

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Vol. 354

PRETORIA, 14 DECEMBER 1994

No. 16167

GOVERNMENT NOTICES

SOUTH AFRICAN RESERVE BANK

No. 2167

14 December 1994

BANKS ACT, 1990

DESIGNATION OF ACTIVITIES NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A BANK" ("TEBA SAVINGS FUND")

Under paragraph (cc) of the definition of "the business of a bank" in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), I, Christo Floris Wiese, Deputy Registrar of Banks, hereby designate, with the approval of the Minister of Finance and for the period commencing on 1 January 1995 and expiring on 31 December 1995, the activities set out in the Schedule and which are performed in accordance with the conditions so set out as activities which do not fall within the meaning of "the business of a bank".

C F WIESE,
Deputy Registrar of Banks.

SCHEDULE

All activities performed by or on behalf of and in the course of the performance of the functions of the fund known as the "Teba Savings Fund", which fund is administered by the company incorporated and registered under the name of "The Employment Bureau of Africa Limited", provided such activities-

- (a) are so performed solely for the purposes of the achievement of the objective of the said fund, namely the provision of a personal savings service and related services to employees in the mining industry and their beneficiaries; and
- (b) are authorized by and performed in accordance with the provisions of the Trust Deed of the Teba Savings Fund as approved by the Registrar of Banks and of Building Societies on 30 July 1990.

DEPARTMENT OF FINANCE**No. 2168****14 December 1994****BANKS ACT, 1990****DESIGNATION OF AN INSTITUTION OF WHICH THE ACTIVITIES DO NOT FALL WITHIN THE MEANING OF "THE BUSINESS OF A BANK" ("KWAZULU FINANCE AND INVESTMENT CORPORATION LIMITED")**

Under paragraph (dd)(i) of the definition of "the business of a bank" in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), I, Christo Ferro Liebenberg, Minister of Finance, hereby designate with effect from 12 November 1994 until 31 December 1995, and subject to the conditions set out in paragraph 2 of the Schedule, the institution specified in paragraph 1 of the Schedule as an institution of which the activities do not fall within the meaning of "the business of a bank".

C F LIEBENBERG,
Minister of Finance

SCHEDULE

1. The development corporation known as the KwaZulu Finance and Investment Corporation Limited and referred to in section 2(2) of the KwaZulu Corporations Act, 1984 (Act No. 14 of 1984), of the KwaZulu Legislative Assembly.

2. The activities of the institution referred to in paragraph 1 shall, in so far as they correspond to the activities contemplated in paragraphs (a), (b), (c) and (d) of the definition of "the business of a bank" in section 1(1) of the Banks Act, 1990, be performed by virtue of the powers conferred upon the said institution by section 4 of the KwaZulu Corporations Act, 1984: Provided that the said institution may not, in the performance of its activities-

- (a) use, or refer to itself or any of its divisions by any name, description or symbol indicating, or calculated to lead persons to infer, that it or such a division is a bank registered as such under the Banks Act, 1990; or
- (b) in respect of itself or any of its divisions or undertakings use a name or description that includes the word "bank", or any derivative thereof, or the words "building society", or any derivative thereof, unless such name or description is composed of words that include the word "bank" as part of a place-name or a personal name.

DEPARTMENT OF FINANCE**No. 2169****14 December 1994****BANKS ACT, 1990**

DESIGNATION OF AN INSTITUTION TO WHICH CERTAIN PROVISIONS OF THE BANKS ACT, 1990, SHALL NOT APPLY ("INDUSTRIAL DEVELOPMENT CORPORATION OF SOUTH AFRICA LIMITED")

Under section 2(vii) of the Banks Act, 1990 (Act No. 94 of 1990), I, Christo Ferro Liebenberg, Minister of Finance, hereby designate with effect from 1 January 1995 and subject to the conditions set out in paragraph 2 of the Schedule, the institution specified in paragraph 1 of the Schedule, as an institution to which the provisions of the Banks Act, 1990, in so far as they impose requirements with which any institution must comply—

- (a) before it may carry on the business of a bank; or
- (b) in the lawful carrying on of the business of a bank,

shall not apply.

