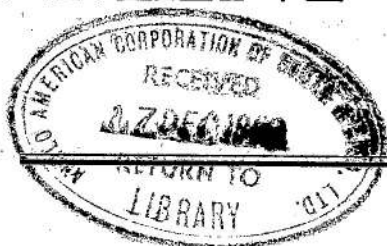




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GENERAL NOTICE

DEPARTMENT OF FINANCE

DRAFT BILL TO AMEND THE STOCK EXCHANGES
CONTROL ACT, 1947
(ACT NO. 7 OF 1947)

The following Draft Bill, the provisions of which may be
further altered, is published for general information.

ALGEMENE KENNISGEWING

DEPARTEMENT VAN FINANSIES

KONSEPWETSONTWERP TOT WYSIGING VAN DIE
WET OP BEHEER VAN EFFEKTEBEURSE, 1947
(WET NO. 7 VAN 1947)

Die volgende Konsepwetsontwerp waarvan die be-
palings verder gewysig kan word, word vir algemene in-
ligting gepubliseer.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions proposed by Minister on introduction.

 Words underlined with solid line indicate insertions proposed by Minister on introduction.

BILL**To amend the Stock Exchanges Control Act, 1947.**

(To be introduced by the MINISTER OF FINANCE.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Amendment of
section 1 of
Act 7 of 1947,
as amended by
section 1 of
Act 72 of 1951.

1. Section 1 of the Stock Exchanges Control Act, 1947 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the insertion before the definition of “carrier against shares” of the following definitions:

“‘arbitrage transaction’ means a purchase or sale by a

person on his own account of securities on one stock exchange with intent to sell or buy such securities on another stock exchange to profit by the difference between the prices of such securities on such stock exchanges;

‘bear sale’ means a sale—

(a) of listed securities of which the seller is not the owner at the time the sale is entered into, and of which he is not at that time entitled to become the owner by virtue of an inheritance or in terms of a transaction entered into before the sale is effected; or

(b) of listed securities which when aggregated with other sales of the same security in respect of which delivery has not been made, is a sale of securities in excess of securities of which the seller is the owner or so entitled to become the owner,

the seller being, in the case of a sale entered into by a stock-broker for a person who is directly or indirectly acting on behalf of another person, such last-mentioned person;

‘business day’, in relation to a stock exchange, means any day except a Sunday, Saturday or public holiday or any other day on which that stock exchange is closed;”;

(b) by the substitution for the definition of “carrier against shares” of the following definition:

“‘carrier against shares’ means a person who carries on the business of lending money against the security of **[stocks or shares]** securities but does not include—

(i) the South African Reserve Bank;

(ii) any person registered or provisionally registered as a banking institution under the Banks Act, 1965 (Act No. 23 of 1965);

ALGEMENE VERDUIDELIKENDE NOTA:

I **I** Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.

Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.

WETSONTWERP

Tot wysiging van die Wet op Beheer van Effektebeurse, 1947.

(Ingedien te word deur die MINISTER VAN FINANSIES.)

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op Beheer van Effektebeurse, 1947 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur voor die omskrywing van „geldskierter teen aandeel” die volgende omskrywings in te voeg:

„arbitrasie-transaksie” ’n koop of verkoop van effekte

deur iemand vir eie rekening op een effektebeurs met die doel om sodanige effekte op ’n ander effektebeurs te verkoop of te koop om ’n wins te maak uit die verskil tussen die pryse van sodanige effekte op sodanige effektebeurse;

„daalverkoop” ’n verkoop—

(a) van genoteerde effekte waarvan die verkoper nie ten tyde van die aangaan van die verkoop die eienaar is nie en ten opsigte waarvan hy ook nie op daardie tydstip geregtig is om uit hoofde van ’n erflating of ingevolge ’n transaksie wat aangegaan is voordat die verkoop bewerkstellig is, die eienaar te word nie; of

(b) van genoteerde effekte wat, wanneer dit saamgevoeg word met ander verkope van dieselfde effekte ten opsigte waarvan lewering nie geskied het nie, ’n verkoop is van effekte wat meer is as die effekte waarvan die verkoper die eienaar is of ten opsigte waarvan hy aldus geregtig is om die eienaar te word, terwyl die verkoper, in die geval van ’n verkoop aangegaan deur ’n effektemakelaar vir iemand wat regstreeks of onregstreeks namens iemand anders optree, laasgenoemde persoon is;

