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GOVERNMENT NOTICES GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF FINANCE DEPARTEMENT VAN FINANSIES

No. R. 1269

26 September 1997

AMENDMENT OF THE REGULATIONS MADE UNDER THE STOCK EXCHANGES CONTROL ACT, 1985

The Minister of Finance has under section 51 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), made the regulations set out in the Schedule.

SCHEDULE**Definitions**

1. In these regulations "the Regulations" means the Regulations published by Government Notice No. R.594 in *Gazette* No. 17093 of 12 April 1996.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended -

- (a) by the insertion before the definition of "client" of the following definitions:

"auditor" means an auditor registered in terms of the Public Accountants' and Auditors' Act, 1991 (Act No 80 of 1991);

'authorised representative' means an authorised representative as defined in the Conditions;";

- (b) by the insertion after the definition of "client" of the following definition:

"Conditions' mean the Conditions determined by the Registrar under section 4(1)(c) of the Act by notice in the *Gazette* with which a person who manages investments on behalf of another person must comply;"; and

- (c) by the insertion after the definition of "generally accepted accounting practice" of the following definitions:

"internal controls' mean those internal controls established in order to provide reasonable assurance of

(a) the safeguarding of assets against unauthorised use or disposition; and

(b) the maintenance of proper accounting records and the reliability of financial information used within the business or for publication;

"investment manager' means a person approved in terms of section 4(4) of the Act to manage investments or a person who falls within a category of persons approved by the Registrar in terms of the said section to manage investments;";

Insertion of Regulations 2A and 2B in the Regulations

3. The following regulations are hereby inserted in the Regulations after regulation 2:

"Application for approval of a person

- 2A(1) Any person who applies for approval in terms of section 4(1)(a) of the Act to manage investments on behalf of another person shall submit to the Registrar a written application in the form set out in Form EB 3.
- 2A(2) An application contemplated in subregulation (1) shall be accompanied by -
- (a) the fee prescribed in regulation 7(1)(c);
 - (b) a report by an auditor in the form set out in Form EB 4; and
 - (c) a specimen mandate which the investment manager intends to use to manage investments on behalf of another person and which complies with the minimum requirements set out in the Conditions.

Application for approval of a category of persons

- 2B(1) A category of persons who applies for approval in terms of section 4(1)(a) of the Act to manage investments on behalf of another person shall submit to the Registrar a written application in the form set out in Form EB 5.
- 2B(2) An application contemplated in subregulation (1) shall be accompanied by -
- (a) the fee prescribed in regulation 7(1)(d);
 - (b) a specimen mandate which every person who falls within the category intends to use to manage investments on behalf of another person and which complies with the minimum requirements set out in the Conditions.
- 2B(3) The representative who applied for approval of a category of persons, shall notify the Registrar not later than 30 days after a change in the list of persons who fall within that category has occurred, of such change.
- 2B(4) The notification of an addition to the list of persons who fall in an approved category, shall be accompanied by -
- (a) the fee prescribed in regulation 7(1)(e);
 - (b) the information required in Form EB 5; and
 - (c) a specimen mandate which each person added to the list intends to use to manage investments on behalf of another person and which complies with the minimum requirements set out in the Conditions."

Amendment of regulation 7 of the Regulations

4. Regulation 7 of the Regulations is hereby amended -

- (a) by the substitution for paragraph (c) of subregulation (1) of the following paragraph:

"(c) Application for the approval of a person referred to in section 4(1)(a) of the Act

R5 000"; and

(b) by the addition of the following paragraphs to subregulation (1):

"(d) Application for the approval of a category of persons referred to in section 4(1)(a) of the Act R5 000

(e) Addition to the list of persons who fall within a category of persons referred to in section 4(1)(a) of the Act R1 000".

Insertion of Form EB3, Form EB 4 and Form EB 5

5. The following forms are hereby inserted after Form EB 2 of the Regulations:

FORM EB 3

Application for approval in terms of section 4(1)(a) of the Stock Exchanges Control Act, 1985

SECTION I (To be completed by all applicants)

1. Full name of applicant
2. Details of corporate status, registered number and registered address
3. Address where business is being conducted
4. Postal Address
5. Telephone Number Facsimile.....
6. Address of Internet website, if any
7. Electronic mail address, if any
8. Date of financial year end
9. Name and address of auditors
10. Names and addresses (postal and physical) of authorised representatives
11. Names and addresses (postal and physical) of the members of the audit committee, if any
12. Name and branch of bank where accounts of the applicant are kept
Current account:
Trust account (if any):
13. The names, identity numbers and addresses of the applicant's owners, partners, members (if close corporation) or its shareholders and directors (if a private company or unlisted public company), the shareholders and directors of the holding company (if a private company or unlisted public company) are as follows:

Name	Identity Number	Shares	Address
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.....

14. The names (A), identity numbers (B), business telephone numbers (C), home telephone numbers (D), four business references (E), current employers (F), and qualifications and experience (G) of the applicant's members, directors, partners, owners and/or employees materially involved in the management of investments.

