated officers]**.

#### **16.15 Unsolicited calls**

A member may enter into a transaction with or on behalf of a person where the transaction is as a result of an unsolicited call, provided that the member has complied with the requirements set out in rules 16.10.3 and 16.10.4.

#### **16.20 Advertising by derivatives members**

- 16.20.1 Advertising material of a member –
  - 16.20.1.1 must provide accurate, complete and unambiguous information about any **[listed financial instrument or other investment]** JSE authorised investment or any service rendered by the member;
  - 16.20.1.2 ...
  - 16.20.1.3 ...
  - 16.20.1.4 ...
  - 16.20.1.5 may not make the statement or suggest that trading in **[listed financial instruments]** derivatives securities on the JSE is appropriate for all persons.
- 16.20.2 An advertisement by a member –
  - 16.20.2.1 ...
  - 16.20.2.2 must, if it contains –
    - 16.20.2.2.1 ...
    - 16.20.2.2.2 ...
    - 16.20.2.2.3 a warning statement about risks involved in buying or selling a **[listed financial instrument or other investment]** JSE authorised investment, prominently display such statement; and
    - 16.20.2.2.4 ...
  - 16.20.2.3 must, if the investment value of a **[listed financial instrument or other investment]** JSE authorised investment mentioned in the advertisement is not guaranteed, contain a warning that no guarantees are provided.
- 16.20.3 ...

#### **16.30 Contraventions to be reported**

Every derivatives member shall report to the JSE any contravention of **[the derivatives rules,]** the Act, the derivatives rules and the directives **[and resolutions made in terms of these derivatives rules]** that comes to its attention.

### **Section 17: Resolution of disputes**

#### **[17.10 Resolution of disputes**

- 17.10.1 Any dispute involving persons bound by these derivatives rules and relating to any matter provided for in or relating to these derivatives rules shall be resolved by arbitration or mediation in terms of this rule 17.
- 17.10.2 It is contrary to the policy and objectives of the JSE for persons bound by these derivatives rules to engage in litigation against one another.



- 17.10.3 Save in so far as they may be contrary to these derivatives rules, the provisions of the Arbitration Act, 1965 (Act No 42 of 1965) shall apply to the arbitration proceedings provided for by these derivatives rules.]

[17.20 Reporting a dispute

- 17.20.1 The compliance officer of a derivatives member and any other party to a dispute shall report the dispute to the JSE, unless it is immediately resolved by the parties themselves.
- 17.20.2 The report may be made verbally: Provided that the JSE may request confirmation of the report in writing.]

[17.30 Powers of the JSE

- 17.30.1 The JSE may request any derivatives member or client to furnish it with written particulars of a dispute to which such derivatives member or client is a party or matters relating thereto or to confirm or reply to any report made to the JSE.
- 17.30.2 The JSE may call for additional information and material relating to a dispute from any derivatives member or client as may be deemed necessary.
- 17.30.3 The JSE shall be entitled to require any party to a dispute to trade in the market or with the other party pending resolution of the dispute in order to prevent loss.]

[17.40 Declaration of a dispute

If, after considering the report and reply and any other information at its disposal, the JSE is of the opinion that there is a dispute, the dispute shall be referred to mediation or to informal arbitration or formal arbitration, subject to the said Arbitration Act, 1965.]

[17.50 Mediation

- 17.50.1 A dispute may be referred to mediation only with the consent of the parties.
- 17.50.2 The JSE shall nominate a mediator who shall be acceptable to both parties and who shall endeavour to cause the parties to agree to the resolution of the dispute. Any agreement concluded between the parties shall be binding on them whether or not it is reduced to writing.
- 17.50.3 If at any time during formal or informal arbitration proceedings the parties agree to submit their dispute to mediation, the arbitration proceedings shall be suspended and the provisions of this rule shall apply. Should the mediation not resolve the dispute, the arbitration proceedings shall be resumed.]

[17.60 Informal arbitration

- 17.60.1 With the consent of the parties the JSE may refer a dispute to an arbitrator or arbitrators nominated by the JSE or may, after having considered the report and reply and such other evidence and information as may be presented to the JSE, make an award.
- 17.60.2 The arbitrator nominated in terms of this rule shall, after having considered the report and reply and such other evidence as may be presented to him, make his award immediately, unless the parties have otherwise agreed.
- 17.60.3 The arbitrator nominated in terms of this rule shall not be obliged to give reasons for his award, which shall be in writing.]

[17.70 Formal arbitration

- 17.70.1 In the event of either party not consenting to either mediation or informal arbitration, the dispute shall be referred to formal arbitration by the JSE.
- 17.70.2 Within seven days of being so required in writing by the JSE, the claimant shall submit a written statement of his claim that clearly states the subject matter of the claim and contains all the material facts and documents upon which the claim is based.
- 17.70.3 The JSE may require the claimant to expand upon his statement of claim or provide other evidence or particulars as may be deemed necessary.



17.70.4 Within seven days of being so required by the JSE and receipt of the claimant's written statement of claim and evidence and particulars referred to in rules 17.70.2 and 17.70.3, the other party to the dispute, hereinafter called the defendant, shall respond in writing to the claim and shall attach to his response evidence and other particulars relating to the dispute and deliver such response with evidence and particulars to the JSE and the claimant.

17.70.5 The JSE may require the defendant to expand upon his response or provide other evidence or particulars and may require the claimant to reply to such response in writing.]

[17.80 Arbitrator

The JSE shall appoint an arbitrator or arbitrators: Provided that, if the arbitrator appointed by the JSE is not acceptable to both parties, the chairman of the JSE shall, within 7 (seven) days, appoint an arbitrator who shall be accepted by both parties to resolve the dispute.]

[17.90 Costs

17.90.1 The parties to any arbitration shall be liable jointly for the costs of the arbitration, including the fee of the arbitrator, and shall be obliged to pay to the JSE such amount as the JSE may determine before the arbitration proceedings commence.

17.90.2 The JSE may at any time during the arbitration require each party to pay an additional amount to cover any further costs incurred in the arbitration proceedings.

17.90.3 Should any party fail or refuse to pay on demand any costs due in terms of this rule, an award dismissing his claim or defence with costs shall be made by the arbitrator.

17.90.4 The arbitrator may make an award directing a party to pay the costs of an arbitration and in such an event, the successful party may recover his costs from the other party.]

[17.100 Arbitration proceedings

17.100.1 The arbitrator shall make his award within 30 days of the conclusion of the arbitration proceedings.

17.100.2 The arbitrator shall not be bound to follow the general principles of law, but may decide the dispute in accordance with the principles of equity, and therefore the strict rules of law and evidence need not be observed or taken into account by the arbitrator in arriving at an award.

17.100.3 The arbitrator shall give due weight to the customs and practices of the JSE and shall have the right to request the Director: Surveillance to carry out investigations on his behalf.

17.100.4 The arbitrator shall not be bound to give reasons for his award.

17.100.5 The arbitration proceedings shall be conducted without legal representation by any of the parties, unless the arbitrator in his sole discretion decides otherwise.

17.100.6 The arbitrator may at his discretion decide that a number of disputes involving a particular party based on similar occurrences or similar facts shall be consolidated and treated as a single dispute.

17.100.7 Subject to rule 17.100.8, unless the JSE, the arbitrator and the parties to the dispute agree otherwise, the identity of the parties, the nature of the evidence and the details of the arbitrator's deliberations and finding, and all other information pertaining to arbitration proceedings shall be kept confidential by all parties.

17.100.8 If at any time the arbitrator is of the opinion that a contravention of the derivatives rules may have occurred he may refer the matter to the JSE for its consideration in terms of rule 3.275.

17.100.9 If requested by either the JSE or the clearing house to do so, the arbitrator may, in his sole discretion, decide on the relevance to the dispute of any evidence requested from the JSE or the clearing house and he shall accordingly instruct the JSE or the clearing house to supply the required evidence or relieve them of the obligation of doing so.]



**[17.110 Waiver**

No party shall have any claim of any nature whatsoever against the mediator, arbitrator, the JSE, the JSE Executive, the Chief Executive Officer or the clearing house in respect of any decision made in good faith by such person or body pursuant to the performance of his functions in terms of these derivatives rules.]

**Complaints****17.10 Client complaints**

Every member must establish and maintain appropriate procedures for the handling of any client complaint, in which the client alleges that he has suffered or is likely to suffer financial prejudice as a result of the member –

17.10.1 contravening or failing to comply with any instruction given by the client, or any agreement or mandate entered into with the client;

17.10.2 contravening or failing to comply with the derivatives rules and the directives;

17.10.3 acting dishonestly, negligently or recklessly; or

17.10.4 treating the client unfairly;

in relation to the provision of services to the client in terms of the derivatives rules.

**17.20 Internal complaint handling procedures**

17.20.1 A member's internal complaint handling procedures must provide for –

17.20.1.1 the receipt of oral or written complaints;

17.20.1.2 the appropriate investigation of complaints;

17.20.1.3 an appropriate decision-making process in relation to the response to a client complaint;

17.20.1.4 notification of the decision to the client; and

17.20.1.5 the recording of complaints.

17.20.2 A member's internal complaint handling procedures must be designed to ensure that –

17.20.2.1 all complaints are handled fairly, effectively and promptly;

17.20.2.2 recurring or systemic problems are identified, investigated and remedied;

17.20.2.3 the number of unresolved complaints to be referred to the JSE in terms of the rule 17.60 are minimised;

17.20.2.4 complaints are investigated by an employee of sufficient competence who, where appropriate, was not directly involved in the matter which is the subject of a complaint;

17.20.2.5 the employee responsible for the resolution of complaints has the necessary authority to resolve complaints or has ready access to an employee who has the necessary authority; and

17.20.2.6 relevant employees are aware of the member's internal complaint handling procedures and comply with them.

**17.30 Timeous response to complaints**

A member must respond to a client complaint within 4 weeks of receiving the complaint or, within such period, provide the complainant with an appropriate explanation as to why the member is not, at that time, in a position to respond and must indicate when the member will respond.

**17.40 Redress**

17.40.1 Where a member decides that redress in the form of compensation is appropriate in resolving a complaint, the member must provide the complainant with fair compensation and must comply with any offer of compensation made by it which the complainant accepts.

- 17.40.2 Where a member decides that redress in a form other than compensation is appropriate in resolving a complaint, the member must provide the redress as soon as practicable.

**17.50 Recording of complaints**

- 17.50.1 A member must maintain a record of all client complaints. The record of each complaint must include –
- 17.50.1.1 the identity of the complainant;
  - 17.50.1.2 the substance of the complaint; and
  - 17.50.1.3 all correspondence in relation to the complaint.
- 17.50.2 The records referred to in rule 17.50.1 must be retained by the member for a period of 5 years from the date of the receipt of the complaint.

**17.60 Unresolved client complaints**

- 17.60.1 A client complaint will be deemed to be unresolved if the complainant is not satisfied with the resolution of the complaint proposed by the member.
- 17.60.2 A complainant may lodge an unresolved complaint, in writing, with the Director: Surveillance giving full particulars of the matter concerned.
- 17.60.3 In order for an unresolved complaint to be considered by the JSE Surveillance Department, the complaint must be lodged with the Director: Surveillance within 4 weeks of the receipt by the complainant of the member's response referred to in rule 17.60.1 and within 6 months of the conduct by the member giving rise to the complaint.
- 17.60.4 An unresolved complaint which is lodged subsequent to the period referred to in rule 17.60.3 will be considered, provided that failure to lodge the complaint within the relevant period was through no fault of the client.
- 17.60.5 The JSE Surveillance Department may request the member and the complainant to provide copies of all relevant correspondence and documentation that is required to review the complaint.
- 17.60.6 The JSE Surveillance Department will endeavour to facilitate a resolution of the complaint between the member and the complainant.
- 17.60.7 If the JSE Surveillance Department is unable to facilitate a resolution of the complaint within 4 weeks of lodgement of the complaint with it, the Director: Surveillance will refer the unresolved complaint to the Company Secretary of the JSE to be dealt with in terms of the dispute resolution rules.

**Disputes**

**17.70 Applicability of dispute resolution rules**

- 17.70.1 Rules 17.70 to 17.120 ("the dispute resolution rules") are intended to facilitate the equitable and expeditious settlement of disputes that –
- 17.70.1.1 a client has with a member, in respect of an unresolved complaint;
  - 17.70.1.2 a member has with another member, in respect of transactions in derivative securities; or
  - 17.70.1.3 a member has with a client, in respect of transactions in derivative securities.
- 17.70.2 The dispute resolution rules only apply –
- 17.70.2.1 where the amount in dispute is in excess of R2 000;
  - 17.70.2.2 where the dispute is not the subject of existing litigation;
  - 17.70.2.3 in the case of a dispute that a client has with a member, where the amount in dispute either does not exceed R500 000 or, where the amount in dispute exceeds R500 000, if the consent of both parties to proceed has been obtained;



17.70.2.4 in the case of a dispute that a member has with another member, if the members are able to evidence to the satisfaction of the Director: Surveillance that reasonable endeavours have been made by the said members to resolve the dispute, and if the consent of both parties to proceed has been obtained;

17.70.2.5 in the case of a dispute that a member has with a client, if the consent of the client to proceed has been obtained.

#### **17.80 Reporting of a dispute**

17.80.1 An unresolved client complaint that the JSE Surveillance Department is not able to resolve in terms of rule 17.60 will be reported as a dispute by the Director: Surveillance to the Company Secretary of the JSE if the client elects to pursue the dispute resolution process.

17.80.2 A dispute between two members in respect of transactions in derivative securities must be reported in writing, by either member, to the Company Secretary of the JSE, within 1 week of the circumstance giving rise to the dispute having arisen.

17.80.3 A dispute that a member has with a client in respect of transactions in derivative securities must be reported in writing, by the member, to the Company Secretary of the JSE, within 6 months of the circumstance giving rise to the dispute having arisen.