C F LIEBERBERG,
Minister of Finance.

SCHEDULE

1. The development corporation known as the "Industrial Development Corporation of South Africa Limited" ("IDC") and referred to in section 2(1) of the Industrial Development Act, 1940 (Act No. 22 of 1940).
2. The activities of the institution referred to in paragraph 1 shall be performed by virtue of the powers conferred upon the said institution by section 4 of the Industrial Development Act, 1940. Provided that the amount owing in respect of loans raised or moneys borrowed shall not at any time exceed the issued share capital and reserves of the said institution as reflected in the most recent audited balance sheet of the said institution.

SOUTH AFRICAN RESERVE BANK**No. 2170****14 December 1994****BANKS ACT, 1990****DESIGNATION OF AN ACTIVITY NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A BANK" (MINING HOUSES)**

Under paragraph (cc) of the definition of "the business of a bank" in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), I, Christo Floris Wiese, Deputy Registrar of Banks, hereby designate, with the approval of the Minister of Finance, with effect from 1 January 1995, the activity set out in paragraph 2 of the Schedule and which is performed in accordance with the conditions so set out as an activity which does not fall within the meaning of "the business of a bank"

C F WIESE,

Deputy Registrar of Banks.

SCHEDULE**1. In this Schedule-**

"affiliate", in relation to a public company referred to in paragraph (a) or a subsidiary company referred to in paragraph (b) of the definition of "Group", means any company, partnership or trust in which such public company or subsidiary company (hereinafter in this definition referred to as a member) holds a qualifying investment which such member intends to retain as a long-term investment, and which company, partnership or trust has entered into an agreement with any such member in terms of which all funds of such company partnership or trust which are in excess of its needs, from time to time, shall be invested with such member or with a bank;

"Group" means a group consisting of-

- (a) a public company which is a member of the Chamber of Mines of South Africa and of which the securities, as defined in section 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), are included in the list of securities kept in terms of section 16(a) of that Act;
- (b) all the subsidiary companies of the public company referred to in paragraph (a); and
- (c) all the affiliates of the public company referred to in paragraph (a) and of the subsidiary companies referred to in paragraph (b),

provided the aggregate amount representing the share capital, share premium and reserves (including retained income) of the public company referred to in paragraph (a) and the subsidiary companies referred to in paragraph (b), as reflected in the consolidated balance sheet which forms part of the latest consolidated annual financial statements made out in

respect of such public company and subsidiary companies in terms of sections 289 and 290 of the Companies Act, 1973 (Act No. 61 of 1973), exceeds R1 000 000 000;

"qualifying investment", in relation to a company, partnership or trust referred to in the definition of "affiliate" in this paragraph, means an investment in such company, partnership or trust made by a member, referred to in paragraph (a) or (b) of the definition of "Group" in this paragraph, of the Group of which such company, partnership or trust is an affiliate and which investment-

- (a) either enables such member to exercise significant influence, as defined in paragraph 07 of Accounting Statement AC 110 issued by the South African Institute of Chartered Accountants, over the financial and operating policies of such company, partnership or trust; or
- (b) in the case of such company, represents 20 per cent or more of the equity share capital of such company.

2. The acceptance, with a view to the ultimate objective of the financing of the development of the mining industry, and of directly related activities, of deposits, as defined in section 1 of the Banks Act, 1990, from any member of a Group by any other member of that Group, subject to the following conditions:

- (1) Prior to the commencement of the practice of the acceptance of deposits within a Group in terms of this paragraph, that member of the Group which is the public company referred to in paragraph (a) of the definition of "Group" in paragraph 1 shall in writing inform the Registrar of the intention of that Group to employ such practice.
- (2) The public company referred to in subparagraph (1) shall within thirty days after the thirty-first day of December of each year, in respect of that year furnish the Registrar with-

(1) a return containing the following particulars, namely-

(i) the name of the public company;