A	B	C	D	E	F	G
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15. Have any of the persons referred to in paragraph 14 ever been convicted of an offence resulting from dishonesty, fraud or embezzlement? (H); were any of these persons a controlling shareholder or director of a company or close corporation at the time it was placed under judicial management or in liquidation? (I); has the estate of any such person ever been sequestered? (J); has any such person been found guilty in disciplinary proceedings by an employer or regulatory body due to dishonest activities? (K); and has any such person been barred from entry into any profession or occupation? (L) (Also indicate in respect of each of the above if proceedings are pending):

H	I	J	K	L
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SECTION II (Only to be completed by an applicant requiring exemption)

1. Please indicate exemptions required from the Conditions
2. Please furnish reasons for requiring the exemption

Signed at on

As witnesses:

1.
2.

FORM EB 4

Report of the independent auditor of (the investment manager) to the Registrar of Stock Exchanges in compliance with regulation 2A of the Regulations made in terms of the Stock Exchanges Control Act, 1985

In compliance with regulation 2A we have reviewed internal financial control systems of the investment manager.

Our review procedures included such procedures and enquiries as we considered necessary in the circumstances to enable us to report in terms of regulation 2A. Our review procedures consisted principally of applying analytical procedures to the underlying financial data, review and analysis of certain information, discussions with personnel responsible for financial and accounting matters and making enquiries of management. It should be recognised that our review did not constitute an audit and may not necessarily reveal all material facts.

Because of the inherent limitations of a system of internal control, including concealment through collusion or forgery, errors and irregularities may not be prevented or detected. Furthermore, projections of any evaluations of the internal control system over financial reporting to future periods are subject to the risk

that internal controls may become inadequate because of changes in circumstances, or that the degree of compliance with policies or procedures may deteriorate.

During the course of our review we did not become aware of any matters to indicate that -

- (a) the anticipated internal financial control systems are not adequate for the size and complexity of the business it proposes to conduct in terms of this application; and
- (b) adequate measures would not be in operation to ensure the continued safety of documents of title relating to assets which may be held in safe custody (if applicable).

Name of Firm

Registered Accountants and Auditors

Chartered Accountants (CA)SA

Address

Date

FORM EB 5

Application for approval of a category of persons in terms of section 4(1)(a) of the Stock Exchanges Control Act, 1985

1. Name of applicant (an association representing a category of persons)
2. Description of category of persons
3. Names, addresses, corporate status, postal and physical addresses, telephone and facsimile numbers, addresses of Internet websites, if any, electronic mail addresses, if any, and financial year end of each person (whether an individual, company, close corporation or any other kind of institution) comprising the category. Please attach a list with the information regarding the various persons.
4. Please indicate whether exemption from the Conditions in respect of the category of persons for which approval has been applied for, is required
5. Please furnish reasons for requiring exemption for such category of persons

Coming into operation

6. These regulations shall come into operation on 1 October 1997.

No. R. 1269

26 September 1997

**WYSIGING VAN REGULASIES UITGEVAARDIG KRAGTENS
DIE WET OP BEHEER VAN AANDELEBEURSE, 1985**

Die Minister van Finansies het kragtens artikel 51 van die Wet op Beheer van Aandelebeurse, 1985 (Wet No. 1 van 1985), die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie regulasies beteken "die Regulasies" die Regulasies afgekondig by Goewermentskennisgewing No. R.594 in *Staatskoerant* No. 17093 van 12 April 1996.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig -

- (a) deur die volgende omskrywing na die omskrywing van "algemeen aanvaarde rekeningkundige praktyk" in te voeg:

"beleggingsbestuurder" 'n persoon wat ingevolge artikel 4(4) van die Wet deur die Registrateur goedgekeur is om beleggings te bestuur of 'n persoon wat in 'n kategorie persone val wat deur die Registrateur ingevolge daardie artikel goedgekeur is om beleggings te bestuur;"

- (b) deur die volgende omskrywings na die omskrywing van "die Appèlraad" in te voeg:

"gemagtigde verteenwoordiger" 'n gemagtigde verteenwoordiger soos omskryf in die Voorwaardes;

'interne kontroles' daardie interne kontroles wat ingestel is ten einde redelike sekerheid te voorsien ten opsigte van-

- (a) die beveiliging van bates teen ongemagtigde gebruik en beskikking; en
- (b) die byhou van behoorlike rekeningkundige rekords en die betroubaarheid van finansiële inligting wat in die besigheid en vir publikasie gebruik word;"

- (c) deur die volgende omskrywing na die omskrywing van "kliënt" in te voeg:

"ouditeur" 'n ouditeur geregistreer ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1991 (Wet No 80 van 1991);" en

- (d) deur die volgende omskrywing na die omskrywing van "teenparty" die volgende omskrywing in te voeg:

"'Voorwaardes' die Voorwaardes soos bepaal deur die Registrateur kragtens artikel 4(1)(c) van die Wet by kennisgewing in die *Staatskoerant* waaraan 'n persoon wat beleggings namens 'n ander persoon bestuur, moet voldoen;"

Invoeging van regulasies 2A en 2B in die Regulasies

3. Die volgende regulasies word hierby na regulasie 2 van die Regulasies ingevoeg:

"Aansoek om goedkeuring van 'n persoon

- 2A(1) Iemand wat aansoek doen om goedkeuring ingevolge artikel 4(1)(a) van die Wet om beleggings namens 'n ander persoon te bestuur, moet by die Registrateur 'n skriftelike aansoek in die vorm van Vorm EB3 indien.
- 2A(2) 'n Aansoek bedoel in subregulasie (1) moet vergesel gaan van-
- (a) die fooi in regulasie 7(1)(c) voorgeskryf;
 - (b) 'n verslag deur 'n ouditeur in die vorm uiteengesit in Vorm EB4; en
 - (c) 'n modelmandaat wat die beleggingsbestuurder beplan om te gebruik om beleggings namens 'n ander persoon te bestuur en wat voldoen aan die minimum vereistes wat in die Voorwaardes uiteengesit is.

Aansoek om goedkeuring van 'n kategorie van persone

- 2B(1) 'n Kategorie van persone wat aansoek doen om goedkeuring ingevolge artikel 4(1)(a) van die Wet om beleggings namens 'n ander persoon te bestuur, moet by die Registrateur 'n skriftelike aansoek in die vorm van Vorm EB5 indien.
- 2B(2) 'n Aansoek bedoel in subregulasie (1) moet vergesel gaan van-
- (a) die fooi in regulasie 7(1)(d) voorgeskryf;
 - (b) 'n modelmandaat wat elke persoon wat in die kategorie val beplan om te gebruik om beleggings namens 'n ander persoon te bestuur en wat voldoen aan die minimum vereistes wat in die Voorwaardes uiteengesit is.
- 2B(3) Die verteenwoordiger wat aansoek doen om goedkeuring van 'n kategorie van persone moet die Registrateur nie langer nie as 30 dae nadat 'n verandering in die lys van persone wat in die kategorie val, plaasgevind het, van die verandering in kennis stel.
- 2B(4) Die kennisgewing van 'n byvoeging tot die lys van persone wat in 'n goedgekeurde kategorie val, moet vergesel gaan van -
- (a) die fooi in regulasie 7(1)(e) voorgeskryf;
 - (b) die inligting vereis in Vorm EB5; en
 - (c) 'n modelmandaat wat 'n persoon beplan om te gebruik om beleggings namens 'n ander persoon te bestuur en wat voldoen aan die minimum vereistes wat in die Voorwaardes uiteengesit is, vir elke persoon wat by die lys gevoeg word."

Wysiging van regulasie 7 van die Regulasies

4. Regulasie 7 van die Regulasies word hierby gewysig -

(a) deur paragraaf (c) van subregulasie (1) deur die volgende paragraaf te vervang:

"(c) Aansoek om goedkeuring van 'n persoon bedoel in artikel 4(1)(a) van die Wet R5 000"; en

(b) deur die volgende paragrawe by subregulasie (1) te voeg:

"(d) Aansoek om goedkeuring van 'n kategorie persone bedoel in artikel 4(1)(a) van die Wet R5 000

(f) Byvoeging tot die lys persone wat in 'n kategorie van persone bedoel in artikel 4(1)(a) van die Wet, val R1 000".

Invoeging van Vorm EB3, Vorm EB4 en Vorm EB5 in die Regulasies

5. Die volgende vorms word hierby na Vorm EB2 van die Regulasies ingevoeg:

VORM EB 3***Aansoek om goedkeuring ingevolge artikel 4(1)(a) van die Wet op Beheer van Aandelebeurse, 1985*****AFDELING 1 (Moet deur alle applikante ingevul word)**

1. Volle name van applikant
2. Besonderhede van korporatiewe status, geregistreerde nommer en geregistreerde adres
3. Adres waar besigheid bedryf sal word
4. Posadres
5. Telefoonnommer Faksimilee
6. Adresse van Internet webbligging, indien enige
7. Elektroniese posadres, indien enige
8. Datum van finansiële jaareinde
9. Name en adres van ouditeure
10. Name en adresse (pos-en straatadres) van gemagtigde verteenwoordigers

- 11. Name en adresse (pos- en straatadres) van die lede van die ouditkomitee, indien enige
- 12. Naam en tak van bank waar rekeninge van die applikant gehou word
 Lopende rekening:
 Trustrekening (indien enige):
- 13. Die name, identiteitsnommers en adresse van die applikant se eienaars, vennote, lede (in die geval van 'n beslote korporasie) of aandeelhouers en direkteure (in die geval van 'n private maatskappy of ongenoteerde publieke maatskappy), die aandeelhouers en direkteure van die beherende maatskappy (in die geval van 'n private maatskappy of 'n ongenoteerde publieke maatskappy) is soos volg:

Naam	Identiteitsnommer	Aandele	Adres
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- 14. Die name (A), identiteitsnommers (B), besigheidstelefoonnommers (C), huistelefoonnommers (D), vier besigheidsverwysings (E), huidige werkgewers (F) en die kwalifikasies en ondervinding (G) van die applikant se lede, direkteure, vennote, eienaars en werknemers wat aktief betrokke is by die bestuur van beleggings.