17.80.4 The Company Secretary of the JSE may, at any time, request any of the parties to a dispute to furnish him with such further information relating to the dispute as may be required.

#### **17.90 Declaration of a dispute**

A dispute reported in terms of rule 17.80 will, subject to the criteria set out in rule 17.70.2 having been met, be declared a dispute by the Company Secretary and will be referred by the Company Secretary to a duly appointed ombud for consideration.

#### **17.100 Consideration by an ombud**

17.100.1 The JSE will appoint an ombud to consider a dispute, who is a retired judge of the High Court of South Africa or a Senior Counsel.

17.100.2 Within 3 weeks of the dispute having been referred to the ombud for consideration, the claimant must set out the subject matter of the claim in a written statement, including all the material facts, and furnish this statement, along with all relevant documentation upon which the claim is based, to the ombud.

17.100.3 The ombud may require the claimant to expand upon his statement of claim or provide further evidence or particulars as he deems necessary within such reasonable time as is specified by the ombud.

17.100.4 The other party to the dispute, hereafter referred to as the defendant, must be provided with a copy of the written statement of claim by the ombud. The defendant will furnish the ombud with its written response to the statement of claim within 3 weeks of having received such. In addition to the defendant's written response, the defendant must attach thereto all other evidence relating to the dispute.

17.100.5 The ombud may require the defendant to expand upon its response or provide further evidence or particulars as he deems necessary within such reasonable time as specified by the ombud and may require the claimant to provide a written reply to the defendant's response within such reasonable time as he may specify.

17.100.6 The ombud may at his discretion decide that a number of disputes based on similar occurrences or similar facts be consolidated and treated as a single dispute.

17.100.7 After ascertaining the parties availability, the ombud will furnish the parties with written notification of the date on which the dispute will be heard.

17.100.8 The dispute resolution proceedings will be conducted without legal representation of any of the parties, unless the ombud in his sole discretion decides otherwise.

- 17.100.9 The ombud, in reaching a decision, may consult with any third party regarding any issue relating to the dispute. The ombud has the discretion to call upon any third party to participate in the dispute resolution proceedings.
- 17.100.10 The ombud will, after having considered the information as presented to him by the parties and such other information as he may request, make his decision within 3 weeks of having considered the dispute. The ombud need not give reasons for his decision.
- 17.100.11 The ombud's decision will be furnished to the parties in writing and will be final and binding on both parties to the dispute. The ombud's decision is not subject to appeal.
- 17.100.12 The ombud is not obliged to provide a ruling on a dispute if he is of the view that the dispute is of such a complex nature that it cannot be resolved expeditiously by means of the dispute resolution process and can only be properly considered by a court of law.
- 17.100.13 Any decision made in terms of rule 17.100.11 must be complied with by the party against whom the decision is made within seven days of the decision having been made by the ombud.
- 17.100.14 Unless the JSE, the ombud and the parties to the dispute agree otherwise, the identity of the parties, the nature of the evidence and the details of the ombud's deliberations and finding, and all other information pertaining to the proceedings will be kept confidential by all parties thereto, unless disclosure by the JSE is required by law.

#### **17.110 Costs of the proceedings**

- 17.110.1 For the purpose of this rule, the costs of the proceedings means the fee of the ombud, the cost of the venue and any other incidental administrative costs incurred by the JSE relating to the consideration of a dispute by an ombud.
- 17.110.2 The parties to any dispute resolution proceeding in terms of rule 17.100 are responsible for the costs of the proceedings and may be required to pay to the JSE, before the proceedings commence, such amount as the JSE may determine to cover these costs.
- 17.110.3 If the proceedings continue for a period longer than anticipated, the JSE may at any time during the proceedings require each party to pay an additional amount to cover any further expected costs of the proceedings.
- 17.110.4 The ombud may, as part of his award and as he deems appropriate in the circumstances, make an order on costs which may include an order against the unsuccessful party for payment of all the costs of the proceedings.

#### **17.120 Waiver**

No party shall have any claim of any nature against the ombud, the JSE and any of its employees in respect of any decision made in good faith by such person or body pursuant to the performance of their functions in terms of the derivatives rules.



**BOARD NOTICE 65 OF 2005****SECURITIES SERVICES ACT, 2004****AMENDMENT TO THE YIELD-X RULES OF JSE LIMITED**

1. In terms of section 61(5) of the Securities Services Act, 2004 (Act No. 36 of 2004), it is hereby notified that JSE Limited has applied to the Registrar of Securities Services for approval of proposed amendments of its Yield-X rules, which amendments are set out in the Schedule.
2. In terms of section 61(5) of the said Act all interested persons who have any objections to the proposed amendments are hereby called upon to lodge their objections with the Registrar of Securities Services, PO Box 35655, Menlo Park, 0102, within a period of 14 days from the date of publication of this notice.
3. In terms of section 61(6) of the said Act, I, Rob Barrow, hereby determine 1 August 2005 as the date on which the rules in the Schedule will come into operation. If any objections to the proposed rules are received, another commencement date will be determined by notice in the Gazette.

**RJG Barrow**  
**Registrar of Securities Services**

**SCHEDULE**

## General explanatory notes

1. Words underlined with a solid line (\_\_\_\_) indicate the insertions in the existing rules.
2. Words in square brackets in bold ([  **]**) indicate omissions from existing rules.
3. The Rules, excluding Section 2 of the Rules, are further amended by the substitution for the term –
  - (a) "Yield-X instrument", wherever it appears, of the term "interest rate security";
  - (b) "a Yield-X instrument", wherever it appears, of the term "an interest rate security";
  - (c) "Yield-X instruments" wherever it appears, of the term "interest rate securities";
  - (d) "Yield-X member", wherever it appears, of the term "member";
  - (e) "broking member", wherever it appears, of the term "trading member"; and
  - (f) "non-clearing member", wherever it appears, of the term "trading member".

**Section 1: General Provisions****1.10 [Demutualisation]Reserved**

[The demutualisation of the JSE does not affect the continued corporate existence of the JSE and any actions of the JSE before its demutualisation remain effectual as provided for in section 53(2) of the Securities Services Act.]

**1.20 Reserved****1.30 Reserved****1.40 Powers exercisable by the controlling body**

1.40.1 ...

1.40.2 ...

**[1.40.3 Without limiting the generality of 1.40.2:**

**1.40.3.1 Subject to a superior court's inherent right of judicial review, any decision of the controlling body on a matter before it shall be final unless and until (in cases where**

an appeal to that body lies) the Appeal Board established under the Act shall have varied or reversed such decision;

1.40.3.2 Any action, procedure, directive, instruction or decision of the controlling body in relation to the administration, management, control, conduct or procedures for the orderly functioning of the JSE as an efficient market for listed financial instruments which is in accordance with these Yield-X rules shall be binding upon members, their officers, employees, clients and other parties with whom members are permitted to deal.

1.40.3.3 The controlling body may –

1.40.3.3.1 decide on the hours of business of the Yield-X trading system and subject to the approval of the Registrar, to reduce or extend such hours as circumstances may dictate;

1.40.3.3.2 close the Yield-X trading system for trading purposes at any time and for any period and shall cause the Registrar to be advised forthwith of any such closure; and

1.40.3.3.3 declare, in exceptional circumstances, that a transaction effected by or through the Yield-X trading system is void and such a declaration shall bind a trading member and, if applicable, a client of such member with whom or for whom such transaction was effected.

1.40.4 The controlling body shall appoint an Executive Officer who shall have such powers, as the controlling body thinks fit, delegated to him or her by the controlling body in terms of Article 8.1.4.1 of the JSE Constitution. The controlling body may confer such powers for such time and to be exercised for such objects and purposes and upon such terms and conditions and with such restrictions as the controlling body thinks expedient. The terms and conditions of the appointment of the Executive Officer shall, inter alia, include his or her remuneration and a prohibition on the buying and selling of financial instruments on behalf of other persons.]

#### 1.41 Advisory Committees

1.41.1 ...

1.41.2 The function of the advisory committees will be to make recommendations to the JSE Executive on operational issues [of principle relevance to the JSE].

1.41.3 The advisory committees shall consist of –

1.41.3.1 a chairperson, who shall be the JSE [executive] Executive member responsible for the area in question; and

1.41.3.2 such persons as the chairperson, in consultation with the JSE Executive and the controlling body, shall appoint by reason of their knowledge of or experience in the Yield-X instruments or other relevant markets and which shall include representatives of [members] authorised users of the JSE.

1.41.4 ...

1.41.5 In the event that an advisory committee is not able to reach reasonable consensus on any issue considered by it, the conflicting views on the issue in question shall be [referred] advised to the JSE Executive.

#### 1.50 [Rules and Directives] Yield-X rules and directives

1.50.1 Purpose of the Yield-X rules and directives

The purpose of these Yield-X rules and directives is to achieve the objects of the JSE as set out in its Memorandum and Articles of Association by providing the procedures necessary to establish and regulate fair and efficient markets and to ensure that the business of the JSE is carried out in an orderly manner and with due regard to the [interests of the public in general] objects of the Act.

1.50.2 Yield-X rules and directives are binding

1.50.2.1 The Yield-X rules[,] and directives [and any decisions or determinations made under the Yield-X rules] are binding upon all Yield-X members, officers and their employees.



1.50.2.2 **[Yield-X members shall ensure that their employees have entered into a written agreement with such member to comply with the Act, the Yield-X rules and directives and decisions made in terms of these Yield-X rules] Reserved.**

1.50.2.3 The Yield-X rules **[shall be]** are binding on any person using the services of a Yield-X member or who concludes a transaction with a Yield-X member in the course of that member's business.

1.50.2.4 ...

1.50.2.5 ...

#### 1.60 Transactions subject to provisions of the Act, the Yield-X rules[, etc] and directives

**[Notwithstanding anything contained in these Yield-X rules every] Every** transaction in Yield-X instruments entered into by a Yield-X member **[with or on behalf of another Yield-X member or a member of the public shall] must** be concluded on the specific condition that the transaction is entered into subject to the provisions of the Act, these Yield-X rules and the directives **[in force at the time the bargain was struck].**

#### 1.70 Interpretation of the Yield-X rules and directives

The interpretation and enforcement of the Yield-X rules[, and directives[, listing requirements and decisions of the controlling body shall] vests in the controlling body.

#### 1.80 Proposals for amendments [of] to the Yield-X rules and directives

1.80.1 Any member of the **[controlling body] JSE Executive** may propose in writing any amendment of the Yield-X rules or directives. **[The proposal shall be lodged with the JSE and shall be submitted to the controlling body for consideration at its next ordinary meeting.]**

1.80.2 The **[controlling body] JSE Executive** shall consider the proposed amendment [of] to the Yield-X rules or directives and notify members by way of notice of its decision in regard thereto.

1.80.3 If, within ten days of the announcement of the **[controlling body's] JSE Executive's** decision to adopt the proposal, **[10] 5** or more Yield-X members object in writing to the decision, **[a ballot of Yield-X members shall be taken at a meeting of members convened for that purpose, called by not less than 14 days' notice] the objection together with the reasons for such objection will be referred to the controlling body for determination.**

1.80.4 If, in respect of a proposal with regard to the Yield-X rules, an objection as referred to in rule 1.80.3 has not been lodged, or the controlling body upholds the JSE Executive's decision to adopt the proposal, the proposal will be submitted to the Registrar for his approval. [If at such ballot a majority of votes be recorded against the adoption of the proposal, then the proposal will be deemed to have been rejected.]

1.80.5 If an objection to a proposed amendment to the directives has not been lodged within the prescribed period, or the controlling body upholds the JSE Executive's decision to adopt the proposal, the proposal will take effect immediately. [If a ballot is not demanded or if at such ballot a majority is recorded in favour of any proposal, the controlling body shall submit the accepted proposal to the Registrar for his approval.]

#### 1.90 JSE not liable for any losses

**[1.90.1 The] Subject to section 62 of the Act, the JSE and SAFCOM** shall not be liable to any person for any loss or damage resulting from –

1.90[.1].1 negligence, on the part of the JSE, SAFCOM or on the part of any employee or agent of the JSE or SAFCOM;

1.90[.1].2 any act or omission on the part of any third party;

1.90[.1].3 incorrect, inaccurate, defective or misleading information furnished or supplied by the JSE, SAFCOM or any employee or agent of the JSE, SAFCOM or any third party;

1.90[.1].4 equipment breakdown or the breakdown, interruption, suspension, termination or failure of or defect in any system, including but not limited to any trading system, or service rendered by or on behalf of the JSE;

1.90[.1].5 computer system malfunction, the interruption or failure of communications links, power failure, the failure of or defect in any software or hardware, whether owned by, licensed or leased to the JSE, the



loss or destruction of any data and natural disaster, riot, insurrection, acts of vandalism, sabotage or similar cause; and

- 1.90[.1].6 the termination, for any reason whatsoever, of any licence or other agreement to which the JSE is a party.

#### 1.100 [Controlling body members and others indemnified] Indemnification

A member of an advisory committee, trustee of the Fidelity Fund and employee of the JSE shall be indemnified by the JSE out of the funds of the JSE against any liability, loss or, damage incurred or suffered as a result of any bona fide or negligent, but not grossly negligent or wilful, act or omission in the execution of their duties. For the purposes of this rule, such member, trustee or employee shall not be regarded as having been grossly negligent or having acted in wilful breach of duty or trust if the act or omission resulted from incorrect information supplied to such member, trustee or employee by a source from which the member, trustee or employee would normally accept the information as correct and which can be expected to provide the correct information.

- [1.100.1 A member of the controlling body and an employee of the JSE shall be indemnified by the JSE out of the funds of the JSE against any liability, loss or, damage incurred or suffered as a result of any bona fide or negligent, but not grossly negligent or wilful, act or omission in the execution of their duties as a member of the controlling body or an employee of the JSE, and whether performed in a capacity as a trustee of the Fidelity Fund, or director of any company representing the JSE. For the purposes of this rule such member or employee shall not be regarded as having been grossly negligent or having acted in wilful breach of duty or trust if the act or omission resulted from incorrect information supplied to such member or employee by a source from which the member or employee would normally accept the information as correct and which can be expected to provide the correct information.]