„besigheidsdag”, met betrekking tot ’n effektebeurs, enige dag behalwe ’n Sondag, Saterdag of openbare feesdag of enige ander dag waarop daardie effektebeurs gesluit is;”;

(b) deur die omskrywing van „geldskierter teen aandeel” deur die volgende omskrywing te vervang:

„„geldskierter teen aandeel” iemand wat die besigheid dryf van geld uitleen op sekuriteit bestaande uit effekte **[of aandeel]** maar nie ook nie—

(i) die Suid-Afrikaanse Reserwebank;

(ii) iemand wat kragtens die Bankwet, 1965 (Wet No. 23 van 1965), as ’n bankinstelling geregistreer of voorlopig geregistreer is;

Wysiging van artikel 1 van Wet 7 van 1947, soos gewysig deur artikel 1 van Wet 72 van 1951.

- (iii) any building society registered under the Building Societies Act, 1965 (Act No. 24 of 1965); or
- (iv) any person registered as an insurer under the Insurances Act, 1943 (Act No. 27 of 1943);”;
- (c) by the insertion after the definition of “carrier against shares” of the following definition:
“‘cash sale price’, in relation to any security, means the sale price of such security in terms of a transaction which is not a bear sale, a purchase on time or an odd-lot transaction;”;
- (d) by the deletion of the definition of “dealer in stocks or shares”;
- (e) by the insertion after the definition of “committee” of the following definition:
“‘*Gazette*’ includes the *Official Gazette* of the Territory;”;
- (f) by the substitution for the definition of “licensed stock exchange” of the following definition:
“‘licensed stock exchange’ means a stock exchange licensed under section **[6]** 5;”;
- (g) by the insertion after the definition of “licensed stock exchange” of the following definition:
“‘listed securities’ means securities included in the list of securities kept by the committee of a licensed stock exchange in terms of section 9 (a);”;
- (h) by the substitution for the definition of “minimum cover” of the following definition:
“‘minimum cover’, in relation to any amount, means **[stocks or shares]** securities of which the prices are quoted in the list issued under the authority of a licensed stock exchange **[in the Union]** and which are of a value of not less than that amount, **[Provided that]** and for the purposes of this definition the value of **[stocks]** securities of the **[Union]** Government of the Republic and of **[municipalities]** any institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), within the **[Union]** Republic or the Territory, and of **[stocks or shares issued by]** any statutory corporation designated by the **[Minister]** Registrar by notice in the *Gazette*, shall be deemed to be ninety per cent., and the value of any other **[stocks or shares]** securities fifty per cent., of the amount they would realize at the buyers’ price thereof last so quoted before the date on which the cover is provided;”;
- (i) by the insertion after the definition of “minimum cover” of the following definitions:
“‘odd-lot transaction’ means a transaction effected by a stock-broker on his own account for—
 - (a) a purchase or sale of shares in quantities of less than one hundred in number or of securities, other than shares, of a nominal value of less than one hundred rand; or