(ii) the names of the subsidiary companies and affiliates which constitute the other members of the Group;

(iii) the nature of the relationship which exists between each such affiliate and the public company or a subsidiary company, as the case may be, in the Group;

(iv) the nature of the investment in each such affiliate by the public company or a subsidiary company, as the case may be, in the Group;

(v) details of the control exercised through significant influence or shareholding contemplated in paragraphs (a) and (b), respectively, of the definition of "qualifying investment" in paragraph 1, by such public company or subsidiary, as the case may be, over the financial and operating policies of the affiliate concerned;

- (vi) the aggregate amount referred to in the definition of "Group" in paragraph 1, broken down under the headings "share capital", "share premium", "non-distributable reserves" (to be described) and "distributable reserves", as extracted from the public company's latest consolidated annual financial statements; and
 - (vii) whether the agreement referred to in the definition of "affiliate" in paragraph 1 is disclosed as a related party transaction in the annual financial statements of the affiliate concerned, and if not, why not;
- (b) a copy of the public company's latest consolidated annual financial statements; and
- (c) a statement setting out-
- (i) the sources, average balance and aggregate amount of deposits accepted within the Group during the past financial year;
 - (ii) the aggregate amount of deposits accepted within the Group during the past financial year from those members of the Group which are affiliates as contemplated in paragraph (c) of the definition of "Group" in paragraph 1; and
 - (iii) details of the utilization of the aggregate amount referred to in subparagraph (i).

SOUTH AFRICAN RESERVE BANK**No. 2171****14 December 1994****BANKS ACT, 1990****DESIGNATION OF AN ACTIVITY NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A BANK" (TRADE IN SECURITIES AND FINANCIAL INSTRUMENTS)**

Under paragraph (cc) of the definition of "the business of a bank" in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), I, Christo Floris Wiese, Deputy Registrar of Banks, hereby designate, with the approval of the Minister of Finance with effect from 1 January 1995, the activity set out in the Schedule as an activity that does not fall within the meaning of "the business of a bank".

C F WIESE,
Deputy Registrar of Banks

SCHEDULE**Definitions**

1. In this Schedule-

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

"loan stock", means loan stock, as defined in section 1 of the Financial Markets Control Act;

"Stock Exchanges Control Act", means the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985);

Designated activity

2. The obtaining of money by-

- (a) a stock-broker as defined in section 1 of the Stock Exchanges Control Act, through the sale of loan stock to any person, subject to an agreement in terms of which such stock-broker undertakes to purchase from the buyer, at a future date, the loan stock so sold, or any other similar loan stock, provided the money is so obtained in the course and for the purpose of the carrying on of the business of the buying and selling of securities by a stock-broker; or

- (b) a financial instrument principal as defined in section 1 of the Financial Markets Control Act, or a financial instrument trader as so defined, through the sale of loan stock to any person, subject to an agreement in terms of which such financial instrument principal or financial instrument trader, as the case may be, undertakes to purchase from the buyer, at a future date, the said loan stock so sold, or any other similar loan stock, provided the money is so obtained in the course and for the purposes of the carrying on of the business of the buying and selling of loan stock by a financial instrument principal or financial instrument trader.

SOUTH AFRICAN RESERVE BANK**No. 2172****14 December 1994****BANKS ACT, 1990****DESIGNATION OF AN ACTIVITY NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A BANK" (COMMERCIAL PAPER)**

Under paragraph (cc) of the definition of "the business of a bank" in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), I, Christo Floris Wiese, Deputy Registrar of Banks, hereby designate, with the approval of the Minister of Finance, and with effect from 1 January 1995, the activity set out in paragraph 2 of the Schedule, and which is performed in accordance with the conditions set out in paragraph 3 of the Schedule, as an activity that does not fall within the meaning of "the business of a bank".