- [1.100.2 No person mentioned in 1.100.1 shall be answerable for the acts, rights, neglects or defaults of any other such person or of any bankers or other persons with whom monies or effects of the JSE may, subject to the provisions hereof, be or have been lodged or deposited for safe custody, or for joining in any action for the sake of conformity or for the insufficiency or deficiency of any security accepted by the controlling body or for any other loss, misfortune or damage which may happen in the execution of their respective offices or trusts or in relation thereto, accept as may happen by or through their own wilful breach of duty or breach of trust.]

#### 1.120 Transitional Provisions

1.120.1 ...

1.120.2 ...

- [1.120.3 The coming into operation of these Yield-X rules and directives shall not affect the validity of anything done under or pursuant to the derivative rules.]

#### 1.130 Fidelity Fund

1.130.1 The JSE shall have the power to –

1.130.1.1 establish and maintain, to the satisfaction of the Registrar, a Fidelity Fund out of which shall be paid claims up to an amount specified in the rules of such fund in respect of liabilities arising prior to the default of a member. Such payment shall be limited to claims arising out of transactions in interest rate securities with or on behalf of other persons by such member and such other liabilities as may be specified in the rules of the Fidelity Fund and shall be subject to any defences which the defaulting member may have against a claimant; and

1.130.1.2 determine a levy to be payable by every member to the Fidelity Fund on all transactions in interest rate securities.

- 1.130.2 Where a member has effected a transaction on behalf of a buyer or a seller of interest rate securities, such member may recover the levy imposed in terms of rule 1.120.1.2 from such buyer or seller.

- 1.130.3 The trustees of the Fidelity Fund, in their capacity as trustees, acquire, incur and administer the assets and liabilities of the Fidelity Fund.



- 1.130.4 The income of the Fidelity Fund, including but not limited to levy contributions by members, vests in the trustees and is administered by the trustees as part of the Fidelity Fund.

## Section 2: Definitions and Interpretation

### 2.10 Definitions

In these Yield-X rules, unless otherwise clearly indicated by, or inconsistent with the context, the following terms shall have the meanings that are assigned to them hereunder, namely -

"Act" means the [Financial Markets Control Act, 1989 (Act No. 55 of 1989) or any replacement Act;] Securities Services Act (Act No. 36 of 2004) and any measure prescribed thereunder by the Minister of Finance or the Registrar;

["advice"] [means any recommendation, guidance or proposal of a financial nature furnished by a Yield-X member, by any means or medium, to any client or group of clients -

- (a) in respect of the purchase or sale of any listed financial instruments or other investments; or
- (b) on any corporate action or other event affecting any rights or benefits in respect of any listed financial instruments or other investments; or
- (c) on the exercise or lapse of any rights in respect of any listed financial instruments or other investments;

and irrespective of whether or not such advice results in any transaction being effected, except that advice does not include -

- (d) factual advice given merely -
  - (i) on the procedure for entering into a transaction in respect of any listed financial instruments or other investments;
  - (ii) in relation to the description of any listed financial instruments or other investments;
  - (iii) in answer to routine administrative queries;
  - (iv) in the form of objective information about any listed financial instruments or other investments; or
  - (v) by the display or distribution of promotional material;
- (e) an analysis or report on any listed financial instruments or other investments without any express or implied recommendation, guidance or proposal that any particular transaction in respect of the relevant product is appropriate to the particular investment objectives, financial situation or particular needs of a client;]

["affiliated officer"] [means, in relation to any Yield-X member -

- (a) registered officer; or
- (b) a director, employee, associate, or a shareholder materially concerned in the management or administration of trading; or
- (c) a person who controls the Yield-X member or who is privy to information regarding the Yield-X member's or a client's trades or positions;]

["Arbitration Act"] [means the Arbitration Act, 1965 (Act No. 42 of 1965) and includes

	any regulations promulgated thereunder;]
["arbitrator"]	[means the Executive Officer or the person or persons appointed by him to perform the functions of an arbitrator in terms of these Yield-X rules;]
"authorised user"	has the same meaning as that contained in section 1 of the Act;
["broking member"]	[means a trading member who may trade in Yield-X instruments for its own account and for or on behalf of clients, and has the same meaning as a financial instrument trader as defined in the Act;]
"bank"	has the same meaning as that contained in section 1 of the Act;
"board of appeal"	has the same meaning as that contained in section 1 of the Act;
"business day" or "day"	means any day except a Saturday, Sunday, public holiday or any other day on which the JSE is closed;
"buy"	means, in relation to [Yield-X instruments] <u>interest rate securities</u> , to enter into either – <ul style="list-style-type: none"> <li>(a) a purchase of a futures contract in terms of which the buyer is obliged to take delivery of the underlying instrument at the agreed price on the future date or to pay an amount of money if, on the future date, the price or value of the underlying instrument is less than the agreed price; or</li> <li>(b) a purchase of an option contract in terms of which the buyer obtains the right to buy or sell the underlying instrument of the option contract at the agreed price before or on the future date; or</li> <li>(c) a purchase of loan stock in terms of which the buyer is obliged to make payment for the loan stock and receive delivery of such loan stock at the agreed price on the settlement date;</li> </ul>
"capital adequacy requirement"	means the sum of the greater of a [Yield-X] member's initial capital or one quarter of its annual fixed operating costs plus its risk requirements as determined by the JSE [in agreement with the Registrar];
"cash settled futures contract"	means a futures contract contemplated in part (b) of the definition of a "futures" contract [in the Act];
"clearing"	means the process in terms of which SAFCOM becomes the buyer from the seller and the seller to the buyer in every matched transaction in [a Yield-X instrument] <u>an interest rate security</u> whereupon the clearing member guarantees to SAFCOM all obligations arising out of any position resulting from such transaction in terms of these Yield-X rules;
"clearing house"	has the same meaning as that contained in section 1 of the Act; [means SAFCOM or any other body corporate or unincorporated association or department of the JSE designated by the JSE as such and recognised by the Registrar as a clearing house in terms of the Act;]
"clearing member"	means a <u>sub-category of authorised user of the JSE</u> , [company admitted by the JSE as a clearing member of the JSE] <u>registered to perform clearing in the Yield-X market</u> and who has entered into a SAFCOM agreement with SAFCOM;
"client"	<u>has the same meaning as that contained in section 1 of the Act;</u> [means a person –



	<p>(a) who has been registered as a client of a broking member and with whom the broking member has concluded a client agreement; or</p> <p>(b) on whose instruction or authority other investments are bought, sold or safeguarded by a Yield-X member;]</p>
"Companies Act"	means the Companies Act, 1973 (Act No. 61 of 1973);
"company"	means a company as defined in Section 1 of the Companies Act [1973 (Act No. 61 of 1973),] and registered in terms of that Act;
"contract specification"	means the standard terms and formal requirements of a futures or option contract [contemplated in the definition of a standardised contract in section 1 of the Act,] as determined by the JSE;
"counterparty risk requirement"	means the risk requirement in relation to the unsettled obligations of third parties, as determined by the JSE [in agreement with the Registrar];
"derivative rules"	means the rules and directives of the JSE applicable to the [financial] equity derivatives and agricultural products markets, as referred to in rule 1.120;
["directive"]	[means a directive as referred to in rule 1.50.2;]
"dispute"	means any dispute arising between any of the persons bound by these Yield-X rules and which the JSE declares to be a dispute in terms of rule 5.90;
"employee[s]"	means [the] a person[s] [employed] engaged by a [Yield-X] member within that area of business that operates as a [Yield-X] member;
["equities rules"]	[means the rules and the directives of the JSE issued pursuant to section 12 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), or any replacement Act;]
"equivalent STRATE settled loan stock"	means uncertificated [financial instruments] securities of an identical type, nominal value, description and amount to the loaned STRATE settled loan stock duly adjusted for any corporate action;
"exchange"	has the same meaning as that contained in section 1 of the Act;
"executive director"	means in respect of a corporate entity a person appointed as a director of [the corporate entity, whether with limited or unlimited liability, under the Companies Act, 1973,] a member and who, in terms of a contract of employment with such member [corporate entity] is in its full-time employ;
"external company"	means an external company as defined in Section 1 of the Companies Act, [1973 (Act No. 61 of 1973),] registered in terms of Section 322(2) of the [said] Companies Act;
"external exchange"	has the same meaning as that contained in section 1 of the Act;
"Fidelity Fund"	means the JSE Fidelity Fund as [required] contemplated in terms of Section 9(1)(e) of the Act;
["financial exchange"]	[has the same meaning as that contained in section 1 of the Act;]
["financial instrument"]	[has the same meaning as that contained in section 1 of the Act;]
"financial products"	has the same meaning as that contained in section 1 of the FAIS Act, and

	by definition includes <u>[listed financial instruments and other investments] JSE authorised investments;</u>
<b>["foreign exchange"]</b>	<b>[means a person authorised to function as an exchange in terms of the laws of a country other than the Republic;]</b>
<b>"foreign exchange risk requirement"</b>	means the risk requirement of a <u>[Yield-X] member in relation to positions or client obligations which are exposed to changes in the value of foreign currencies relative to the Rand, determined by the JSE <u>by directive</u>; [in agreement with the Registrar;]</u>
<b>"futures contract"</b>	<p><u>means a contract, the effect of which is that -</u></p> <p>(a) <u>a person agrees to deliver the underlying instrument to or receive it from another person at an agreed price on a future date; or</u></p> <p>(b) <u>a person will pay to or receive from another person an amount of money according to whether, on the future date, the price or value of the underlying instrument is higher or lower than the agreed price on that future date.</u></p> <p><u>in accordance with these Yield-X rules and the contract specification of the futures contract and which is included in the list of interest rate securities kept by the JSE in terms of the Act;</u></p> <p><b>[has the same meaning as that contained in section 1 of the Act;]</b></p>
<b>"in writing"</b>	<p><u>has the same meaning as that contained in section 1 of the Act;</u></p> <p><b>[in relation to anything which, in terms of these Yield-X rules and directives, must be done in writing, includes any such thing done in electronic form, unless the context indicates otherwise; and "written" has a corresponding meaning;]</b></p>
<b>"initial capital"</b>	means the minimum capital as specified by the JSE <b>[in agreement with the Registrar;]</b>
<b><u>"interest rate securities"</u></b>	<p><u>means those JSE listed securities traded on the Yield-X trading system and the financial terms of which are evidenced by a rate of interest and includes -</u></p> <p>(a) <u>futures contracts in terms of which the expiry month is specified,</u></p> <p>(b) <u>option contracts in terms of which the expiry month, the strike price, and whether it is a put option contract or a call option contract, is specified, and</u></p> <p>(c) <u>loan stock in terms of which the periodic interest payment and the maturity date is specified;</u></p>
<b><u>"investment advice"</u></b>	<p><u>means any recommendation, guidance or proposal of a financial nature furnished by a member, by any means or medium, to any client or group of clients -</u></p> <p>(a) <u>in respect of the purchase or sale of JSE authorised investments; or</u></p> <p>(b) <u>on any corporate action or other event affecting any rights or benefits in respect of any JSE authorised investments; or</u></p> <p>(c) <u>on the exercise or lapse of any rights in respect of any JSE authorised investments;</u></p> <p><u>and irrespective of whether or not such investment advice results in any transaction being effected</u></p> <p><u>Investment advice does not include -</u></p>



- factual advice given merely –
  - (i) on the procedure for entering into a transaction in respect of any JSE authorised investments;
  - (ii) in relation to the description of any JSE authorised investments;
  - (iii) in answer to routine administrative queries;
  - (iv) in the form of objective information about JSE authorised investments; or
  - (v) by the display or distribution of promotional material;
- an analysis or report on any JSE authorised investments without any express or implied recommendation, guidance or proposal that any particular transaction in respect of the relevant product is appropriate to the particular investment objectives, financial situation or particular needs of a client;

**"investment manager"**

means a [Yield-X] member who is authorised in terms of [Section 10] section 10 of the Yield-X rules to undertake the management of investments on a discretionary basis;

**"JSE"**

means JSE Limited, a company duly registered and incorporated with limited liability under the company laws of [South Africa] the Republic, licensed to operate an exchange under the [Securities Services] Act;

**"JSE authorised investments"**

means –

- (a) interest rate securities;
- (b) JSE listed securities traded on the JSE equities trading system or the JSE derivatives trading system;
- (c) securities listed on an exchange in the Republic other than the JSE;
- (d) securities listed on an external exchange;
- (e) participatory interests in a collective investment scheme as defined in the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002), and units or any other form of participation in a foreign collective investment scheme approved by the Registrar of Collective Investment Schemes in terms of section 65 of that Act;
- (f) units or any other form of participation in a collective investment scheme licensed or registered in a foreign country; and
- (g) funds intended for the purchase of such securities, units or participation;

**"JSE Gazette"**

means the gazette published by the JSE under the authority of the JSE Executive;

**"JSE listed securities"**

means those securities included in the list of securities kept by the JSE;

**"large exposure risk"**

means the risk requirement of a [Yield-X] member in relation to large exposures to a third party or a connected group of third parties, as determined by the JSE [in agreement with the Registrar];

**"listed securities"**

has the same meaning as that contained in section 1 of the Act;