A	B	C	D	E	F	G
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- 15. Is enige van die persone bedoel in paragraaf 14 ooit skuldig bevind aan 'n oortreding weens oneerlikheid, bedrog of verduistering? (H); was enige van daardie persone 'n beherende aandeelhouer of direkteur van 'n maatskappy of beslote korporasie toe dit onder geregtelike bestuur geplaas of gelikwedeer is? (I); is die boedel van enige sodanige persoon ooit gesekwestreer? (J); is enige sodanige persoon gedurende dissiplinêre verrigtinge deur 'n werkgewer of regulerende liggaam skuldig bevind aan oneerlike gedrag? (K); en is enige sodanige persoon toelating tot enige professie of beroep geweier? (L). (Dui ook ten opsigte van elke vraag hierbo aan of verrigtinge hangende is):

H	I	J	K	L
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AFDELING II (Moet slegs ingevul word deur applikante wat vrystelling verlang)

- 1. Dui asseblief die verlangde vrystellings van die Voorwaardes aan
- 2. Verskaf asseblief redes vir die vrystelling wat verlang word

Geteken te op

As getuies:

- 1. 2.

VORM EB4

Verslag van die onafhanklike ouditeur van (die beleggingsbestuurder) aan die Registrateur van Aandelebeurse ter nakoming van regulasie 2A van die Regulasies kragtens die Wet op Beheer van Aandelebeurse, 1985, uitgevaardig

Ons het ter nakoming van regulasie 2A die interne finansiële beheerstelsels van die beleggingsbestuurder nagegaan.

Ten einde ons in staat te stel om ingevolge regulasie 2A verslag te doen, het ons nasieningsprosedures sodanige prosedures en navrae ingesluit wat ons onder die omstandighede nodig geag het. Ons nasieningsprosedures het hoofsaaklik bestaan uit die toepassing van analitiese prosedures op die onderliggende finansiële gegewens, die nasien en ontleding van sekere inligting, besprekings met personeel wat verantwoordelik is vir finansiële en rekeningkundige sake en die rig van navrae aan die bestuur. Daar moet begryp word dat ons nasiening nie 'n oudit was nie en nie noodwendig alle wesenlike feite blootlê nie.

Weens die inherente beperkinge van 'n stelsel van interne beheer, insluitende verberging deur samespanning of vervalsing, is foute of onreëlmatighede moontlik nie voorkom of opgespoor nie. Voorts is toekomsgerigte projeksies van enige evaluering van die interne beheerstelsel oor finansiële verslagdoening onderworpe aan die risiko dat interne beheermaatreëls onvoldoende mag word as gevolg van veranderende omstandighede en aan die risiko dat die graad van voldoening aan beleid en prosedures kan versleg.

Gedurende die verloop van ons nasiening het ons nie bewus geword van enige aangeleentheid wat daarop dui dat-

- (a) die verwagte interne finansiële beheerstelsels nie genoegsaam is nie vir die grootte en ingewikkeldheid van die voorgestelde besigheid wat ingevolge hierdie aansoek bedryf gaan word nie; en
- (b) voldoende maatreëls nie in werking sal wees nie om die voortgesette veiligheid van titeldokumente met betrekking tot bates wat in veilige bewaring gehou mag word, te verseker (indien van toepassing).

Naam van firma
Geregistreeerde Rekenmeesters en Ouditeure
Geoktrooieerde Rekenmeesters (GR) SA
Adres
Datum

VORM EB 5

Aansoek om goedkeuring van 'n kategorie van persone ingevolge artikel 4(1)(a) van die Wet op Beheer van Aandelebeurse, 1989

1. Naam van applikant ('n vereniging wat 'n kategorie persone verteenwoordig)
2. Beskrywing van kategorie van persone

3. Name, adresse, korporatiewe status, pos- en straatadresse, telefoon en faksimilee nommers, adresse van Internet webliggings, indien enige, elektroniese posadresse, indien enige, en finansiële jaareinde van elke persoon (hetsy 'n individu, maatskappy, beslote korporasie of enige ander soort instelling) waaruit die kategorie bestaan. Heg asseblief 'n lys aan met die inligting aangaande die verskillende persone.
4. Dui asseblief verlangde vrystellings van die Voorwaardes ten opsigte van die kategorie van persone waarvoor aansoek om goedkeuring gedoen is, aan
5. Verskaf asseblief redes waarom vrystelling vir sodanige kategorie van persone verlang word

Inwerkingtreding

6. Hierdie regulasies tree op 1 Oktober 1997 in werking.

No. R. 1270

26 September 1997

**AMENDMENT OF THE REGULATIONS MADE UNDER
THE FINANCIAL MARKETS CONTROL ACT, 1989**

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

SCHEDULE

Definitions

1. In these regulations "the Regulations" means the Regulations published by Government Notice No. R.619 in *Gazette* No. 17939 of 25 April 1997.