C F WIESE,
Deputy Registrar of Banks

SCHEDULE***Definitions***

1. In this Schedule, "the Act" means the Banks Act, 1990 (Act No. 94 of 1990), and any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates-

"Central Government" means the Central Government as defined in regulation 1 of the Regulations;

"commercial paper" means-

- (a) any written acknowledgement of debt irrespective of whether the maturity thereof is fixed or based on a notice period, and irrespective of whether the

rate at which interest is payable in respect of the debt in question is a fixed or floating rate; and

- (b) debentures or any interest-bearing written acknowledgement of debt issued for a fixed term in accordance with the provisions of the Companies Act, 1973 (Act No. 61 of 1973),

but does not include bankers' acceptances;

"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;

"holding company" means a holding company as defined in section 1(4) of the Companies Act;

"issuer" means a person issuing commercial paper under the provisions of this Notice;

"listed company" means a public company, the securities of which are included in the list of securities kept by the committee of the Johannesburg Stock Exchange in terms of section 16(a) of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), but does not include a public company, the securities of which are included exclusively under the sectors "Development Capital" or "Venture Capital" in the list of securities kept by the committee of the Johannesburg Stock Exchange in accordance with the provisions of the aforesaid Act;

"the Regulations" means the Regulations relating to Banks, made under section 90 of the Act;

"ultimate borrower" means an ultimate borrower as contemplated in paragraph 3(2);

"wholly owned subsidiary" means a wholly owned subsidiary as defined in section 1 of the Companies Act.

Designated activity

2. The acceptance of money from the general public against the issue of commercial paper in accordance with the conditions set out in paragraph 3.

General conditions for the issue of commercial paper

3. The issue of commercial paper in terms of this Notice shall be subject to the following conditions:

Denominations and related matters

- (1) Commercial paper (hereinafter in this subparagraph referred to as "the instruments") may-

- (a) be issued or transferred only in minimum denominations equal to or

greater than R1 million; and

(b) be issued only by-

(i) a listed company;

(ii) a company that at a point in time not earlier than 18 months prior to the proposed issue of the commercial paper held net assets, as certified by its auditors and reflected in its audited financial statements, to a total value exceeding R100 million: Provided that in the calculation of the value of such net assets-

(aa) intangible assets that are not readily marketable shall be excluded; and

(bb) the total amount of the company's off-balance-sheet liabilities and contingent liabilities shall be deducted; or

(iii) any other juristic person authorised by the Registrar in writing to issue commercial paper in accordance with the provisions of this Notice and subject to such other conditions as the Registrar may determine in such written authorization,

unless-

(A) the instruments are listed on a recognized financial exchange; or

(B) the instruments are endorsed by a bank; or

(C) the instruments are issued for a period of longer than five years; or

(D) the instruments are issued by the Central Government; or

(E) the instruments are backed by an explicit Central Government guarantee.

Ultimate borrower

(2) Only the following entities may be the ultimate borrower of money obtained from the general public against the issue of commercial paper, namely-

(a) the issuer; or

(b) in the case where the issuer is a company-

(i) a wholly owned subsidiary of the issuer; or

(ii) a holding company of the issuer; or

- (c) in the case where the issuer is a juristic person other than a company, any other juristic person that would have been a wholly owned subsidiary or holding company of the issuer-
 - (i) had the issuer been a company; or
 - (ii) in the case where such other juristic person, too, is not a company, had both the issuer and the other juristic person been a company; or
- (d) a juristic person of which the board of directors, or in the case where such juristic person is not a company, of which the governing body, is controlled by and customarily acts in accordance with the directions or instructions of the issuer.

Market-making

- (3) (a) No market may be made in unlisted commercial paper issued for a period of longer than five years; and
- (b) commercial paper may not be utilised, by means of market-making therein or in any other manner, to obtain overnight funding.

Purpose

- (4) The funds to be raised through the issue of commercial paper may be so raised solely for the purpose of the acquisition by the ultimate borrower of operating capital and may not, except in the case of funds so raised by an institution specified in subparagraph (1)(D), be applied, directly or indirectly, for the granting of money loans or credit (other than customary credit in respect of the sale of goods or the provision of services by the issuer of such commercial paper) to the general public.