"loaned STRATE settled loan stock"	means the uncertificated <u>[financial instruments] securities</u> borrowed by a trading member or client through the Settlement Authority;
"loan stock"	<u>[has the same meaning as that contained in section 1 of the Act;]</u> <u>means an instrument creating or acknowledging indebtedness of the issuer of the instrument;</u>
"market corner"	<u>has the same meaning as that contained in section 72 of the Act;</u>
"mediation"	<u>[means the process in terms of these Yield-X rules through which two parties to a dispute, facilitated by a mediator, resolve the dispute themselves;]</u>
"mediator"	<u>[means the Executive Officer or the person appointed by him in terms of rule 5.50 to assist the parties to a dispute to resolve the dispute between them;]</u>
"member "	<u>means an interest rate member, which is a category of authorised user admitted to membership of the JSE under these Yield-X rules;</u>
"non-broking member"	<u>[means a trading member who may trade financial instruments with other trading members for its own account but not for or on behalf of clients, and has the same meaning as a financial instrument principal as defined in the Act;]</u>
"non-clearing member"	<u>[means a company admitted by the JSE to membership of the JSE and which is not a clearing member but which is either a broking member or a non-broking member;]</u>
"non-executive director"	means a person appointed under the Companies Act[, 1973,] as a director of a [company] <u>member</u> , but who is not employed by such <u>member</u> [company];
"option contract"	<u>[has the same meaning as that contained in section 1 of the Act;]</u> <u>means a put option contract or a call option contract, as the context may require;</u>
"other investments"	<u>[means:</u> (a) financial instruments listed on a financial exchange other than the JSE; (b) financial instruments listed on a foreign exchange; (c) participatory interests in a collective investment scheme as defined in the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002), and units or any other form of participation in a foreign collective investment scheme approved by the Registrar of Collective Investment Schemes in terms of section 65 of that Act; (d) units or any other form of participation in a collective investment scheme licensed or registered in a foreign country; and (e) funds intended for the purchase of such financial instruments, units or participation;]
"own funds"	means the net financial worth of a [Yield-X] member calculated in the manner determined by the JSE[ in agreement with the Registrar];
"physically settled futures"	means a futures contract contemplated in part (a) of the definition of a



<b>"contract"</b>	<u>"futures contract" [ in the Act];</u>
<b>"position risk requirement"</b>	means the risk requirement in relation to the [Yield-X] member's own positions in [Yield-X instruments] <u>securities, [other financial instruments, and securities,]</u> as determined by the JSE[ in agreement with the Registrar];
<b><u>"professional client"</u></b>	<u>in relation to a trading member, means –</u> <ul style="list-style-type: none"> <li><u>(a) another authorised user;</u></li> <li><u>(b) a bank;</u></li> <li><u>(c) a long-term or short-term insurer registered as such under the Long-term Insurance Act, 1998 (Act No. 52 of 1998) or the Short-term Insurance Act, 1998 (Act No. 53 of 1998), respectively;</u></li> <li><u>(d) a person outside the Republic who –</u> <ul style="list-style-type: none"> <li><u>(i) as a regular feature of the person's business, renders a service similar to a "securities service" as defined in section 1 of the Act or conducts the business of a bank or a business referred to in paragraph (c); and</u></li> <li><u>(ii) is registered, licensed, recognised, approved or otherwise authorised to render the service or conduct the business referred to in paragraph (d)(i) by a foreign regulator with functions similar to those of the Registrar, the Registrar of Banks or the Registrar of Long-term or Short-term Insurance;</u></li> </ul> </li> <li><u>(e) any person who is mandated to manage assets and who has confirmed to the satisfaction of the member that the market value of the assets managed by the person will exceed R1 billion at all times during the rendering of securities services to the person;</u></li> <li><u>(f) any other client, who has confirmed to the satisfaction of the member that the person will have assets of which the net asset value will exceed R20 million at all times during the rendering of securities services to the person, but who is not –</u> <ul style="list-style-type: none"> <li><u>(iii) a natural person;</u></li> <li><u>(iv) a pension fund organisation as defined in section 1 (1) of the Pension Funds Act, 1956 (Act No. 24 of 1956);</u></li> <li><u>(v) a friendly society referred to in the Friendly Societies Act, 1956 (Act No. 25 of 1956);</u></li> <li><u>(vi) a medical scheme as defined in section 1(1) of the Medical Schemes Act, 1998 (Act No.131 of 1998).</u></li> </ul> </li> </ul>
<b>"regulation"</b>	means any regulation which may be made by the Minister under section [37] 113 of the Act;
<b><u>"Republic"</u></b>	<u>means the Republic of South Africa;</u>
<b><u>"resolution"</u></b>	<u>[means any resolution adopted in terms of these Yield-X rules by the JSE to implement these Yield-X rules;]</u>
<b>"SAFCOM"</b>	means [SAFEX] <u>Safex</u> Clearing Company (Proprietary) Limited, <u>[recognised] licensed</u> by the Registrar as a clearing house in terms of the Act;
<b>"safeguard"</b>	means, in relation to [listed financial instruments or other investments] <u>JSE authorised investments, –</u>

	<ul style="list-style-type: none"> <li>(a) the holding of such investments in safe custody by a [Yield-X] member on behalf of a client; or</li> <li>(b) being accountable as a [Yield-X] member to a client for such investments held by another financial services provider;</li> </ul>
"securities"	has the same meaning as that contained in section 1 of the [Stock Exchanges Control Act, 1985, or any replacement] Act;
["Securities Services Act"]	[means the Securities Services Act, 2004 (Act No. 36 of 2004);]
<u>"securities services"</u>	<u>has the same meaning as that contained in section 1 of the Act;</u>
"sell"	<p>means, in relation to [Yield-X instruments] <u>interest rate securities</u>, to enter into either –</p> <ul style="list-style-type: none"> <li>(a) a sale of a futures contract in terms of which the seller is obliged to make delivery of the underlying instrument at the agreed price on the future date; or to pay an amount of money if, on the future date the price or value of the underlying instrument is greater than the agreed price; or</li> <li>(b) a sale of an option contract in terms of which the seller grants the right to the buyer to buy or sell the underlying instrument of the option contract at the agreed price on or before the future date; or</li> <li>(c) a sale of loan stock in terms of which the seller is obliged to make delivery of the loan stock and receive payment for such loan stock at the agreed price on the settlement date;</li> </ul>
"STRATE"	means STRATE Limited, <u>a public company licensed as a [a registered] central securities depository in terms of the [Custody and Administration of Securities Act, 1992 (Act No. 85 of 1992,) or any replacement] Act;</u>
"STRATE rules"	means the rules [and interim rules] made, and directives issued by STRATE, in terms of the [Custody and Administration of Securities Act, 1992, or any replacement] Act;
"the Registrar"	[means the Registrar of Financial Markets appointed in terms of the Act] <u>has the same meaning as that contained in section 1 of the Act;</u>
"trading member"	<u>[means a company admitted to membership of the JSE to trade Yield-X instruments under the Yield-X rules;] means a sub-category of authorised user of the JSE, registered to trade interest rate securities under the Yield-X rules;</u>
"transaction"	<u>has the same meaning as that contained in section 1 of the Act; [means, in the context of Yield-X instruments, a trade executed on the central order book of the Yield-X trading system, an allocation, a principal assignment trade or a transaction reported to the Yield-X trading system;]</u>
<u>"trustees"</u>	<u>means the trustees of the Fidelity Fund;</u>
"uncertificated [financial instruments] <u>securities</u> "	<u>has the same meaning as that contained in section 29 of the Act; [means financial instruments that are not evidenced by a certificate or written instrument and are transferable by electronic entry without a written instrument;]</u>
<u>"unsolicited call"</u>	<u>means any first communication made to a person by a member or an employee of a member, without an express or tacit invitation from such person;</u>



["Yield-X instrument"]	[means a financial instrument listed on the JSE, the financial terms of which are evidenced by a rate of interest and includes - (a) futures contracts in terms of which the expiry month is specified, (b) option contracts in terms of which the expiry month, the strike price, and whether it is a put option contract or a call option contract, is specified, and (c) loan stock in terms of which the periodic interest payment and the maturity date is specified;]
["Yield-X member"]	[means a company admitted to membership of the JSE under these Yield-X rules;]
"Yield-X rules"	means these Yield-X rules issued in pursuance of section [17] 18 of the Act, including any alteration, addition or amendment thereof;

## 2.20 Interpretation

2.20.1 ...

[2.20.2 To the extent that the English version of these Yield-X rules does not conflict with the Act, that version shall prevail over any other language version.]

## Section 3: Membership

### Membership

#### 3.10 Membership of the JSE

3.10.1 ...

3.10.2 The JSE shall keep a register of Yield-X members and shall in such register indicate in which [class or] category or sub-category of authorised user [of membership] the member has been authorised to operate.

#### 3.20 [Classes and] Categories of membership

3.20.1 [A] An interest rate Yield-X member is a category of authorised user of the JSE and may be authorised by the JSE to operate in one of two sub-categories, either as a clearing member or a trading member, [as] or in both. [admitted to membership of Yield-X shall be registered in one of two classes, namely, as a clearing or non-clearing member in such market and as a trading member in one of two categories, namely as a broking or non-broking member in such market.]

3.20.2 A non-clearing member may only enter into a clearing agreement with one clearing member to perform the clearing and settlement of the transactions of that non-clearing.

3.20.3 A broking member –

3.20.3.1 may be a clearing member [or a non-clearing member]; and

3.20.3.2 ...

[3.20.4 A non-broking member may not trade for or on behalf of clients or enter into client agreements with any client.]

#### 3.30 General requirements

3.30.1 ...

3.30.2 Officers of Yield-X members shall, subject to any waiver by the JSE –

3.30.2.1 ...

- 3.30.2.2 comply with such criteria **[on] of** good character and high business integrity as the JSE deems fit;
- 3.30.2.3 ...
- 3.30.2.4 not in the period preceding the application as the JSE in its discretion deems fit, have been –
  - 3.30.2.4.1 convicted of a criminal offence, whether in **[South Africa] the Republic** or elsewhere;
  - 3.30.2.4.2 ...
  - 3.30.2.4.3 expelled, whether as a member or otherwise, from any **[stock or financial] exchange or external exchange [ , whether in South Africa or elsewhere];**
  - 3.30.2.4.4 employed by or associated with a member of any **[stock or financial] exchange or external exchange [ , whether in South Africa or elsewhere,]** which member was expelled from that exchange and where the person or officer has, in the opinion of the JSE, contributed to the circumstances leading to the expulsion;
  - 3.30.2.4.5 declared a **[defaulter on] defaulting member of** the JSE or any other **[stock or financial] exchange [ , whether in South Africa or elsewhere] or external exchange;**
  - 3.30.2.4.6 ...
  - 3.30.2.4.7 refused approval to operate as **[an investment manager] a financial services provider** in terms of the **FAIS** Act or any other act.
- 3.30.3 ...
- 3.30.4 ...
  - 3.30.4.1 ...
  - 3.30.4.2 ...
  - 3.30.4.3 ...
  - 3.30.4.4 it complies with all the financial resources requirements pertaining to the relevant category of **[membership] authorised user** as prescribed in these Yield-X rules.

#### 3.40 Capital adequacy requirements

- 3.40.1 ...
- 3.40.2 ...
- 3.40.3 ...
- 3.40.4 A non-clearing, broking member who does not receive a client's margins or hold the client's margins or who does not receive any other assets of its client with respect to the client's buying and selling of **[financial instruments whether listed by the JSE or not, or with respect to the client's buying and selling of securities] JSE authorised investments**, shall have an initial capital of at least R200 000 **[(two hundred thousand Rand)]** or such other minimum amount that the JSE may[, **subject to the approval of the Registrar,**] decide.
- 3.40.5 A non-clearing, broking member who receives a client's margins or holds the clients' margins, or that receives any other assets of its client with respect to the client's buying and selling of **[financial instruments whether listed by the JSE or not, or with respect to the client's buying and selling of securities] JSE authorised investments**, shall have an initial capital of at least R400 000 **[(four hundred thousand Rand)]**, or such other minimum amount that the JSE may[, **subject to the approval of the Registrar,**] decide.
- 3.40.6 A clearing member shall have own funds of R200 000 000 **[(two hundred million Rand)]**, or such other sum as the JSE may determine: Provided that the JSE may, at its discretion, impose additional suretyship, guarantee or other requirement on a clearing member if –
  - 3.40.6.1 ...



3.40.6.2 ...

- 3.40.7 A clearing member shall provide, maintain and keep in force a suretyship in favour of SAFCOM by a financial or other institution acceptable to the JSE, in such form and upon such terms and conditions as the JSE may determine, for the due performance of all or any of its obligations to SAFCOM in terms of these Yield-X rules, jointly and severally, for an amount of not less than R10 000 000 **[(ten million Rand)]** or such other sum as the JSE may determine.

3.40.8 ...

### 3.50 Application for membership

- 3.50.1 An application for **[Yield-X]** membership shall be made to the JSE in the manner and in the form prescribed by the JSE and shall indicate in what **[class or]** category or categories of membership the applicant wishes to apply.
- 3.50.2 ...
- 3.50.3 ...
- 3.50.4 An external company shall, when submitting its application for membership, submit proof of compliance with the requirements of Section 322 of the Companies Act, **[1973 (Act No. 61 of 1973)]** by furnishing the JSE with the certificate of registration as provided for in section 322(2) of the **[said]** Companies Act.
- 3.50.5 ...
- 3.50.6 ...
- 3.50.7 ...
- 3.50.8 Any person aggrieved by the decision of the JSE to reject an application, shall have a right of appeal to the **[Appeal Board]** board of appeal in terms of the Act.
- 3.50.9 ...
- 3.50.10 ...
- 3.50.11 ...
- 3.50.12 Upon approval of the application of the Yield-X member, such Yield-X member shall obtain membership and the status in such sub-category or categories of **[membership]** authorised user as determined by the JSE.