- (iii) 'n bouvereniging wat kragtens die Bouverenigingswet, 1965 (Wet No. 24 van 1965), geregistreer is; of
- (iv) iemand wat kragtens die Versekeringswet, 1943 (Wet No. 27 van 1943), as 'n versekeraar geregistreer is;"
- (c) deur na die omskrywing van „geldskierter teen aandeel” die volgende omskrywing in te voeg:
„kontant verkoopprys, met betrekking tot bepaalde effekte, die verkoopprys van sodanige effekte ooreenkomstig 'n transaksie wat nie 'n daalverkoop, 'n termynaankoop of 'n los-hoeveelhede-transaksie is nie;”;
- (d) deur die omskrywing van „effekte- of aandelehandelaar” te skrap;
- (e) deur na die omskrywing van „komitee” die volgende omskrywing in te voeg:
„Staatskoerant” ook die Offisiële Koerant van die Gebied;”;
- (f) deur die omskrywing van „gelisensieerde effektebeurs” deur die volgende omskrywing te vervang:
„gelisensieerde effektebeurs” 'n kragtens artikel [6] 5 gelisensieerde effektebeurs;”;
- (g) deur na die omskrywing van „gelisensieerde effektebeurs” die volgende omskrywing in te voeg:
„genoteerde effekte” effekte wat opgeneem is in die lys van effekte wat deur die komitee van 'n gelisensieerde effektebeurs ingevolge artikel 9 (a) gehou word;”;
- (h) deur die omskrywing van „minimum dekking” deur die volgende omskrywing te vervang:
„minimum dekking”, met betrekking tot 'n bepaalde bedrag, [effekte of aandeel wat] effekte waarvan die pryse genoteer word op die lys wat op gesag van 'n gelisensieerde effektebeurs [in die Unie] uitgereik word, en waarvan die waarde nie minder bedra nie as daardie bedrag, [Met dien verstande dat] en by die toepassing van hierdie woordbepaling word die waarde van effekte van die [Unie] Regering van die Republiek en van [munisipaliteite] 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), binne die [Unie] Republiek of die Gebied, asook van [effekte of aandeel wat uitgereik is deur] 'n by wet ingestelde korporasie deur die [Minister] Registrateur by kennisgewing in die Staatskoerant aangewys, geag negentig persent, en die waarde van enige ander effekte [of aandeel] geag vyftig persent te wees van die bedrag wat hul sou opbring teen die kopersprys daarvan wat die laaste aldus genoteer is voor die datum waarop die dekking verstrekk word;”;
- (i) deur na die omskrywing van „minimum dekking” die volgende omskrywings in te voeg:
„los-hoeveelhede-transaksie” 'n transaksie deur 'n effektemakelaar vir eie rekening bewerkstellig vir—
 - (a) 'n koop of verkoop van aandeel in hoeveelheid minder as honderd in getal of van effekte, behalwe aandeel, met 'n nominale waarde van minder as honderd rand; of

- (b) a sale of shares in the quantity of one hundred in number or of securities, other than shares, of a nominal value of one hundred rand, where such stock-broker is at the time of such sale the owner of a portion of such shares or securities; or
 - (c) a purchase of shares in the quantity of one hundred in number or of securities, other than shares, of a nominal value of one hundred rand, with intent to sell them in quantities of less than one hundred in number or of a nominal value of less than one hundred rand;
- 'president', in relation to a stock exchange, means the person for the time being at the head of the committee of such exchange;
- 'purchase on time' means a purchase in terms of which payment is not due until after the seventh business day following the date of such purchase;
- 'Registrar' means the officer in charge of the Office of Financial Institutions in the Department of Finance and known as the Registrar of Financial Institutions;
- 'Republic' includes the Territory;
- 'securities' includes stocks, shares, debentures (whether issued by the State or a company having a share capital or any other body corporate or association of persons), notes, units of stock issued in place of shares, and options on stocks or shares or on such debentures, notes or units, and rights thereto, but does not include—
- (i) shares in a private company; or
 - (ii) stocks or shares in a public company which cannot be acquired or transferred without the consent or approval of the directors or any representatives of the company, other than such consent or approval required by or under any law, or any options on or rights to such stocks or shares;";
- (j) by the substitution for the definition of "stock-broker" of the following definition:
- "'stock-broker' means any person who **carries on the business of buying and selling stocks or shares for and on behalf of other persons** is a member of a licensed stock exchange and is under the rules of that stock exchange authorized to carry on the business of buying and selling securities on behalf of other persons or on his own account, or on behalf of other persons and on his own account;";
- (k) by the substitution for the definition of "stock exchange" of the following definition:
- "'stock exchange' means—
- (i) in relation to premises of a licensed stock exchange, the one place in those premises which is recognized by the committee of **a licensed** that stock exchange to be the place where dealings in **stocks and shares** listed securities may take place; and
 - (ii) in relation to persons, a number of persons who either on their own account or on behalf of their employers, congregate at intervals regular or other, for the purpose of buying and selling securities on behalf of other persons or on their own account;";