Disclosure in placing documents

- (5) An issuer of commercial paper, except an issuer referred to in subparagraph (1)(D), shall, in a placing document or prospectus relating to such issue of commercial paper, disclose at least the following information:
 - (a) The name of the issuer, and, in the case where the issuer is not the ultimate borrower, the name of the ultimate borrower, as a heading on the face of the placing document or prospectus, thereby excluding the disclosure of the name of any agent;
 - (b) a statement in which it is confirmed that the issuer is a going concern and can in all circumstances be reasonable expected to meet its commitments, thereby reflecting the adequacy of the liquidity and solvency of the issuer;

- (c) the name of the auditor of the issuer;
- (d) the total amount of commercial paper already issued by the issuer, as well as the estimated amount of commercial paper still to be issued by the issuer during the current financial year;
- (e) all other information that may reasonably be necessary to enable the lender to ascertain the nature of the financial and commercial risk of his investment;
- (f) whether or not there has been any material adverse change in the issuer's financial position since the date of its last audited financial statements;
- (g) whether or not the particular issue is to be listed;
- (h) the specific operational purpose to which the funds to be raised through the issue of the commercial paper are assigned;
- (i) whether the commercial paper is to be secured or unsecured; and
- (j) confirmation by the auditor of the issuer that the issue complies in all respects with the provisions of this Notice;

and such a placing document or prospectus shall be accompanied by the issuer's latest audited financial statements, provided that such financial statements-

- (i) shall be in respect of a financial year end not earlier than 18 months prior to the date of issue of the placing document or prospectus; and
- (ii) shall comply with generally accepted accounting practice and with the requirements for annual financial statements and interim reports set out in Schedule 4 of the Companies Act.

Signing and date of placing document or prospectus

- (6) (a) A placing document or prospectus relating to the issue of commercial paper shall-
 - (i) in the case where the issuer is a company, be signed by two directors of such company, or if such company has only one director, by that director and by a senior official of such company; or
 - (ii) in the case where the issuer is a juristic person other than a company, be signed by two senior officials of such juristic person.
- (b) Where a placing document or prospectus has been signed by the

persons as provided in subparagraph (6)(a)(i) or (6)(a)(ii) of this paragraph, such signatories of the placing document or prospectus shall be deemed to have authorized the issue of such placing document or prospectus.

- (c) Every signature to a placing document or prospectus shall be dated and the latest of such dates shall be deemed to be the date of the placing document or prospectus.

Disclosure on certificate

(7) On every certificate issued in respect of commercial paper shall be disclosed at least the information prescribed in subparagraphs (5)(a), (5)(b) and (5)(j) of this paragraph.

Statutory returns

(8) A bank that endorses commercial paper issues as contemplated in this Notice shall clearly indicate in its return on form DI 100, as prescribed in the Regulations, that component of its business that relates to such endorsements.

Returns by issuers of commercial paper

(9) All issuers of commercial paper shall furnish the Registrar quarterly, within fifteen business days immediately following upon the quarter-end to which it relates, with a return in the form of the Annexure to this Notice in respect of the immediately preceding quarter.

ANNEXURE

RETURN CONCERNING COMMERCIAL PAPER

(Confidential and not available for inspection by the public)

The purpose of this return is the collation of economic statistics. It is not used for supervisory purposes or for the enforcement of the Banks Act, 1990.

Quarter ended

Name of reporting institution

Address

Contact person

Telephone number

Facsimile number

(All amounts to be rounded off to be the nearest R'000 and shown in A at nominal value)

A. Commercial paper: issued, redeemed and outstanding	Endorsed ⁽¹⁾	Not endorsed	Total
Outstanding at beginning of quarter
Issued during quarter
Redeemed during quarter
Outstanding at end of quarter

B. New issues

Remaining term of new issues⁽²⁾Rate of return on new issues (Percentage)⁽²⁾Completed returns⁽³⁾ must be sent to:

The Registrar of Banks
P O Box 8432
PRETORIA
0001

⁽¹⁾ "Endorsed" includes any underwriting or guarantee by a bank.⁽²⁾ If required, attach schedules.⁽³⁾ A return must be completed for each quarter in which commercial paper issued is outstanding, whether or not any other transactions occurred during the reporting quarter, and must be furnished within fifteen business days immediately following upon the quarter-end to which the return relates.