### 3.70 Voluntary changes to, or termination of, membership

- 3.70.1 A Yield-X member may apply to terminate its membership by giving 30 days written notice to the JSE.
- 3.70.2 ...
- 3.70.3 If a Yield-X member wishes to change its **[membership]** authorised user status or wishes to obtain authorisation to operate **[as a member]** in another sub-category of **[membership]** authorised user, the provisions of rule 3.50 shall apply *mutatis mutandis*.
- 3.70.4 ...
- 3.70.4.1 ...
- 3.70.4.2 in the event that a trading member's **[trading]** business or infrastructure relating to trading in **[financial instruments listed on the JSE]** interest rate securities, is transferred to another legal entity in any manner, including but not limited to a merger, take-over, transfer of business or corporate restructuring, the trading member shall inform the JSE of the change at least one month before it takes effect, and the notification shall be accompanied by such information as would be required in the case of a new application for membership: Provided that the JSE may, at its discretion, request full particulars regarding the change and the reasons therefore, and provided further that the JSE may determine that a new application for membership must be made.
- 3.70.5 ...

**3.90 Duty to furnish information**

3.90.1 ...

3.90.2 A Yield-X member shall in addition inform the JSE in writing –

3.90.2.1 of any person holding, or having a beneficial interest in, 20% **[(twenty percent)]** or more of any class of the share capital of a Yield-X member and of any change in such holding;3.90.2.2 if it or any **[affiliated officer]** ~~employee~~ thereof holds, or has a beneficial interest in, any class of the share capital of a client that is a company or in the membership interest of a client that is a close corporation.

3.90.3 ...

**Registered officers****3.120 Yield-X member's obligation to ensure registration of officers**3.120.1 Each Yield-X member, **[whether broking or non-broking, clearing or non-clearing]** must ensure the registration by the JSE of a compliance officer and a settlement officer.

3.120.2 ...

3.120.3 ...

3.120.4 ...

3.120.5 A trading member shall ensure the registration by the JSE of dealers who shall be the only persons entitled to trade for a Yield-X member's own account and for and on behalf of clients and who shall have obtained such qualification that may be required by the JSE. A trading member may not trade without having at least one dealer present at the trading member's place of business unless the JSE has in writing granted temporary registration to a person nominated in writing by the trading member to trade for a period not exceeding 15 business days in the absence of such dealer. The JSE shall publish the name of such nominee in a notice to Yield-X members.

**[3.120.6 A Yield-X member shall ensure that no person is registered as a registered officer unless he has entered into a written agreement with such Yield-X member in terms of which he agrees to be bound by the Act and these Yield-X rules and directives.]****3.130 Registration of officers by the JSE**

3.130.1 ...

3.130.2 ...

3.130.3 ...

3.130.4 An application to change the registration of a registered officer from one Yield-X member to another or from one office to another shall be made in writing to the Executive Officer by the Yield-X member intending to register the officer and the Executive Officer shall, in his discretion, decide to grant such change in registration or to refer the application to the JSE Executive for consideration at its next meeting: Provided that, if aggrieved by the decision of the JSE Executive, the Yield-X member concerned shall have the right of appeal to the **[appeal board]** board of appeal.

3.130.5 ...

3.130.6 ...

3.130.7 ...

**3.150 [Giving of advice by employees] Reserved****[A Yield-X member may, in the course of its business, give advice to its clients on the buying and selling of Yield-X instruments only through an affiliated officer who shall have obtained such qualification as may be prescribed in the directives.]****3.160 Lien over proceeds of sale of JSE shares**The JSE shall have a first lien on the proceeds of the sale or other disposition of any JSE shares held by a member in the event that the member selling or disposing of such JSE shares is in any way indebted to the JSE. The **[JSE]** Fidelity Fund or Funds of the JSE shall have a second lien on the proceeds of the sale or



other disposition of such JSE shares in the event that the member selling or disposing of such shares has defaulted and the [JSE] Fidelity Fund or Funds have discharged any of the member's obligations. After the satisfaction of the lien or liens, the balance of the proceeds of the sale or other disposition will revert to the selling or disposing member or the estate of the selling or disposing member as the case may be.

#### Section 4: Disciplinary Matters

##### 4.10 Surveillance and investigation by the JSE's Surveillance Department

###### 4.10.1 Surveillance

The JSE's Surveillance Department may set up and maintain systems for-

###### 4.10.1.1 ...

###### 4.10.1.2 the surveillance of any matter relevant for the objectives of the Act and these Yield-X rules and directives; and [.]

###### 4.10.1.3 supervising compliance by interest rate members with the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001).

###### 4.10.2 Investigation

The Director: Surveillance, and any other person designated by him, may -

###### 4.10.2.1 ...

###### 4.10.2.2 investigate whether that Yield-X member or any of its employees complies with the Act, these Yield-X rules, directives and **[controlling body decisions]** the Financial Intelligence Centre Act;

###### 4.10.2.3 ...

###### 4.10.3 ...

##### 4.30 Improper conduct

The following acts and practices whether of commission or omission, on the part of any person who at the time of the alleged act or practice was a Yield-X member, a director, employee or officer of a member shall constitute improper conduct: Provided that the acts and practices so specified are not intended to be a complete list of acts and practices which may constitute improper conduct -

###### 4.30.1 committing or attempting to commit any act which is dishonest[, or fraudulent[, **dishonourable or disgraceful**];

###### 4.30.2 ...

###### 4.30.3 contravening, attempting to contravene, or failing to comply with any provision of the Act, a Yield-X rule, or a directive **[or a controlling body decision]**;

###### 4.30.4 ...

###### 4.30.5 ...

###### 4.30.6 ...

###### 4.30.7 failing, when requested, to assist the JSE['s] Surveillance Department in the exercise of its duties (which shall include failure without sufficient cause to provide information in accordance with rule 4.10.2.5).

##### 4.40 Disciplinary procedures

###### 4.40.1 ...

###### 4.40.2 ...

###### 4.40.2.1 ...

###### 4.40.2.2 ...

###### 4.40.2.3 ...

- 4.40.2.4 No fine imposed by a Disciplinary Committee may exceed R25 000 per contravention, or such other amount as the JSE may determine by directive. A Disciplinary Committee may direct that any action taken in terms of rule 4.40.2 be published [in a JSE Gazette, other member publication or in the media].
- 4.40.2.5 ...
- 4.40.3 ...
- 4.40.3.1 ...
- 4.40.3.2 Where the Director: Surveillance has decided to make provision for an admission of guilt, he shall stipulate -
- 4.40.3.2.1 ...
- 4.40.3.2.2 ...
- 4.40.3.2.3 whether the terms of the admission of guilt should be published [in a JSE Gazette or in the media or both].
- 4.40.3.3 ...
- 4.40.3.4 ...
- 4.40.3.5 ...
- 4.40.3.6 ...
- 4.50 Procedure and evidence**
- 4.50.1 ...
- 4.50.2 ...
- 4.50.3 ...
- 4.50.4 ...
- 4.50.5 ...
- 4.50.6 ...
- 4.50.7 A report on the findings of a Disciplinary Committee or a Tribunal will be furnished to the Registrar within 30 days after the completion of the proceedings.
- 4.60 Penalties**
- 4.60.1 When any person has been found guilty of improper conduct by a Tribunal pursuant to these Yield-X rules, the Tribunal -
- 4.60.1.1 may [by a simple majority] warn or impose a reprimand, censure or fine upon the respondent, which fine shall in respect of each contravention not exceed R1 million, or such other amount as may be stipulated in the Act or in any regulations promulgated in terms of the Act;
- 4.60.1.2 ...
- 4.60.1.3 ...
- 4.60.1.4 may direct a member to prevent or relieve an officer or employee of that member from carrying out any specified activity, function or duty for such reasonable period as the Tribunal deems appropriate;
- 4.60.1.[4]5 ...
- 4.60.1.[5]6 ...
- 4.60.1.[6]7 may order that particulars of the improper conduct and/or finding of the Tribunal and/or the penalty imposed be published [in a JSE Gazette or in the media]: Provided that if publication is ordered, the respondent shall be given an opportunity to make representations to the Tribunal in this regard.
- 4.60.2 ...



4.60.3 ...

4.60.4 If an officer or employee of a Yield-X member fails to pay any fine imposed by a Disciplinary Committee or a Tribunal, within 7 days after being informed of the amount of the fine, the JSE may[, after serving notice of not less than 3 days on such person] -

4.60.5 ...

4.60.6 ...

4.60.7 ...

#### 4.70 Urgent issues

4.70.1 ...

4.70.2 An Urgent Issues Committee shall consider whether a Yield-X member is operating in such a manner that there is imminent danger that such Yield-X member may be unable to meet its commitments to clients, other Yield-X members or to a settlement system of the JSE or any other exchange, or that it is conducting business in a manner which could be [directly] detrimental to the interests of the JSE or to the interests of the Yield-X members of the JSE and the public.

4.70.3 ...

4.70.4 ...

4.70.5 The Urgent Issues Committee may during the period of any order in terms of rule 4.70.4 appoint a registered public accountant and auditor or [a] another Yield-X member or an employee of the JSE to supervise and control the activities of the Yield-X member, at the Yield-X member's cost. Such Yield-X member may further be prohibited from entering into transactions without the prior consent of the person appointed as aforesaid to control and supervise the Yield-X member, which consent may be given upon such terms and conditions as the said appointee may determine.

4.70.6 [Notice to the Yield-X member concerned of such prohibition, restriction or instruction shall be accompanied by particulars of any alleged contraventions of the Act, Yield-X rules, directives and special gazettes governing Yield-X members. Any requirements of the Urgent Issues Committee for the rectification of the alleged contraventions shall be stated so as to enable the Yield-X member in question to apply to the Urgent Issues Committee for the removal of the order once the requirements stated in the order have been met.] Reserved.

4.70.7 Any action taken by an Urgent Issues Committee in terms of this rule may continue until such time as that Committee is satisfied as to the financial position and business conduct of the Yield-X member in question. [ : Provided that such action shall be reviewed by the Committee at least once every month and any order given shall thereafter only continue to the extent that such continuation is resolved by a two-thirds majority of the Committee.]

#### 4.80 [Open transactions and positions] Reserved

[4.80.1 If any Yield-X member who is suspended or ceases to enjoy membership other than by expulsion or resignation, has open positions with another Yield-X member under these Yield-X rules, such transactions shall be dealt with in terms of the default rules.]

#### 4.90 JSE's powers of publication

4.90.1 The JSE may in such manner as it may deem fit, notify the public of any fact that the JSE considers to be in the public interest, including, but not limited to, the name of a Yield-X member or any employee or officer of a member who has been found guilty of any charge and of the sentence imposed on such Yield-X member, employee or officer of a Yield-X member. [The JSE shall inform the public that a particular Yield-X member or employee or officer of a Yield-X member has been expelled, suspended, declared a defaulter or that a Yield-X member has otherwise ceased to be a Yield-X member. ]

4.90.2 No action or other proceeding shall in any circumstances be taken by any Yield-X member or any employee or officer of a Yield-X member referred to in any notification referred to in rule 4.90.1 or in a JSE Gazette, against the JSE or any controlling body or committee member or employee thereof or any person publishing or circulating the same[, and this rule shall operate as leave to any person to publish and circulate such notification and be pleadable accordingly].

## Section 5: Dispute Resolution

### [5.10 Resolution of disputes]

- 5.10.1 Any dispute involving persons bound by these Yield-X rules and relating to any matter provided for in or relating to these Yield-X rules shall be resolved by arbitration or mediation in terms of this rule 5.
- 5.10.2 It is contrary to the policy and objectives of the JSE for persons bound by these Yield-X rules to engage in litigation against one another in relation to transactions in Yield-X instruments.
- 5.10.3 Save in so far as they may be contrary to these Yield-X rules, the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965) shall apply to the arbitration proceedings provided for by these Yield-X rules.]

### [5.20 Reporting a dispute]

The compliance officer of a Yield-X member and any other party to a dispute shall report the dispute to the JSE in writing.]

### [5.30 Powers of the JSE]

- 5.30.1 The JSE may request any Yield-X member or client to furnish it with written particulars of a dispute to which such Yield-X member or client is a party or matters relating thereto or to confirm or reply to any report made to the JSE.
- 5.30.2 The JSE may call for additional information and material relating to a dispute from any Yield-X member or client as may be deemed necessary.
- 5.30.3 The JSE may require any party to a dispute to trade in the market or with the other party pending resolution of the dispute in order to prevent loss.]

### [5.40 Declaration of a dispute]

If, after considering the report and reply and any other information at its disposal, the JSE is of the opinion that there is a dispute, the dispute shall be referred to mediation or to informal arbitration or formal arbitration, subject to the Arbitration Act, 1965.]

### [5.50 Mediation]

- 5.50.1 A dispute may be referred to mediation only with the consent of the parties.
- 5.50.2 The JSE shall nominate a mediator who shall be acceptable to both parties and who shall endeavour to cause the parties to agree to the resolution of the dispute. Any agreement concluded between the parties shall be binding on them whether or not it is reduced to writing.
- 5.50.3 If at any time during formal or informal arbitration proceedings the parties agree to submit their dispute to mediation, the arbitration proceedings shall be suspended and the provisions of this rule shall apply. Should the mediation not resolve the dispute, the arbitration proceedings shall be resumed.]

### [5.60 Informal arbitration]

- 5.60.1 With the consent of the parties the JSE may refer a dispute to an arbitrator or arbitrators nominated by the JSE or may, after having considered the report and reply and such other evidence and information as may be presented to the JSE, make an award.
- 5.60.2 The arbitrator nominated in terms of this rule shall, after having considered the report and reply and such other evidence as may be presented to him, make his award immediately, unless the parties have otherwise agreed.
- 5.60.3 The arbitrator nominated in terms of this rule need not give reasons for his award, which shall be in writing.]

### [5.70 Formal arbitration]

- 5.70.1 In the event of either party not consenting to mediation or informal arbitration, the dispute shall be referred to formal arbitration by the JSE.