Amendment of regulation 1 of the Regulations

2. Regulation 1 of the Regulations is hereby amended -

- (a) by the insertion after the definition of "auditor" of the following definition:

"authorised representative" means an authorised representative as defined in the Conditions;"

- (b) by the insertion after the definition of "client" of the following definition:

"Conditions" mean the Conditions as determined by the Registrar under section 5(1)(c) of the Act by notice in the *Gazette* with which a person who manages investments on behalf of another person must comply;" and

- (c) by the insertion after the definition of "generally accepted accounting practice" of the following definitions:

"internal controls" mean those internal controls established to provide reasonable assurance of -

- (a) the safeguarding of assets against unauthorised use or disposition; and
(b) the maintenance of proper accounting records and the reliability of financial information used within the business or for publication;

"investment manager" means a person approved by the Registrar in terms of section 5(4) of the Act to manage investments or a person who falls within a category of persons approved by the Registrar in terms of the said section to manage investments;"

Insertion of regulations 2A and 2B in the Regulations

3. The following regulations are hereby inserted in the Regulations after regulation 2:

"Application for approval of a person

- 2A(1) Any person who applies for approval in terms of section 5(1)(a) of the Act to manage investments on behalf of another person shall submit to the Registrar a written application in the form set out in Form FM 3.
- 2A(2) An application referred to in subregulation (1) shall be accompanied by -
- (a) the fee prescribed in regulation 13(1)(c);
 - (b) a report by an auditor in the form set out in Form FM 4; and
 - (c) a specimen mandate which the investment manager intends to use to manage investments on behalf of another person and which complies with the minimum requirements set out in the Conditions.

Application for approval of a category of persons

- 2B(1) A category of persons who applies for approval in terms of section 5(1)(a) of the Act to manage investments on behalf of another person shall submit to the Registrar a written application in the form set out in Form FM 5.
- 2B(2) An application referred to in subregulation (1) shall be accompanied by -
- (a) the fee prescribed in regulation 13(1)(e); and
 - (b) a specimen mandate which every person who falls within the category intends to use to manage investments on behalf of another person and which complies with the minimum requirements set out in the Conditions.
- 2B(3) The representative who applied for approval of a category of persons shall notify the Registrar not later than 30 days after a change in the list of persons who fall within that category has occurred, of such change.
- 2B(4) The notification of an addition to the list of persons who fall in an approved category, shall be accompanied by -
- (a) the fee prescribed in regulation 13(1)(f);
 - (b) the information required in Form FM 5; and
 - (c) a specimen mandate which each person added to the list intends to use to manage investments on behalf of another person and which complies with the minimum requirements set out in the Conditions."

Amendment of regulation 13 of the Regulations**4. Regulation 13 of the Regulations is hereby amended -**

- (a) by the substitution for paragraph (c) of subregulation (1) of the following paragraph:

"(c) Application for the approval of a person referred to in section 5(1)(a) of the Act

R5 000"; and

(b) by the addition of the following paragraphs to subregulation (1):

"(e) Application for the approval of a category of persons referred to in section 5(1)(a) of the Act R5 000

(f) Addition to the list of persons who fall within a category of persons referred to in section 5(1)(a) of the Act R1 000".

Insertion of Form FM 3, Form FM 4 and Form FM 5

5. The following forms are hereby inserted after Form FM 2 of the Regulations:

FORM FM 3

Application for approval in terms of section 5(1)(a) of the Financial Markets Control Act, 1989

SECTION I (To be completed by all applicants)

1. Full name of applicant
2. Details of investments which will be managed
3. Details of corporate status, registered number and registered address
4. Address where business will be conducted
5. Postal Address
6. Telephone Number Facsimile
7. Address of Internet website, if any
8. Electronic mail address, if any
9. Date of financial year end
10. Name and address of auditors
11. Names and addresses (postal and physical) of authorised representatives
12. Names and addresses (postal and physical) of the members of the audit committee, if any
13. Name and branch of bank where accounts of the applicant are kept
Current account:
- Trust account (if any):
14. The names, identity numbers and addresses of the applicant's owners, partners, members (if close corporation) or its shareholders and directors (if a private company or unlisted public company), the shareholders and directors of the holding company (if a private company or unlisted public

company) are as follows:

Name	Identity Number	Shares	Address
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15. The names (A), identity numbers (B), business telephone numbers (C), home telephone numbers (D), four business references (E), current employers (F), and qualifications and experience (G) of the applicant's members, directors, partners, owners and/or employees actively involved in the management of investments.