SOUTH AFRICAN RESERVE BANK**No. 2173****14 December 1994****BANKS ACT, 1990****DESIGNATION OF AN ACTIVITY NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A BANK" (A GROUP OF PERSONS BETWEEN THE MEMBERS OF WHICH EXISTS A COMMON BOND)**

Under paragraph (cc) of the definition of "the business of a bank" in section 1 of the Banks Act, 1990 (Act No. 94 of 1990), I, Christo Floris Wiese, Deputy Registrar of Banks, hereby designate, with the approval of the Minister of Finance with effect from 1 January 1995, the activity set out in paragraph 2 of the Schedule as an activity that does not fall within the meaning of "the business of a bank".

C F WIESE,
Deputy Registrar of Banks.

SCHEDULE**DEFINITIONS**

1. In this Schedule-

"a common bond" exists between-

- (a) members of a specific group consisting of employees of the same employer who are members of the same savings and credit scheme that is operated and administered on behalf of such group of employees in accordance with set rules agreed upon between such group of employees and their employer; or
- (b) members of a specific group that may be described by the term or concept known as "stokvel", which-
 - (i) is a formal or informal rotating credit scheme with entertainment, social and economic functions;
 - (ii) fundamentally consists of members who have pledged mutual support to each other towards the attainment of specific objectives;
 - (iii) establishes a continuous pool of capital by raising funds by means of the subscriptions of members;
 - (iv) grants credit to and on behalf of members;
 - (v) provides for members to share in profits and to nominate management; and

(vi) relies on self-imposed regulation to protect the interest of its members; or

(c) members of a specific group, governed in terms of rules agreed to and signed by the group's founders, exclusively established for the purpose of raising funds and applying or holding available such funds for housing advances to members, irrespective of whether or not such group is bound by its rules to terminate upon the expiration of a fixed period or upon the occurrence of an event specified in its rules; or

(d) members of a specific group that chooses to identify itself by use of the name Credit Union or Savings and Credit Cooperative-

(i) which group consists of persons of similar occupation or profession or who are employed by a common employer or who are employed within the same business district; or

(ii) which group has common membership in an association or organisation, including religious, social, co-operative, labour or educational groups; or

(iii) which group resides within the same defined community, rural or urban district,

and which group receives funds from members against the issue of stock or by means of the subscriptions of members;

"employee" means any person who is employed by or working for an employer and is receiving or entitled to receive any remuneration,

"employer" means any person whosoever employs or provides work for any person and remunerates or expressly or tacitly undertakes to remunerate him;

"group" means a number of natural persons;

"member", in relation to a group as mentioned in subparagraph (a), (b), (c) and (d), means a person who contributes towards the funding of the group in order to obtain any benefit in terms thereof.

DESIGNATED ACTIVITY

2. Subject to the conditions set out in paragraph 3, the acceptance by or on behalf of a group, between the members of which there exists a common bond, of money from such members, the pooling of such money, and the utilization thereof for one or more of the following objectives:

(a) The relief or maintenance during minority, old age, widowhood, sickness or other infirmity, whether bodily or mental, of members or their husbands, wives, widows, widowers, children or other relatives or dependants;

(b) the granting of annuities, whether immediate or deferred, to members or to nominees

of members, or the endowment of members or nominees of members;

(c) the provision of a sum of money to be paid or other benefit to be provided-

- (i) on the birth of a member's child;
- (ii) on the death of a member or any other person mentioned in paragraph (a) or in the form of an endowment insurance on the life of a member or such a person;
- (iii) towards the expenses in connection with the death or funeral of any member or any such person; or

(iv) during a period of confined mourning by a member or such a person;

(d) the acquisition of movable goods by a member;

(e) the acquisition of any land by a member;

(f) the erection, on any land, of buildings for residential or business purposes or the acquisition of any such buildings by a member;