- 5.70.2 Within 7 days of being so required in writing by the JSE, the claimant shall submit a written statement of his claim that clearly states the subject matter of the claim and contains all the material facts and documents upon which the claim is based.
- 5.70.3 The JSE may require the claimant to expand upon his statement of claim or provide other evidence or particulars as may be deemed necessary.
- 5.70.4 Within 7 (seven) days of being so required by the JSE and receipt of the claimant's written statement of claim and evidence and particulars referred to in rules 5.70.2 and 5.70.3, the other party to the dispute, hereinafter called the defendant, shall respond in writing to the claim and shall attach to his response evidence and other particulars relating to the dispute and deliver such response with evidence and particulars to the JSE and the claimant.
- 5.70.5 The JSE may require the defendant to expand upon his response or provide other evidence or particulars and may require the claimant to reply to such response in writing.]

#### [5.80 Arbitrator

The JSE shall appoint an arbitrator or arbitrators: Provided that, if the arbitrator appointed by the JSE is not acceptable to both parties, the Chairman of the JSE shall, within 7 (seven) days, appoint an arbitrator who shall be accepted by both parties to resolve the dispute.]

#### [5.90 Costs

- 5.90.1 The parties to any arbitration shall be liable jointly for the costs of the arbitration, including the fee of the arbitrator, and shall be obliged to pay to the JSE such amount as the JSE may determine before the arbitration proceedings commence.
- 5.90.2 The JSE may at any time during the arbitration require each party to pay an additional amount to cover any further costs incurred in the arbitration proceedings.
- 5.90.3 Should any party fail or refuse to pay on demand any costs due in terms of this rule, an award dismissing his claim or defence with costs shall be made by the arbitrator.
- 5.90.4 The arbitrator may make an award directing a party to pay the costs of arbitration and in such an event, the successful party may recover his costs from the other party.]

#### [5.100 Arbitration proceedings

- 5.100.1 The arbitrator shall make his award within 30 (thirty) days of the conclusion of the arbitration proceedings.
- 5.100.2 The arbitrator shall not be bound to follow the general principles of law, but may decide the dispute in accordance with the principles of equity, and therefore the strict rules of law and evidence need not be observed or taken into account by the arbitrator in arriving at an award.
- 5.100.3 The arbitrator shall give due weight to the customs and practices of the JSE and shall have the right to request the Director: Surveillance to carry out investigations on his behalf.
- 5.100.4 The arbitrator shall not be bound to give reasons for his award.
- 5.100.5 The arbitration proceedings shall be conducted without legal representation by any of the parties, unless the arbitrator in his sole discretion decides otherwise.
- 5.100.6 The arbitrator may at his discretion decide that a number of disputes involving a particular party based on similar occurrences or similar facts shall be consolidated and treated as a single dispute.
- 5.100.7 Subject to rule 5.100.8, unless the JSE, the arbitrator and the parties to the dispute agree otherwise, the identity of the parties, the nature of the evidence and the details of the arbitrator's deliberations and finding, and all other information pertaining to arbitration proceedings shall be kept confidential by all parties.
- 5.100.8 If at any time the arbitrator is of the opinion that a contravention of the Yield-X rules may have occurred he may refer the matter to the JSE for its consideration in terms of rule 4.10.
- 5.100.9 If requested by either the JSE or SAFCOM to do so, the arbitrator may, in his sole discretion, decide on the relevance to the dispute of any evidence requested from the JSE or SAFCOM and he shall accordingly instruct the JSE or SAFCOM to supply the required evidence or relieve them of the obligation of doing so.]

### **[5.110 Waiver**

No party shall have any claim against the mediator, arbitrator, the JSE, the JSE Executive, the Executive Officer or SAFCOM in respect of any decision made in good faith by such person or body pursuant to the performance of his functions in terms of these Yield-X rules.]

### **Complaints**

#### **5.10 Client complaints**

Every member must establish and maintain appropriate procedures for the handling of any client complaint, in which the client alleges that he has suffered or is likely to suffer financial prejudice as a result of the member –

- 5.10.1 contravening or failing to comply with any instruction given by the client, or any agreement or mandate entered into with the client;
- 5.10.2 contravening or failing to comply with the Yield-X rules and the directives;
- 5.10.3 acting dishonestly, negligently or recklessly; or
- 5.10.4 treating the client unfairly;

in relation to the provision of services to the client in terms of the Yield-X rules.

#### **5.20 Internal complaint handling procedures**

- 5.20.1 A member's internal complaint handling procedures must provide for –

- 5.20.1.1 the receipt of oral or written complaints;
- 5.20.1.2 the appropriate investigation of complaints;
- 5.20.1.3 an appropriate decision-making process in relation to the response to a client complaint;
- 5.20.1.4 notification of the decision to the client; and
- 5.20.1.5 the recording of complaints.

- 5.20.2 A member's internal complaint handling procedures must be designed to ensure that –

- 5.20.2.1 all complaints are handled fairly, effectively and promptly;
- 5.20.2.2 recurring or systemic problems are identified, investigated and remedied;
- 5.20.2.3 the number of unresolved complaints to be referred to the JSE in terms of the rule 5.60 are minimised;
- 5.20.2.4 complaints are investigated by an employee of sufficient competence who, where appropriate, was not directly involved in the matter which is the subject of a complaint;
- 5.20.2.5 the employee responsible for the resolution of complaints has the necessary authority to resolve complaints or has ready access to an employee who has the necessary authority; and
- 5.20.2.6 relevant employees are aware of the member's internal complaint handling procedures and comply with them.

#### **5.30 Timeous response to complaints**

A member must respond to a client complaint within 4 weeks of receiving the complaint or, within such period, provide the complainant with an appropriate explanation as to why the member is not, at that time, in a position to respond and must indicate when the member will respond.

#### **5.40 Redress**

- 5.40.1 Where a member decides that redress in the form of compensation is appropriate in resolving a complaint, the member must provide the complainant with fair compensation and must comply with any offer of compensation made by it which the complainant accepts.
- 5.40.2 Where a member decides that redress in a form other than compensation is appropriate in resolving a complaint, the member must provide the redress as soon as practicable.



**5.50 Recording of complaints**

- 5.50.1 A member must maintain a record of all client complaints. The record of each complaint must include –
- 5.50.1.1 the identity of the complainant;
  - 5.50.1.2 the substance of the complaint; and
  - 5.50.1.3 all correspondence in relation to the complaint.
- 5.50.2 The records referred to in rule 5.50.1 must be retained by the member for a period of 5 years from the date of the receipt of the complaint.

**5.60 Unresolved client complaints**

- 5.60.1 A client complaint will be deemed to be unresolved if the complainant is not satisfied with the resolution of the complaint proposed by the member.
- 5.60.2 A complainant may lodge an unresolved complaint, in writing, with the Director: Surveillance giving full particulars of the matter concerned.
- 5.60.3 In order for an unresolved complaint to be considered by the JSE Surveillance Department, the complaint must be lodged with the Director: Surveillance within 4 weeks of the receipt by the complainant of the member's response referred to in rule 5.60.1 and within 6 months of the conduct by the member giving rise to the complaint.
- 5.60.4 An unresolved complaint which is lodged subsequent to the period referred to in rule 5.60.3 will be considered, provided that failure to lodge the complaint within the relevant period was through no fault of the client.
- 5.60.5 The JSE Surveillance Department may request the member and the complainant to provide copies of all relevant correspondence and documentation that is required to review the complaint.
- 5.60.6 The JSE Surveillance Department will endeavour to facilitate a resolution of the complaint between the member and the complainant.
- 5.60.7 If the JSE Surveillance Department is unable to facilitate a resolution of the complaint within 4 weeks of lodgement of the complaint with it, the Director: Surveillance will refer the unresolved complaint to the Company Secretary of the JSE to be dealt with in terms of the dispute resolution rules.

**Disputes****5.70 Applicability of dispute resolution rules**

- 5.70.1 Rules 5.70 to 5.120 ("the dispute resolution rules") are intended to facilitate the equitable and expeditious settlement of disputes that –
- 5.70.1.1 a client has with a member, in respect of an unresolved complaint;
  - 5.70.1.2 a member has with another member, in respect of transactions in interest rate securities; or
  - 5.70.1.3 a member has with a client, in respect of transactions in interest rate securities.
- 5.70.2 The dispute resolution rules only apply –
- 5.70.2.1 where the amount in dispute is in excess of R2 000;
  - 5.70.2.2 where the dispute is not the subject of existing litigation;
  - 5.70.2.3 in the case of a dispute that a client has with a member, where the amount in dispute either does not exceed R500 000 or, where the amount in dispute exceeds R500 000, if the consent of both parties to proceed has been obtained;
  - 5.70.2.4 in the case of a dispute that a member has with another member, and the members are able to evidence to the satisfaction of the Director: Surveillance that reasonable endeavours have been made by the said members to resolve the dispute, if the consent of both parties to proceed has been obtained;
  - 5.70.2.5 in the case of a dispute that a member has with a client, if the consent of the client to proceed has been obtained.



**5.80 Reporting of a dispute**

- 5.80.1 An unresolved client complaint that the JSE Surveillance Department is not able to resolve in terms of rule 5.60 will be reported as a dispute by the Director: Surveillance to the Company Secretary of the JSE if the client elects to pursue the dispute resolution process.
- 5.80.2 A dispute between two members in respect of transactions in interest rate securities must be reported, in writing, by either member, to the Company Secretary of the JSE, within 1 week of the circumstance giving rise to the dispute having arisen.
- 5.80.3 A dispute that a member has with a client in respect of transactions in interest rate securities must be reported, in writing, by the member, in writing to the Company Secretary of the JSE, within 6 months of the circumstance giving rise to the dispute having arisen.
- 5.80.4 The Company Secretary of the JSE may, at any time, request any of the parties to a dispute to furnish him with such further information relating to the dispute as may be required.

**5.90 Declaration of a dispute**

A dispute reported in terms of rule 5.80 will, subject to criteria set out in rule 5.70.2 having been met, be declared a dispute by the Company Secretary and will be referred by the Company Secretary to a duly appointed ombud for consideration.

**5.100 Consideration by an ombud**

- 5.100.1 The JSE will appoint an ombud to consider a dispute, who is a retired judge of the High Court of South Africa or a Senior Counsel.
- 5.100.2 Within 3 weeks of the dispute having been referred to the ombud for consideration, the claimant must set out the subject matter of the claim in a written statement, including all the material facts, and furnish this statement, along with all relevant documentation upon which the claim is based, to the ombud.
- 5.100.3 The ombud may require the claimant to expand upon his statement of claim or provide further evidence or particulars as he deems necessary within such reasonable time as is specified by the ombud.
- 5.100.4 The other party to the dispute, hereafter referred to as the defendant, must be provided with a copy of the written statement of claim by the ombud. The defendant will furnish the ombud with its written response to the statement of claim within 3 weeks of having received such. In addition to the defendant's written response, the defendant must attach thereto all other evidence relating to the dispute.
- 5.100.5 The ombud may require the defendant to expand upon its response or provide further evidence or particulars as he deems necessary within such reasonable time as specified by the ombud and may require the claimant to provide a written reply to the defendant's response within such reasonable time as he may specify.
- 5.100.6 The ombud may at his discretion decide that a number of disputes based on similar occurrences or similar facts be consolidated and treated as a single dispute.
- 5.100.7 After ascertaining the parties availability, the ombud will furnish the parties with written notification of the date on which the dispute will be heard.
- 5.100.8 The dispute resolution proceedings will be conducted without legal representation of any of the parties, unless the ombud in his sole discretion decides otherwise.
- 5.100.9 The ombud, in reaching a decision, may consult with any third party regarding any issue relating to the dispute. The ombud has the discretion to call upon any third party to participate in the dispute resolution proceedings.
- 5.100.10 The ombud will, after having considered the information as presented to him by the parties and such other information as he may request, make his decision within 3 weeks of having considered the dispute. The ombud need not give reasons for his decision.
- 5.100.11 The ombud's decision will be furnished to the parties in writing and will be final and binding on both parties to the dispute. The ombud's decision is not subject to appeal.



- 5.100.12 The ombud is not obliged to provide a ruling on a dispute if he is of the view that the dispute is of such a complex nature that it cannot be resolved expeditiously by means of the dispute resolution process and can only be properly considered by a court of law.
- 5.100.13 Any decision made in terms of rule 5.100.11 must be complied with by the party against whom the decision is made within seven days of the decision having been made by the ombud.
- 5.100.14 Unless the JSE, the ombud and the parties to the dispute agree otherwise, the identity of the parties, the nature of the evidence and the details of the ombud's deliberations and finding, and all other information pertaining to the proceedings will be kept confidential by all parties thereto, unless disclosure by the JSE is required by law.

#### **5.110 Costs of the proceedings**

- 5.110.1 For the purpose of this rule, the costs of the proceedings means the fee of the ombud, the cost of the venue and any other incidental administrative costs incurred by the JSE relating to the consideration of a dispute by an ombud.
- 5.110.2 The parties to any dispute resolution proceeding in terms of rule 5.100 are responsible for the costs of the proceedings and may be required to pay to the JSE, before the proceedings commence, such amount as the JSE may determine to cover these costs.
- 5.110.3 If the proceedings continue for a period longer than anticipated, the JSE may at any time during the proceedings require each party to pay an additional amount to cover any further expected costs of the proceedings.
- 5.110.4 The ombud may, as part of his award and as he deems appropriate in the circumstances, make an order on costs which may include an order against the unsuccessful party for payment of all the costs of the proceedings.

#### **5.120 Waiver**

No party shall have any claim of any nature against the ombud, the JSE and any of its employees in respect of any decision made in good faith by such person or body pursuant to the performance of their functions in terms of the Yield-X rules.

### **Section 6: [Listings] interest rate securities**

#### **6.10 List of [financial instruments] interest rate securities**

The record of [financial instruments] interest rate securities which may be bought or sold on Yield-X shall be kept by the [controlling body] JSE in the list of [financial instruments] interest rate securities in terms of section [14] 12(6)(a) of the Act.