- (b) 'n verkoop van aandele in 'n hoeveelheid van honderd in getal of van effekte, behalwe aandele, met 'n nominale waarde van honderd rand, waar sodanige effektemakelaar ten tyde van sodanige verkoop eienaar van 'n gedeelte van dié aandele of effekte is; of
- (c) 'n koop van aandele in 'n hoeveelheid van honderd in getal of van effekte, behalwe aandele, met 'n nominale waarde van honderd rand, met die doel om hulle te verkoop in hoeveelhede minder as honderd in getal of met 'n nominale waarde van minder as honderd rand;
- „president”, met betrekking tot 'n effektebeurs, die persoon wat die diensdoende hoof van die komitee van sodanige beurs is;
- „termynaankoop” 'n koop waarkragtens betaling nie opeisbaar is nie voor na die sewende besigheidsdag wat volg op die datum van sodanige koop;
- „Registrateur” die beamppte aan die hoof van die Kantoor vir Finansiële Instellings in die Departement van Finansies en wat die Registrateur van Finansiële Instellings heet;
- „Republiek” ook die Gebied;
- „effekte” ook aandele, skuldbriewe (hetsy uitgegee deur die Staat of 'n maatskappy met 'n aandeelkapitaal of 'n ander regspersoon of vereniging van persone), notas, effekte-eenhede wat in die plek van aandele uitgegee is, en opsies op effekte of aandele of op sodanige skuldbriewe, notas of eenhede, asook regte daarop, maar nie ook nie—
- (i) aandele in 'n private maatskappy; of
- (ii) effekte of aandele in 'n openbare maatskappy wat nie verkry of oorgedra kan word nie sonder die toestemming of goedkeuring van die direkteure of verteenwoordigers van die maatskappy, behalwe sodanige toestemming of goedkeuring wat by of kragtens 'n wet vereis word, of opsies of regte op sodanige effekte of aandele;”;
- (j) deur die omskrywing van „effektemakelaar” deur die volgende omskrywing te vervang:
- „„effektemakelaar” iemand wat **[die besigheid dryf van koper en verkoper van effekte of aandele vir en ten behoeve van ander persone]** 'n lid is van 'n gelisensieerde effektebeurs en kragtens die reëls van dié effektebeurs gemagtig is om die besigheid te dryf van koop en verkoop van effekte ten behoeve van ander persone of vir eie rekening of ten behoeve van ander persone en vir eie rekening;”;
- (k) deur die omskrywing van „effektebeurs” deur die volgende omskrywing te vervang:
- „„effektebeurs”—
- (i) met betrekking tot 'n perseel van 'n gelisensieerde effektebeurs, die een plek op daardie perseel wat deur die komitee van **['n gelisensieerde]** daardie effektebeurs erken word as die plek waar met **[effekte en aandele]** genoteerde effekte sake gedoen kan word; en
- (ii) met betrekking tot persone, 'n aantal persone wat of vir eie rekening of ten behoeve van hul werkgewers met gereelde of ander tussenpose byeenkom met die doel om ten behoeve van ander persone of vir eie rekening effekte aan te koop en te verkoop;”;

- (l) by the deletion of the definition of "stocks" and "shares"; and
- (m) by the insertion after the definition of "stock exchange licence" of the following definition:
"Territory" means the territory of South-West Africa;".

Insertion of
section 1A in
Act 7 of 1947.

2. The following section is hereby inserted in the principal Act after section 1:

"Appeal to Minister. **1A. (1)** The Registrar shall exercise all the powers and perform all the duties assigned to or imposed upon him by this Act under the control of the Minister.

(2) There shall be a right of appeal to the Minister against a decision of the Registrar, and such appeal shall be prosecuted in the manner and within the time prescribed by regulation under this Act."

Substitution of
section 2 of
Act 7 of 1947.

3. The following section is hereby substituted for section 2 of the principal Act:

"Restriction on right to carry on business of stock exchange or of buying and selling securities or of carrier against shares. **2. (1)** **As from a date to be fixed by the Governor-General by proclamation in the Gazette** No person shall carry on or hold himself out to any other person as a person carrying on the business of—

(a) a stock exchange, except under a stock exchange licence; or

[(b) a stock-broker or a dealer in stocks or shares, unless he is a member of a licensed stock exchange or the holder of a licence referred to in section 12 enabling him to carry on the business of a stock-broker; or]

(b) buying and selling listed securities (other than securities of the kind mentioned in paragraph (c))—