A	B	C	D	E	F	G
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16. Have any of the persons referred to in paragraph 15 ever been convicted of an offence resulting from dishonesty, fraud or embezzlement? (H); were any of these persons a controlling shareholder or director of a company or close corporation at the time it was placed under judicial management or in liquidation? (I); has the estate of any such person ever been sequestered? (J); has any such person been found guilty in disciplinary proceedings by an employer or regulatory body due to dishonest activities? (K); and has any such person been barred from entry into any profession or occupation? (L). (Also indicate in respect of each of the above if proceedings are pending):

H	I	J	K	L
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SECTION II (Only to be completed by an applicant requiring exemption)

- Please indicate the required exemption from the Conditions
- Please furnish reasons for requiring the exemption

Signed at on

As witnesses:

-
-

FORM FM 4

Report of the independent auditor of (the investment manager) to the Registrar of Financial Markets in compliance with regulation 2A of the Regulations made under the Financial Markets Control Act, 1989

In compliance with regulation 2A we have reviewed the internal financial control systems of the investment manager.

Our review procedures included such procedures and enquiries as we considered necessary in the circumstances to enable us to report in terms of regulation 2A. Our review procedures consisted principally of applying analytical procedures to the underlying financial data, review and analysis of certain information, discussions with personnel responsible for financial and accounting matters and making enquiries of management. It should be recognised that our review did not constitute an audit and may

not necessarily reveal all material facts.

Because of the inherent limitations of a system of internal control, including concealment through collusion or forgery, errors and irregularities may not be prevented or detected. Furthermore, projections of any evaluations of the internal control system over financial reporting to future periods are subject to the risk that internal controls may become inadequate because of changes in circumstances, or that the degree of compliance with policies or procedures may deteriorate.

During the course of our review we did not become aware of any matters to indicate that -

- (a) the anticipated internal financial control systems are not adequate for the size and complexity of the business it proposes to conduct in terms of this application; and
- (b) adequate measures would not be in operation to ensure the continued safety of documents of title relating to assets which may be held in safe custody (if applicable).

Name of Firm

Registered Accountants and Auditors

Chartered Accountants (CA)SA

Address

Date

FORM FM 5

Application for approval of a category of persons in terms of section 5(1)(a) of the Financial Markets Control Act, 1989

1. Name of applicant (an association representing a category of persons)
2. Description of category of persons
3. Names, addresses, corporate status, postal and physical addresses, telephone and facsimile numbers, addresses of Internet websites, if any, electronic mail addresses, if any, and financial year end of each person (whether an individual, company, close corporation or any other kind of institution) comprising the category. Please attach a list with the information regarding the various persons.
4. Please indicate whether exemption from the Conditions in respect of the category of persons for which approval has been applied for, is required
5. Please furnish reasons for requiring exemption for such category of persons

Coming into operation

6. These regulations shall come into operation on 1 October 1997.

No. R. 1270

26 September 1997

**WYSIGING VAN REGULASIES UITGEVAARDIG KRAGTENS
DIE WET OP BEHEER VAN FINANSIËLE MARKTE, 1989**

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

BYLAE

Woordomskrywing

1. In hierdie regulasies beteken "die Regulasies" die Regulasies afgekondig by Goewermentskennisgewing No. R. 619 in *Staatskoerant* No. 17939 van 25 April 1997.

Wysiging van regulasie 1 van die Regulasies

2. Regulasie 1 van die Regulasies word hierby gewysig -

- (a) deur die volgende omskrywing na die omskrywing van "algemeen aanvaarde rekeningkundige praktyk" in te voeg:

"'beleggingsbestuurder' 'n persoon wat ingevolge artikel 5(4) van die Wet deur die Registrateur goedgekeur is om beleggings te bestuur of 'n persoon wat in 'n kategorie persone val wat deur die Registrateur ingevolge daardie artikel goedgekeur is om beleggings te bestuur;"

- (b) deur die volgende omskrywings na die omskrywing van "die appèlraad" in te voeg:

"'gemagtigde verteenwoordiger' 'n gemagtigde verteenwoordiger soos omskryf in die Voorwaardes;

'interne kontroles' daardie interne kontroles wat ingestel is ten einde redelike sekerheid te voorsien ten opsigte van-

- (a) die beveiliging van bates teen ongemagtigde gebruik en beskikking; en
(b) die byhou van behoorlike rekeningkundige rekords en die betroubaarheid van finansiële inligting wat in die besigheid en vir publikasie gebruik word;"

- (c) deur die volgende omskrywing na die omskrywing van "ouditeur" in te voeg:

"'Voorwaardes' die Voorwaardes soos bepaal deur die Registrateur kragtens artikel 5(1)(c) van die Wet by kennisgewing in die *Staatskoerant* waaraan 'n persoon wat beleggings namens 'n ander persoon bestuur, moet voldoen;"