#### **6.20 Contract specifications of [futures and option contracts] interest rate securities**

- 6.20.1 The contract specifications of [futures and option contracts] interest rate securities contained in the list of [financial instruments] interest rate securities kept in terms of these Yield-X rules shall be determined by the JSE Executive.
- 6.20.2 The JSE may conduct surveys and research, call for the views of Yield-X members and any committee and take such other steps as it may deem appropriate in determining the contract specifications of [futures and option contracts] interest rate securities listed by the JSE.
- 6.20.3 ...
- 6.20.4 ...

#### **6.30 Listing of futures and option contracts**

- 6.30.1 The JSE may [, subject to the approval of the Registrar] -
- 6.30.1.1 add futures and option contracts to, or remove futures and option contracts from, the list of [financial instruments] interest rate securities kept in terms of these Yield-X rules, or suspend futures and option contracts from such list;
- 6.30.1.2 ...
- 6.30.2 ...

**6.40 Listing of loan stock**

6.40.1 The JSE may[, **subject to the approval of the Registrar**] –

6.40.1.1 ...

6.40.1.2 ...

6.40.1.3 ...

6.40.1.4 ...

6.40.1.5 ...

6.40.1.6 ...

**Section 7: Trading****7.10 [Financial exchange]Exchange**

The business of the buying and selling of Yield-X instruments as contemplated by section **[8]10** (2) of the Act must be conducted on the Yield-X trading system. Provided that –

7.10.1 a trading member may execute transactions in **[financial instruments]** interest rate securities on another **[licensed financial]** exchange as **[a member]** an authorised user or as a client of **[a member]** an authorised user of such **[financial]** exchange; or

7.10.2 transactions in Yield-X instruments **[for]** which meet the criteria set out in rule 7.120 may be conducted off the Yield-X trading system and reported to the Yield-X trading system.

**7.30 Trading members' obligations**

7.30.1 ...

7.30.2 ...

7.30.3 Due fulfilment of transactions

7.30.3.1 ...

7.30.3.2 ...

7.30.3.3 ...

7.30.3.4 A broking member shall ensure that buyers and sellers of Yield-X instruments are aware of their **[material]** settlement obligations in terms of **[the Act and]** these Yield-X rules.

7.30.4 ...

7.30.5 ...

**7.40 Market Integrity**

7.40.1 ...

7.40.2 ...

7.40.3 ....

7.40.4 ...

7.40.5 ...

7.40.6 Notwithstanding any other provisions of the Yield-X rules and directives –

7.40.6.1 ...

7.40.6.2 the Market Controller may restrict the usage by a trading member of any or all components of a member or client application. **[; or]**

7.40.**[6.3]**~~Z~~ The Director: Surveillance or his deputy, in conjunction with the Executive Officer or acting Executive Officer or failing the Executive Officer or acting Executive Officer, the Director: **[Listings]** Issuer Services, may declare a trading halt in a Yield-X instrument **[. During a trading halt no trading members may trade that Yield-X instrument for the duration of the trading halt but may submit**



orders to and delete orders from the Yield-X trading system.] in circumstances where the Director: Surveillance determines that the trading activity in an interest rate security -

7.40.7.1 is being or could be undertaken by persons possessing unpublished price-sensitive information that relates to the underlying instrument to which the interest rate security relates; or

7.40.7.2 is being influenced by a manipulative or deceptive trading practice; or

7.40.7.3 may otherwise give rise to an artificial price in that interest rate security.

7.40.8 No trading member may trade an interest rate security for the duration of a trading halt referred to in rule 7.40.7, but may delete orders from the Yield-X trading system.

#### 7.50 Manipulative or deceptive transactions

7.50.1 No trading members shall use, or knowingly participate in the use of any manipulative or deceptive [method of] trading practice in [connection with the buying or selling of a Yield-X instrument] an interest rate security, either for its own account or on behalf of clients, which creates or may create -

7.50.1.1 ...

7.50.1.2 ...

7.50.2 A trading member must give consideration to the circumstances of orders placed by clients before entering such orders in the Yield-X trading system and [shall *prima facie* be] is responsible for the integrity of such orders.

7.50.3 A trading member or employee of a trading member may not place an order in the Yield-X trading system to buy or sell interest rate securities which to the knowledge of the trading member or employee of a trading member will, if executed, have the effect contemplated in rule 7.50.1.

7.50.[3]4 Without in any way limiting the generality of the foregoing, the following shall be deemed to be manipulative or deceptive methods of trading:

7.50.4.1 Approving or entering on the Yield-X trading system -

7.50.[3]4.1.1 an order to buy or sell a Yield-X instrument with the knowledge that an opposite order of substantially the same size at substantially the same time and at substantially the same price, has been or will be entered by or for the same or different persons with the intention of creating a false or misleading appearance of active public trading in connection with, [of] or an artificial market [value] price for, [of] such Yield-X instrument;

7.50.[3]4.1.2 ...

7.50.[3]4.1.3 ...

7.50.[3]4.1.4 an order to buy or sell any Yield-X instrument during the pre-opening session and cancelling such order immediately prior to the market opening, for the purpose of creating or inducing a false or misleading appearance of demand for or supply of such Yield-X instrument; [or]

7.50.4.1.5 an order to buy or sell an interest rate security which involves no change in the beneficial ownership of that interest rate security; or

7.50.[3]4.1.[5]6 reported transactions which would result in a contravention of rule 7.50.1;

7.50.4.2 Effecting or assisting in effecting a market corner;

7.50.4.3 Maintaining the price of an interest rate security at a level that is artificial;

7.50.4.4 Employing any device, scheme or artifice to defraud any other person as a result of a transaction effected through the Yield-X trading system; or

7.50.4.5 Engaging in any act, practice or course of business in respect of trading in interest rate securities which is deceptive or which is likely to have such an effect.

**7.55 False, misleading or deceptive statements, promises and forecasts**

A member or employee of a member may not, directly or indirectly, make or publish in respect of interest rate securities, or in respect of the past or future performance of a listed company –

- 7.55.1 any statement, promise or forecast which is, at the time and in the light of the circumstances in which it is made, false or misleading or deceptive in respect of any material fact and which the member or employee of a member knows, or ought reasonably to know, is false, misleading or deceptive; or
- 7.55.2 any statement, promise or forecast which is, by reason of the omission of a material fact, rendered false, misleading or deceptive and which the member or employee of a member knows, or ought reasonably to know, is rendered false, misleading or deceptive by reason of the omission of that fact.

**7.80 Trading for or on behalf of clients**

- 7.80.1 ...
- 7.80.2 Client acceptance, registration and maintenance procedures
- 7.80.2.1 ...
- 7.80.2.2 ...
- 7.80.2.3 ...
- 7.80.2.4 **[The JSE] SAFCOM** will maintain a record of the clients which are registered as clients of broking members and will keep a record of the particulars associated with each client as required under rule 7.80.2.3.
- 7.80.2.5 ....
- 7.80.2.6 ...
- 7.80.2.7 The client's registration will be retained by **[the JSE] SAFCOM** for as long as it deems necessary after the client has ceased trading.
- 7.80.3 ...
- 7.80.4 ...
- 7.80.4.1 ...
- 7.80.4.2 The transaction notification referred to in rule 7.80.4.1 must set out –
- 7.80.4.2.1 ...

**7.90 [Affiliated officers] Employees and trading members trading as clients**

- 7.90.1 An **[affiliated officer]** employee of a trading member may be a client of that trading member; provided that such client fulfils all his obligations in terms of these Yield-X rules.
- 7.90.2 Except with the written approval of the Director: Surveillance and subject to such conditions as he may impose–
- 7.90.2.1 an **[affiliated officer]** employee of a trading member may not have a beneficial interest in another trading member;
- 7.90.2.2 an **[affiliated officer]** employee of a trading member may not be a client of another trading member or have a beneficial interest in a client;
- 7.90.2.3 ...
- 7.90.2.4 a broking member may not accept an **[affiliated officer]** employee of another trading member or a trading member as a client.

**7.100 Aggregation, division and allocation of trades**

- 7.100.1 ...
- 7.100.2 Broking members are precluded from trading on the designated agency suspense accounts for their own account or for any accounts in which **[affiliated officers]** employees have a direct or indirect beneficial interest.
- 7.100.3 ...



- 7.100.4 ...
- 7.100.5 ...
- 7.100.6 ...
- 7.100.7 ...

#### 7.140 Emergency provisions

- 7.140.1 In order that the business of the JSE be carried out with due regard to the interests of the public in a fair and orderly market, the JSE Executive may, in addition to the powers given in terms of the Act [, **with the prior consent of the Registrar,**] in circumstances of emergency, restrict or suspend trading in any or all of the instruments kept by it in its list of **[financial instruments]** interest rate securities.
- 7.140.2 Circumstances of emergency shall include but are not limited to the closing of any other exchange, a state of war or threatening hostilities, acts of state affecting the market or the due performance of transactions or any position, any change in the law affecting the market or the due performance of transactions or positions and any other situation or circumstances affecting, in the opinion of the JSE Executive, a fair and orderly market for the trading in **[financial instruments listed by the JSE]** interest rate securities.
- 7.140.3 If the trading in any security[, ] or commodity **[or financial instrument]** on any exchange or market ceases, the JSE Executive shall consider the cessation of trading in **[all financial instruments]** interest rate securities **[listed by the JSE]** for which such security[, ] or commodity **[or financial instrument]** comprises the underlying instrument of the **[financial instrument]** interest rate security concerned.
- 7.140.4 In the event of any of the circumstances contemplated in this rule 7.140 occurring, the Executive Officer shall notify the Registrar of such circumstances and **[the JSE]** shall co-operate with the Registrar to restore and maintain a fair and orderly market.

### Section 8: Clearing

#### 8.20 Clearing

- 8.20.1 SAFCOM shall perform the clearing and ensure the performance of -
  - 8.20.1.1 ...
  - 8.20.1.2 ...
  - 8.20.1.3 ...
  - 8.20.1.4 ...

#### 8.50 Margin payments

- 8.50.1 Initial margin
 

Initial margin shall be paid by a trading member or client whenever the risk of loss, as determined by SAFCOM, changes with respect to the aggregate **[Yield-X instrument]** positions of such trading member or client.
- 8.50.2 ...
- 8.50.3 ...
- 8.50.4 ...
- 8.50.5 ...
- 8.50.6 ...
- 8.50.7 ...

#### 8.70 Trading, clearing and settlement fees

- 8.70.1 ...
- 8.70.2 ...

8.70.3 A broking member may levy such fees and charges for different categories of transactions as it deems fit on clients with whom it trades: Provided that such fees and charges shall be in accordance with the schedule of fees and charges which shall form part of the client agreement.

8.70.4 A trading member shall not levy a fee or any other charge on a client in respect of a transaction in terms of which it has traded as a principal with the client without the prior written agreement of the client having been recorded in the client agreement.

## Section 9: Settlement

### 9.40 Trading in STRATE settled loan stock

9.40.1 A client shall only place an order in respect of STRATE settled loan stock with a broking member if –

9.40.1.1 ...

9.40.1.2 in respect of a sell order –

9.40.1.2.1 the loan stock to be sold is lodged with a settlement agent as uncertificated [financial instruments] securities; or

9.40.1.2.2 ...

9.40.1.2.3 ...

9.40.2 A trading member shall only place an order or report a transaction in respect of STRATE settled loan stock on the Yield-X trading system if such member has appointed a clearing member and a settlement agent as prescribed by directive and has taken reasonable steps to satisfy itself that –

9.40.2.1 ...

9.40.2.2 in respect of a sell order –

9.40.2.2.1 the loan stock to be sold is lodged with a settlement agent as uncertificated [financial instruments] securities; or

9.40.2.2.2 ...

9.40.2.2.3 ...

## Section 10: Conduct of Business

### 10.30 Telephone recordings

10.30.1 ...

10.30.2 ...

10.30.3 With respect to such telephone calls, the tape-recording shall be admissible as evidence in any disciplinary or dispute resolution [or arbitration] proceedings contemplated in these Yield-X rules: Provided that the person who intends to rely on such tape recordings in evidence shall bear the onus of proving the authenticity thereof.

10.30.4 ...

10.30.5 ...

10.30.6 ...

### Management of members' and clients' accounts

#### 10.40 Separation of funds and [financial instruments] interest rate securities

A Yield-X member -

10.40.1 shall at all times separate a client's or other Yield-X member's assets, including funds, [financial instruments] interest rate securities and other corporeal and incorporeal things of the client or other Yield-X member, from its own assets;



- 10.40.2 may not co-mingle the funds or **[financial instruments]** interest rate securities of any client or another Yield-X member with its own;
- 10.40.3 may not allow the use of funds or **[financial instruments]** interest rate securities or corporeal or incorporeal things belonging to any client or other Yield-X member to finance its own transactions or the transactions of any other person;
- 10.40.4 may not allow the use of funds or **[financial instruments]** interest rate securities or corporeal or incorporeal things of any client or other Yield-X member to operate its own business; and
- 10.40.5 in respect of the transactions or positions of a Yield-X member or client, may not retain any funds, **[financial instruments]** interest rate securities or other corporeal or incorporeal things given by such Yield-X member or client or received by the Yield-X member on behalf of any person other than additional margin or retained margin, or **[financial instruments]** interest rate securities as contemplated in terms of rule 10.90.1.

#### 10.50 Management of funds by SAFCOM

- 10.50.1 SAFCOM shall separate the margins and other monies, **[financial instruments]** interest rate securities and other corporeal and incorporeal things of any clearing member from its own assets and shall manage and invest such margins and other monies in a manner and subject to such terms and conditions as the JSE shall determine.

10.50.2 ...

#### 10.60 Clearing member bank accounts

- 10.60.1 A clearing member shall at all times keep a separate bank account into which it shall deposit any additional margin kept by it.

10.60.2 ...

#### 10.105 Acceptance of cash deposits

No member shall knowingly receive or accept a deposit of cash from any person exceeding an amount of R5 000. For the purpose of this rule "cash" shall mean coin and paper money of the Republic or any other country. A member shall not receive or accept two or more cash amounts exceeding R5 000 in total with the purpose of avoiding compliance with this rule.