(i) on behalf of other persons; or

(ii) on his own account,

unless he is—

(aa) in the event contemplated in subparagraph (i) of this paragraph, a stock-broker and, in the event contemplated in subparagraph (ii) of the said paragraph, a stock-broker and such buying and selling is effected as is contemplated in subparagraph (i), (ii), (iii), (iv) or (v) of paragraph (d) of section 8 (1), or a person other than a stock-broker and such buying and selling is effected through a stock-broker; or

(bb) a merchant bank registered otherwise than provisionally under the Banks Act, 1965 (Act No. 23 of 1965), or an institution approved by the Registrar on such conditions as he may determine, and the buying and selling of such securities is restricted to transactions—

(A) entered into to give effect to a reconstruction of a company by the issue of new shares or a take-over by one company of another or a merger of two or more companies; or

(B) entered into with a view to the taking over of a company as regards control of its management, policy or business; or

(c) buying and selling, on his own account, otherwise than through a stock-broker, listed securities issued by—

- (l) deur die omskrywing van „effekte” en „aandele” te skrap; en
- (m) deur na die omskrywing van „effektebeurslisensie” die volgende omskrywing in te voeg:
„„Gebied” die gebied Suidwes-Afrika;”.

2. Die volgende artikel word hierby in die Hoofwet na artikel 1 ingevoeg:

Invoeging van artikel 1A in Wet 7 van 1947.

„Appel na Minister.

1A. (1) Die Registrateur oefen al die bevoegd-

hede uit en verrig al die pligte wat aan hom by hierdie Wet opgedra of opgelê word, onderworpe aan die beheer van die Minister.

(2) Daar is 'n reg op appel na die Minister teen 'n besluit van die Registrateur, en sodanige appel word voortgesit op die wyse en binne die tydperk by regulasie kragtens hierdie Wet voorgeskryf.”.

3. Artikel 2 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 2 van Wet 7 van 1947.

„Beperking op reg om besigheid te dryf as effektebeurs of van koop en verkoop van effekte of as geldskietter teen aandele.

2. (1) **[Vanaf 'n datum deur die Goewerneur-generaal by proklamasie in die Staatskoerant vasgestel te word, mag]** Niemand mag die besigheid

dryf nie of hom aan iemand anders voordoen nie as iemand wat die besigheid dryf van—

(a) 'n effektebeurs, behalwe ingevolge 'n effektebeurslisensie; of

[(b) effektemakelaar of effekte- of aandelehandelaar, tensy hy lid is van 'n gelisensieerde effektebeurs of die houer van 'n in artikel 12 bedoelde lisensie wat hom in staat stel om die besigheid van 'n effektemakelaar te dryf; of]

(b) die koop en verkoop van genoteerde effekte (uitgesonderd effekte van die soort in paragraaf (c) vermeld)—

(i) ten behoeve van ander persone; of

(ii) vir eie rekening,

tensy hy—

(aa) in die geval beoog in subparagraaf (i) van hierdie paragraaf, 'n effektemakelaar is en, in die geval beoog in subparagraaf (ii) van genoemde paragraaf, 'n effektemakelaar is en sodanige koop en verkoop bewerkstellig word soos beoog in subparagraaf (i), (ii), (iii), (iv) of (v) van paragraaf (d) van artikel 8 (1), of iemand anders as 'n effektemakelaar is en sodanige koop en verkoop deur bemiddeling van 'n effektemakelaar geskied; of

(bb) 'n aksepbank is wat anders as voorlopig kragtens die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer is, of 'n instelling is wat deur die Registrateur goedgekeur is op die voorwaardes wat hy bepaal, en die koop en verkoop van sodanige effekte beperk is tot transaksies—

(A) aangegaan om uitvoering te gee aan 'n rekonstruksie van 'n maatskappy deur die uitgifte van nuwe aandele of 'n oorname deur een maatskappy van 'n ander of 'n samesmelting van twee of meer maatskappye; of

(B) aangegaan met die oog op die oorname van 'n maatskappy wat betref beheer van sy bestuur, beleid of besigheid; of

(c) die koop en verkoop, vir eie rekening, behalwe deur bemiddeling van 'n effektemakelaar, van genoteerde effekte uitgegee deur—