(g) the insurance against fire or other contingencies of the implements of the trade or calling of any member;

(h) towards expenses in connection with any recreational or social event of a member;

(i) the provision of a sum of money to a member on a member's leaving the services of his employer owing to dismissal, resignation or otherwise;

(j) the relief or maintenance of members, or any group of members, when unemployed or in distressed circumstances;

(k) the provision of money for the advancement of the education or training of members or of the children of members;

(l) the establishment of any business by a member;

(m) the development of the community to which the members belong;

(n) the provision of means whereby members may receive interest or a dividend on their respective contributions.

CONDITIONS

3. The conditions referred to in paragraph 2, applicable to a group between the members of which there exists a common bond (hereinafter referred to as "a group"), are the following, namely-

- (a) none of the activities of a group may fall within the objectives of a pension fund organisation as set out in paragraph (a) or (b) of the definition of "pension fund organization" in section one of the Pension Funds Act, 1956;
- (b) the rules of a group shall not entitle any member at any time, albeit subject to any such notice as may be prescribed in the rules of the group, to withdraw the full amount of his contributions;
- (c) a group as mentioned in subparagraph (b) of paragraph 1 shall either be a member of or be affiliated to the National Stokvels Association of South Africa ("NASASA") or any such similar representative self-regulatory body approved by the Registrar of Banks in writing;
- (d) a group as mentioned in subparagraph (d) of paragraph 1 shall either be a member of or be affiliated to the Savings and Credit Co-operative League of South Africa ("SACCOL") or any such similar representative self-regulatory body approved by the Registrar in writing;
- (e) the benefits of the members of the group shall not be provided exclusively by way of loans that, in terms of the rules of a group, must be repaid;
- (f) a group shall keep, in one of the official languages of the Republic of South Africa, such accounting records as are necessary to fairly reflect the state of affairs and business of a group and to explain the transactions and financial position of such group;
- (g) a group shall fix a date on which, in each year, its financial year will end, and such financial year shall be a group's annual accounting period;
- (h) a group shall within 120 days after the end of each financial year cause annual financial statements, pertaining to its affairs and business in respect of that financial year, to be made out in one of the official languages of the Republic of South Africa;
- (i) a group must fit into one of the following categories:
 - (i) A group that does not at any time hold subscriptions from members amounting in the aggregate to more than R1 million; or
 - (ii) a group that at any time holds subscriptions from members amounting in the aggregate to more than R1 million but not amounting in the aggregate to more than R9,99 million;
- (j) the financial statements of a group that fits into the category mentioned in item (ii) of subparagraph (i) shall be presented to a person duly registered as an accountant and auditor, in terms of the Public Accountants' and Auditors' Act, 1991 (Act No. 80 of 1991), for purposes of the drawing up and presentation of a report;
- (k) in the event of the accountant and auditor being unable to make such report or to make it without qualification, he shall include in his report a statement to that effect

and set forth the facts or circumstances that prevent him from so making his report or from making it without qualification;

(l) copies of such audit report shall within 60 days after completion thereof in respect of a group fitting into the category mentioned in item (ii) of subparagraph (i) be presented-

- (i) in the case of a group mentioned in subparagraph (a) of paragraph 1, to the members of such group and to their employer; or
- (ii) in the case of a group mentioned in subparagraph (b) of paragraph 1, to the members of such group and the National Stokvels Association of South Africa ("NASASA") or any such similar representative self-regulatory body approved by the Registrar in writing; or
- (iii) in the case of a group mentioned in subparagraph (c) of paragraph 1, to the members of such group; or
- (iv) in the case of a group mentioned in subparagraph (d) of paragraph 1, to the members of such group and to the Savings and Credit Co-operative League of South Africa ("SACCOL") or any such similar representative self-regulatory body approved by the Registrar in writing.

IMPORTANT!!

Placing of languages:

Government Gazettes

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1994 to 30 September 1995, English is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Act of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. ***It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.***

—oOo—

BELANGRIK!!