Invoeging van regulasies 2A en 2B in die Regulasies

3. Die volgende regulasies word hierby na regulasie 2 van die Regulasies ingevoeg:

“Aansoek om goedkeuring van ‘n persoon

- 2A(1) Iemand wat aansoek doen om goedkeuring ingevolge artikel 5(1)(a) van die Wet om beleggings namens ‘n ander persoon te bestuur, moet by die Registrateur ‘n skriftelike aansoek in die vorm van Vorm FM3 indien.
- 2A(2) ‘n Aansoek bedoel in subregulasie (1) moet vergesel gaan van-
- die fooi in regulasie 13(1)(c) voorgeskryf;
 - ‘n verslag deur ‘n ouditeur in die vorm uiteengesit in Vorm FM4; en
 - ‘n modelmandaat wat die beleggingsbestuurder beplan om te gebruik om beleggings namens ‘n ander persoon te bestuur en wat voldoen aan die minimum vereistes wat in die Voorwaardes uiteengesit is.

Aansoek om goedkeuring van ‘n kategorie van persone

- 2B(1) ‘n Kategorie van persone wat aansoek doen om goedkeuring ingevolge artikel 5(1)(a) van die Wet om beleggings namens ‘n ander persoon te bestuur, moet by die Registrateur ‘n skriftelike aansoek in die vorm van Vorm FM5 indien.
- 2B(2) ‘n Aansoek bedoel in subregulasie (1) moet vergesel gaan van-
- die fooi in regulasie 13(1)(e) voorgeskryf;
 - ‘n modelmandaat wat elke persoon wat in die kategorie val beplan om te gebruik om beleggings namens ‘n ander persoon te bestuur en wat voldoen aan die minimum vereistes wat in die Voorwaardes uiteengesit is.
- 2B(3) Die verteenwoordiger wat aansoek doen om goedkeuring van ‘n kategorie van persone moet die Registrateur nie langer nie as 30 dae nadat ‘n verandering in die lys van persone wat in die kategorie val, plaasgevind het, van die verandering in kennis stel.
- 2B(4) Die kennisgewing van ‘n byvoeging tot die lys van persone wat in ‘n goedgekeurde kategorie val, moet vergesel gaan van -
- die fooi in regulasie 13(1)(f) voorgeskryf;
 - die inligting vereis in Vorm FM5; en
 - ‘n modelmandaat wat ‘n persoon beplan om te gebruik om beleggings namens ‘n ander persoon te bestuur en wat voldoen aan die minimum vereistes wat in die Voorwaardes uiteengesit is, vir elke persoon wat by die lys gevoeg word.”.

Wysiging van regulasie 13 van die Regulasies

4. Regulasie 13 van die Regulasies word hierby gewysig -

(a) deur paragraaf (c) van subregulasie (1) deur die volgende paragraaf te vervang:

“(c) Aansoek om goedkeuring van 'n persoon
bedoel in artikel 5(1)(a) van die Wet R5 000”; en

(b) deur die volgende paragrawe by subregulasie (1) te voeg:

“(e) Aansoek om goedkeuring van 'n kategorie
persone bedoel in artikel 5(1)(a) van die Wet R5 000

(f) Byvoeging tot die lys persone wat in 'n kategorie van
persone bedoel in artikel 5(1)(a) van die Wet, val R1 000”.

Invoeging van Vorm FM3, Vorm FM4 en Vorm FM5 in die Regulasies

5. Die volgende vorms word hierby na Vorm FM2 van die Regulasies ingevoeg:

VORM FM 3

Aansoek om goedkeuring ingevolge artikel 5(1)(a) van die Wet op Beheer van Finansiële Markte, 1989

AFDELING 1 (Moet deur alle applikante ingevul word)

1. Volle name van applikant
2. Besonderhede van watter soort belegging bestuur.....
.....
3. Besonderhede van korporatiewe status, geregistreerde nommer en geregistreerde adres
4. Adres waar besigheid bedryf sal word
5. Posadres
6. Telefoonnommer Faksimilee
7. Adresse van Internet webligging, indien enige
8. Elektroniese posadres, indien enige
9. Datum van finansiële jaareinde
10. Name en adres van ouditeure
11. Name en adresse (pos-en straatadres) van gemagtigde verteenwoordigers

12. Name en adresse (pos- en straatadres) van die lede van die ouditkomitee, indien enige
13. Naam en tak van bank waar rekeninge van die applikant gehou word
 Lopende rekening:
 Trustrekening (indien enige):
14. Die name, identiteitsnommers en adresse van die applikant se eienaars, vennote, lede (in die geval van 'n beslote korporasie) of aandeelhouders en direkteure (in die geval van 'n private maatskappy of ongenoteerde publieke maatskappy), die aandeelhouders en direkteure van die beherende maatskappy (in die geval van 'n private maatskappy of 'n ongenoteerde publieke maatskappy) is soos volg:

Naam	Identiteitsnommer	Aandele	Adres
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15. Die name (A), identiteitsnommers (B), besigheidstelefoonnommers (C), huistelefoonnommers (D), vier besigheidsverwysings (E), huidige werkgewers (F) en die kwalifikasies en ondervinding (G) van die applikant se lede, direkteure, vennote, eienaars en werknemers wat aktief betrokke is by die bestuur van beleggings.