- (i) the Government of the Republic; or
 - (ii) an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961 (Act No. 32 of 1961), within the Republic or the Territory; or
 - (iii) the Electricity Supply Commission; or
 - (iv) the Rand Water Board; or
 - (v) the Land and Agricultural Bank of South Africa; or
 - (vi) the Industrial Development Corporation of South Africa, Limited; or
 - (vii) any other institution designated by the Registrar by notice in the *Gazette*, unless he is—
 - (aa) a stock-broker and such buying and selling is effected as is contemplated in subparagraph (i), (ii), (iii), (iv) or (v) of paragraph (d) of section 8 (1); or
 - (bb) a merchant bank registered otherwise than provisionally under the Banks Act, 1965; or
 - (cc) a discount house registered as such under the Banks Act, 1965; or
 - (dd) the Public Debt Commission; or
 - (ee) an institution or body contemplated in section 84 (1) (f) of the Republic of South Africa Constitution Act, 1961, within the Republic or the Territory; or
 - (ff) the Rand Water Board or the Electricity Supply Commission or the Land and Agricultural Bank of South Africa; or
 - (gg) a management company registered under the Unit Trusts Control Act, 1947 (Act No. 18 of 1947); or
 - (hh) any other person who is required by law to hold such securities and does not hold himself out to the public generally as a person carrying on such business; or
 - (ii) a person approved by the Registrar on such conditions as he may determine; or
- (d) buying and selling on behalf of other persons listed securities of the kind mentioned in paragraph (c), unless he is—
- (i) a stock-broker; or
 - (ii) a merchant bank registered otherwise than provisionally under the Banks Act, 1965; or
 - (iii) a person approved by the Registrar on such conditions as he may determine; or
- (e) buying and selling securities, other than listed securities, unless he is—
- (i) a stock-broker; or
 - (ii) a merchant bank registered otherwise than provisionally under the Banks Act, 1965; or
 - (iii) a discount house registered as such under the Banks Act, 1965; or
 - (iv) a person who does not hold himself out to the public generally as a person carrying on such business; or
- (f) a carrier against shares, unless he is a **[member of a licensed stock exchange]** stock-broker or the holder of a licence referred to in section **[12 or] 17 [or is exempted under section 15]**.

- (i) die Regering van die Republiek; of
- (ii) 'n instelling of liggaam beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961 (Wet No. 32 van 1961), binne die Republiek of die Gebied; of
- (iii) die Elektrisiteitsvoorsieningskommissie; of
- (iv) die Randwaterraad; of
- (v) die Land- en Landboubank van Suid-Afrika; of
- (vi) die Nywerheid-ontwikkelingskorporasie van Suid-Afrika, Beperk; of
- (vii) 'n ander instelling deur die Registrateur by kennisgewing in die *Staatskoerant* aangewys, tensy hy—
 - (aa) 'n effektemakelaar is en sodanige koop en verkoop bewerkstellig word soos beoog in subparagraaf (i), (ii), (iii), (iv) of (v) van paragraaf (d) van artikel 8 (1); of
 - (bb) 'n aksepbank is wat anders as voorlopig kragtens die Bankwet, 1965, geregistreer is; of
 - (cc) 'n diskontohuis is wat as sodanig kragtens die Bankwet, 1965, geregistreer is; of
 - (dd) die Staatskuldkommissie is; of
 - (ee) 'n instelling of liggaam is beoog in artikel 84 (1) (f) van die Grondwet van die Republiek van Suid-Afrika, 1961, binne die Republiek of die Gebied; of
 - (ff) die Randwaterraad of die Elektrisiteitsvoorsieningskommissie of die Land- en Landboubank van Suid-Afrika is; of
 - (gg) 'n bestuursmaatskappy is wat kragtens die Wet op Beheer van Effekte-trustskemas, 1947 (Wet No. 18 van 1947), geregistreer is; of
 - (hh) iemand anders is wat regtens verplig is om sodanige effekte te hou en wat hom nie aan die publiek in die algemeen voordoën as iemand wat sodanige besigheid dryf nie; of
 - (ii) iemand is wat deur die Registrateur goedgekeur is op die voorwaardes wat hy bepaal; of
- (d) die koop en verkoop, ten behoeve van ander persone, van genoteerde effekte van die soort vermeld in paragraaf (c), tensy hy—
 - (i) 'n effektemakelaar is; of
 - (ii) 'n aksepbank is wat anders as voorlopig kragtens die Bankwet, 1965, geregistreer is; of
 - (iii) iemand is wat deur die Registrateur goedgekeur is op die voorwaardes wat hy bepaal; of
- (e) die koop en verkoop van effekte, uitgesonderd genoteerde effekte, tensy hy—
 - (i) 'n effektemakelaar is; of
 - (ii) 'n aksepbank is wat anders as voorlopig kragtens die Bankwet, 1965, geregistreer is; of
 - (iii) 'n diskontohuis is wat as sodanig kragtens die Bankwet, 1965, geregistreer is; of
 - (iv) 'n persoon is wat hom nie aan die publiek in die algemeen voordoën as iemand wat sodanige besigheid dryf nie; of
- (f) geldskietter teen aandele, tensy hy **['Lid is van 'n gelisensieerde effektebeurs]** 'n effektemakelaar of die houër van 'n lisensie bedoel in artikel **[12 of]** 17 **[of kragtens artikel 15 vrygestel]** is.