Plasing van tale:

Staatskoerante

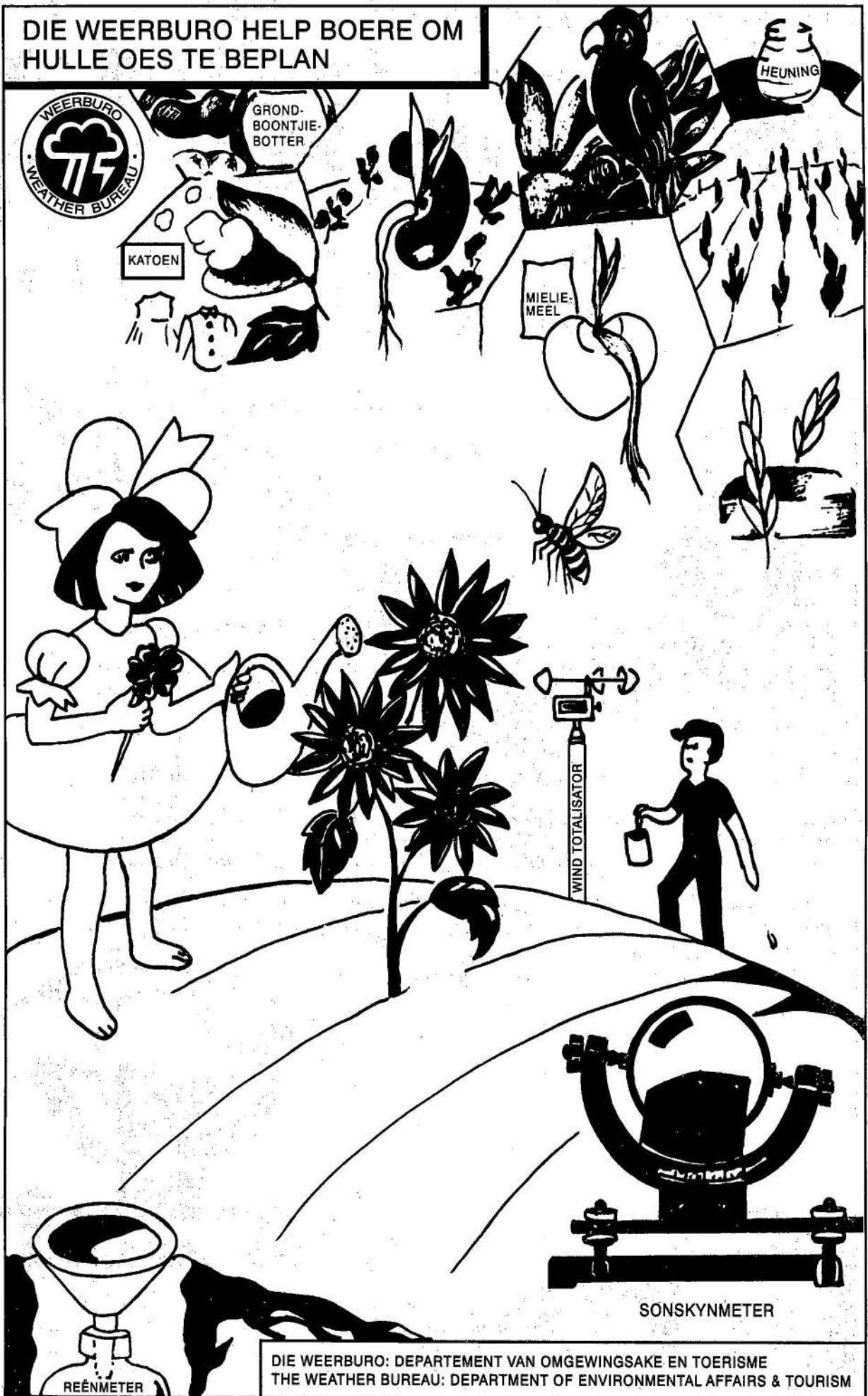
1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1994 tot 30 September 1995 word Engels EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. ***Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.***

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