#### Management of Investments

##### 10.160 Authority to manage investments in **[listed financial instruments]** interest rate securities

All broking members **[of the JSE]** are **[, for the purposes of Section 5 (1) of the Act,]** authorised to manage investments comprising **[financial instruments listed on the JSE:]** interest rate securities. Provided that they comply with the provisions of this rule, and all other applicable Yield-X rules, and undertake such management in compliance with the prescribed client agreement. This rule shall, however, not apply to a broking member if the member is a bank or if the majority of such broking member's intermediary services do not relate to trading in **[listed financial instruments as a broking member and, if applicable, trading in listed securities as a broking member (equities).]** JSE listed securities as an authorised user of any of the JSE markets. Such a broking member shall be required to obtain a licence to operate as a financial services provider in terms of the FAIS Act in respect of any advice or intermediary services which it provides to clients relating to **[listed financial instruments]** interest rate securities, and the relevant provisions of that Act shall apply to such advice or intermediary services.

##### 10.170 Trading as an investment manager in **[listed financial instruments]** interest rate securities

- 10.170.1 A broking member may not trade as an investment manager in **[listed financial instruments]** interest rate securities for or on behalf of a client unless it has concluded a discretionary client agreement with the client and the client has been registered with SAFCOM as a client of that Yield-X member in terms of rule 7.80.2.
- 10.170.2 An investment manager may not directly or indirectly buy or sell **[listed financial instruments]** interest rate securities for or from its own account or any account in which an **[affiliated officer]** employee has a direct or indirect beneficial interest, to or from a client.



**10.180 Management and investment advice in respect of [other investments] JSE authorised investments other than interest rate securities**

- 10.180.1 This rule is only applicable to trading members whose investment management activities in relation to interest rate securities are regulated by the JSE in terms of rule 10.160.
- 10.180.2 The provisions of rules 10.180.4 to 10.180.13 shall not apply to a trading member if the trading member is a bank or if the majority of such member's intermediary services do not relate to trading in JSE listed securities as an authorised user of any of the JSE markets. Such a member shall be required to obtain a licence to operate as a financial services provider in terms of the FAIS Act in respect of any advice or intermediary services which it provides to clients relating to JSE authorised investments other than interest rate securities and the relevant provisions of that Act shall apply to such advice or intermediary services.
- 10.180.3 The provisions of rules 10.180.4 to 10.180.13 shall not apply to a trading member in respect of transactions in JSE authorised investments other than interest rate securities where such transactions relate to securities listed on an exchange other than the JSE, including the Bond Exchange of South Africa, and where such transactions are conducted as an authorised user of such exchange. Such transactions will instead be subject to the rules of the relevant exchange.
- 10.180.[1]4 A broking member may not enter into transactions as an investment manager in [other investments] JSE authorised investments other than interest rate securities on behalf of clients or provide investment advice to any clients in respect of such investments unless it has notified the Director: Surveillance, in writing, of its intention to effect such transactions or provide such investment advice.
- 10.180.[2]5 In order for the JSE to identify the scope of an investment manager's activities in [other investments] JSE authorised investments other than interest rate securities, the written notification to the Director: Surveillance referred to in rule 10.180.[1]4 shall indicate which specific investments the investment manager is intending either to transact in on behalf of its clients or to provide investment advice on, or both.
- 10.180.[3]6 The details which are required to be submitted to the Director: Surveillance in terms of rule 10.180.[2]5 shall specify the particular types of [other investments] JSE authorised investments other than interest rate securities in which activity is to be conducted, but need not include the name of the particular investments.
- 10.180.[4]7 The failure by an investment manager to provide the notification referred to in rules 10.180.[1]4 and 10.180.[2]5 prior to undertaking the relevant activity may result in the JSE imposing restrictions or a prohibition on the investment manager's activities in [other investments] JSE authorised investments other than interest rate securities.
- 10.180.[5]8 If an investment manager has previously notified the Director: Surveillance in terms of rules 10.180.[1]4 and 10.180.[2]5 of its intention to conduct activity in any [other investments] JSE authorised investments other than interest rate securities and the investment manager ceases to conduct activity in respect of one or more particular types of investments, with no intention of resuming activity in such investments in the foreseeable future, the investment manager shall notify the Director: Surveillance forthwith, in writing, of such cessation of activity.
- 10.180.[6]9 Any decision by an investment manager to invest in [other investments] JSE authorised investments other than interest rate securities on behalf of a client shall be made with due regard to the relevant provisions of rule 10.220 regarding the conduct of Yield-X members, particularly the provisions relating to the general conduct towards clients in rule 10.220.2 and the exercise of discretion in rule 10.220.3.
- 10.180.[7]10 An investment manager shall not effect transactions in [other investments] JSE authorised investments other than interest rate securities on behalf of a client unless the client has given his general consent to such transactions being effected in a written mandate.
- 10.180.[8]11 Every investment manager who purchases [other investments] JSE authorised investments other than interest rate securities on behalf of a client and who is accountable to the client for the client's investment in such instruments shall comply with the following requirements -
- 10.180.[8]11.1 the relevant investments shall be segregated from the investment manager's own assets at all times. If the [Investments] JSE authorised investments other than



interest rate securities are held in an account maintained by another financial services provider, the account shall either be opened in the client's own name or, if the investment manager opens a single account in respect of transactions executed on behalf of more than one client, the investment manager shall procure that the account is clearly designated in the records of the relevant financial services provider as being an account utilised for investments made by the investment manager on behalf of its clients;

10.180.[8]11.2 the investment manager shall maintain proper accounting records in respect of all [other investments] JSE authorised investments other than interest rate securities purchased or sold on behalf of clients. These records shall be updated forthwith in respect of any transactions in [other investments] JSE authorised investments other than interest rate securities and shall clearly identify the beneficial owners of all such investments at all times; and

10.180.[8]11.3 the investment manager must balance its clients' holdings in [other investments] JSE authorised investments other than interest rate securities, as reflected in the investment manager's records, with the accounts maintained by the other financial services providers who hold such investments, on a monthly basis. Any differences identified between the respective records must be rectified forthwith.

10.180.[9]12 Every investment manager who holds [other investments] JSE authorised investments other than interest rate securities on behalf of a client or who is accountable to a client for such investments shall implement and maintain an effective system of internal controls to safeguard such investments and prevent unauthorised access thereto.

10.180.[10]13 Transactions by an investment manager in [other investments] JSE authorised investments other than interest rate securities which constitute foreign investments shall also be subject to rule 10.190.

[10.180.11 The provisions of rules 10.180.1 to 10.180.10 shall not apply to a broking member if the member is a bank or if the majority of such broking member's intermediary services do not relate to trading in listed financial instruments as a Yield-X member and, if applicable, trading in listed financial instruments as a broking member (derivatives) and trading in listed securities as a broking member (equities). Such a broking member shall be required to obtain a licence to operate as a financial services provider in terms of the FAIS Act in respect of any advice or intermediary services which it provides to clients relating to other investments, and the relevant provisions of that Act shall apply to such advice or intermediary services.]

[10.180.12 The provisions of rules 10.180.1 to 10.180.10 shall not apply to a broking member in respect of transactions in other investments where such transactions relate to financial instruments listed on a financial exchange other than the JSE, including the Bond Exchange of South Africa, and where such transactions are conducted as a member of such financial exchange. Such transactions will instead be subject to the rules of the relevant financial exchange.]

#### 10.190 Management of Foreign Investments

10.190.1 For the purpose of this rule, foreign investments means –

10.190.1.1 [financial instruments] securities listed on [a foreign] an external exchange;

10.190.1.2 ...

10.190.1.3 ...

10.190.1.4 foreign funds intended for the purchase of such [financial instruments] securities, units or participation.

10.190.2 An investment manager shall not enter into transactions in foreign investments on behalf of a client unless:

10.190.2.1 the mandate entered into between the investment manager and the client in terms of 10.180.[7]10 –

10.190.2.2 ...

10.190.3 An investment manager must, on request by a client, furnish the client with the following information regarding any foreign investments made by the investment manager on behalf of the client –

10.190.3.1 the name of the licensed **[foreign]** external exchange on which the foreign investments are listed, if applicable;

10.190.3.2 ...

10.190.3.3 ...

10.190.3.4 ...

#### 10.210 Client statements

10.210.1 ...

10.210.2 ...

10.210.3 Pursuant to rule 10.210.2, and to provide the client with the information necessary for them to review the operation of their account and make appropriate investment decisions, a client statement must contain at least the following information:

10.210.3.1 ...

10.210.3.2 ...

10.210.3.3 ...

10.210.3.4 ...

10.210.3.5 ...

10.210.3.6 ...

10.210.3.7 ...

10.210.3.8 ...

10.210.3.9 ...

10.210.3.10 ...

10.210.3.11 ...

10.210.3.12 ...

10.210.3.13 in respect of investments in **[listed financial instruments]** derivative instruments, a description of the underlying financial product, index, commodity or thing, the expiry month and in the case of options, the exercise or strike price; and

10.210.3.14 ...

10.210.4 ...

10.210.5 ...

#### 10.215 Exercising of discretion and provision of investment advice by employees

A member shall, in the course of its business, exercise discretion in the management of JSE authorised investments and provide investment advice to its clients on the buying and selling of JSE authorised investments only through an employee who has obtained such qualification as may be prescribed in the directives.

#### *Ethics and conduct*

#### 10.220 Code of conduct

10.220.1 Standards of integrity

A Yield-X member shall, in the conduct of its business, observe high standards of integrity and fair dealing. It **[shall]** must –



- 10.220.1.1 not provide, or accept material inducements of a non-business nature to, or from any person to obtain business;
- 10.220.1.2 not knowingly circulate information or submit information to the JSE or SAFCOM which is false or misleading, or which affects or tends to affect unfairly the price of any **[listed financial instrument]** interest rate security;
- 10.220.1.3 ...
- 10.220.1.4 ...
- 10.220.1.5 conduct its activities in a manner that is compatible with the objects of the Act **[strictly in accordance with the public interest]** and with full respect for the dignity of the JSE; and
- 10.220.1.6 ...
- 10.220.2 ...
- 10.220.3 Furnishing of investment advice and exercise of discretion
  - In providing investment advice to a client or exercising discretion in relation to the management of JSE authorised investments, a Yield-X member shall –
  - 10.220.3.1 take reasonable steps to seek from the client information regarding the client's financial situation, investment experience, particular needs and objectives in connection with the services required, to enable the member to provide the client with sound investment advice or make an appropriate investment decision;
  - 10.220.3.2 ...
  - 10.220.3.3 identify the **[listed financial instruments or other investments]** JSE authorised investments that will suit the client's risk profile and financial needs, subject to the terms of any client agreement entered into between the client and the member or any other mandate provided to the member by the client;
  - 10.220.3.4 take reasonable steps to ensure that the client understands any investment advice that has been provided, as well as the nature and material terms and risks involved in the relevant transaction, so as to enable the client to make an informed decision; and
  - 10.220.3.5 ensure that any investment advice provided or discretion exercised is not for the sole purpose of maximising the income of the member.
- 10.220.4 ...
  - 10.220.4.1...
  - 10.220.4.2 A Yield-X member –
    - 10.220.4.2.1 ...
    - 10.220.4.2.2 ...
    - 10.220.4.2.3 must advise a client in advance of any restrictions or limitations that may affect the access of that client to their funds[, **listed financial instruments or other investments**] or JSE authorised investments.
- 10.220.5 ...
- 10.220.6 Contact with the member
  - A Yield-X member must provide for the necessary resources and functionality to ensure that clients are able to readily contact the member **[easily and timeously]**.
- 10.220.7 ...
- 10.220.8 ...
- 10.220.9 ...
- 10.220.10...

## 10.220.11 Enforcement of code on employees

A Yield-X member shall enforce the provisions of this code on all its employees **[and affiliated officers]**.

**10.225 Unsolicited calls**

A member may enter into a transaction with or on behalf of a person where the transaction is as a result of an unsolicited call, provided that the member has complied with the requirements set out in rules 10.220.3 and 10.220.4.

**10.230 Advertising by Yield-X members**

## 10.230.1 Advertising material of a Yield-X member –

10.230.1.1 must provide accurate, complete and unambiguous information about any JSE authorised investment **[listed financial instrument or other investment]** or any service rendered by the member;

10.230.1.2...

10.230.1.3 ...

10.230.1.4...

10.230.1.5 may not make the statement or suggest that trading in **[listed financial instruments]** derivative instruments on the JSE is appropriate for all persons.

## 10.230.2 An advertisement by a Yield-X member –

10.230.2.1...

10.230.2.2...

10.230.2.2.1 ...

10.230.2.2.2 ...

10.230.2.2.3 a warning statement about risks involved in buying or selling a JSE authorised investment **[listed financial instrument or other investment]**, prominently display such statement; and

10.230.2.2.4 ...

10.230.2.3 must, if the investment value of a JSE authorised investment **[listed financial instrument or other investment]** mentioned in the advertisement is not guaranteed, contain a warning that no guarantees are provided.

10.230.3 ...

**10.240 Contraventions to be reported**

Every Yield-X member shall report to the JSE any contravention of the Act, the Yield-X rules, and the directives **[and resolutions made in terms of these Yield-X rules]** that comes to its attention.

**Section 11: Defaults****11.50 Consequences of default by a clearing member**

...

11.50.1 ...

11.50.2 SAFCOM shall open a separate trust account with a bank (hereinafter referred to as the "trust account"), into which shall be paid all margin due and payable, the proceeds from the sale of any JSE shares held by the clearing member, the proceeds from the suretyship referred to in rule 3.40.7 and any other monies[,] or securities[, financial instruments or investments] held by SAFCOM in favour of or on behalf of or for the account of the clearing member;

11.50.3 ...