A	B	C	D	E	F	G
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16. Is enige van die persone bedoel in paragraaf 15 ooit skuldig bevind aan 'n oortreding weens oneerlikheid, bedrog of verduistering? (H); was enige van daardie persone 'n beherende aandeelhouer of direkteur van 'n maatskappy of beslote korporasie toe dit onder geregtelike bestuur geplaas of gelikwideer is? (I); is die boedel van enige sodanige persoon ooit gesekwestreer? (J); is enige sodanige persoon gedurende dissiplinêre verrigtinge deur 'n werkgewer of regulerende liggaam skuldig bevind aan oneerlike gedrag? (K); en is enige sodanige persoon toelating tot enige professie of beroep geweier? (L). (Dui ook ten opsigte van elke vraag hierbo aan of verrigtinge hangende is):

H	I	J	K	L
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AFDELING II (Moet slegs ingevul word deur applikante wat vrystelling verlang)

1. Dui asseblief die verlangde vrystellings van die Voorwaardes aan
2. Verskaf asseblief redes vir die vrystelling wat verlang word

Geteken te op

As getuies:

1. 2.

VORM FM4

Verslag van die onafhanklike ouditeur van (die beleggingsbestuurder) aan die Registrateur van Finansiële Markte ter nakoming van regulasie 2A van die Regulasies kragtens die Wet op Beheer van Finansiële Markte, 1989, uitgevaardig

Ons het ter nakoming van regulasie 2A die interne finansiële beheerstelsels van die beleggingsbestuurder nagegaan.

Ten einde ons in staat te stel om ingevolge regulasie 2A verslag te doen, het ons nasieningsprosedures en navrae ingesluit wat ons onder die omstandighede nodig geag het. Ons nasieningsprosedures het hoofsaaklik bestaan uit die toepassing van analitiese prosedures op die onderliggende finansiële gegewens, die nasien en ontleding van sekere inligting, besprekings met personeel wat verantwoordelik is vir finansiële en rekeningkundige sake en die rig van navrae aan die bestuur. Daar moet begryp word dat ons nasiening nie 'n audit was nie en nie noodwendig alle wesenlike feite blootlê nie.

Weens die inherente beperkinge van 'n stelsel van interne beheer, insluitende verberging deur samespanning of vervalsing, is foute of onreëlmatighede moontlik nie voorkom of opgespoor nie. Voorts is toekomsgerigte projeksies van enige evaluering van die interne beheerstelsel oor finansiële verslagdoening onderworpe aan die risiko dat interne beheermaatreëls onvoldoende mag word as gevolg van veranderende omstandighede en aan die risiko dat die graad van voldoening aan beleid en prosedures kan versleg.

Gedurende die verloop van ons nasiening het ons nie bewus geword van enige aangeleenthede wat daarop dui dat-

- (a) die verwagte interne finansiële beheerstelsels nie genoegsaam is nie vir die grootte en ingewikkeldheid van die voorgestelde besigheid wat ingevolge hierdie aansoek bedryf gaan word nie; en
- (b) voldoende maatreëls nie in werking sal wees nie om die voortgesette veiligheid van titeldokumente met betrekking tot bates wat in veilige bewaring gehou mag word, te verseker (indien van toepassing).

Naam van firma

Geregistreeerde Rekenmeesters en Ouditeure

Geoktrooieerde Rekenmeesters (GR) SA

Adres

Datum

VORM FM 5

Aansoek om goedkeuring van 'n kategorie van persone ingevolge artikel 5(1)(a) van die Wet op Beheer van Finansiële Markte, 1989

1. Naam van applikant ('n vereniging wat 'n kategorie persone verteenwoordig)

2. Beskrywing van kategorie van persone
3. Name, adresse, korporatiewe status, pos- en straatadresse, telefoon en faksimilee nommers, adresse van Internet webbligging, indien enige, elektroniese posadresse, indien enige, en finansiële jaareinde van elke persoon (hetsy 'n individu, maatskappy, beslote korporasie of enige ander soort instelling) waaruit die kategorie bestaan. Heg asseblief 'n lys aan met die inligting aangaande die verskillende persone.
4. Dui asseblief verlangde vrystellings van die Voorwaardes ten opsigte van die kategorie van persone waarvoor aansoek om goedkeuring gedoen is, aan
5. Verskaf asseblief redes waarom vrystelling vir sodanige kategorie van persone verlang word

Inwerkingtreeding

6. Hierdie regulasies tree op 1 Oktober 1997 in werking.

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