(2) For the purposes of subsection (1) the buying and selling of securities by a management company registered under the Unit Trusts Control Act, 1947, for the unit portfolio of such company shall be deemed to be a buying and selling on such company's own account.

(3) Nothing in subsection (1) contained shall in any way restrict the buying and selling of listed securities on behalf of other persons through a stock-broker."

Insertion of section 2A in Act 7 of 1947.

4. The following section is hereby inserted in the principal Act after section 2:

"Restriction on use of name or description implying connection with stock exchange.

2A. No person shall apply to any company, society, firm, business or undertaking a name or description signifying or implying some connection between such company, society, firm, business or undertaking and a stock exchange in the Republic when in fact no such connection exists."

Substitution of section 3 of Act 7 of 1947, as amended by section 2 of Act 72 of 1951.

5. The following section is hereby substituted for section 3 of the principal Act:

"Applications for certificates authorizing issue or renewal of stock exchange licences

3. (1) **Any association of not less than twenty persons** Notwithstanding the provisions of the Companies Act, 1926 (Act No. 46 of 1926), forty persons or more may form an association to carry on the business of a stock exchange, and such association may apply to the **Minister in the prescribed form and manner** Registrar for a certificate authorizing a receiver of revenue to issue to the association a licence to carry on the business of a stock exchange or to renew any such licence: Provided that for the purposes of this subsection a partnership shall be reckoned as one person.

(2) Every application relating to the issue of such a licence shall be in the form prescribed by regulation and be accompanied by not less than five copies of the rules of the association.

(3) Upon receipt of an application relating to the issue of such a licence **the Treasury** the Registrar shall cause to be published at the expense of the association, in the *Gazette* and in every province and the Territory once in each of three consecutive weeks in an English and an Afrikaans newspaper approved by the **Treasury** Registrar, a notice, in accordance with subsection (4), that the application has been received.

(4) The said notice shall state the name, address and occupation of every member of the association and the place in each province and the Territory where the rules of the association shall lie open for inspection by any member of the public, and shall call upon all interested persons who have any objections to the grant of the certificate, to lodge their objections with the **Minister** Registrar within a period specified in the notice, not being less than fourteen days from the date of the last publication thereof."

(2) By die toepassing van subartikel (1) word die koop en verkoop van effekte deur 'n bestuursmaatskappy wat kragtens die Wet op Beheer van Effektestruktuurskemas, 1947, geregistreer is, vir die effektegroepe van sodanige bestuursmaatskappy, geag die koop en verkoop vir sodanige maatskappy se rekening te wees.

(3) Die bepalings van subartikel (1) beperk op generlei wyse die koop en verkoop van genoteerde effekte ten behoeve van ander persone deur bemiddeling van 'n effektemakelaar nie."

4. Die volgende artikel word hierby in die Hoofwet na artikel 2 ingevoeg:

„Beperking op gebruik van naam of beskrywing wat verband met effektebeurs te kenne gee.

2A. Niemand mag vir 'n maatskappy, vereniging, firma, besigheid of onderneming 'n naam of beskrywing gebruik wat die een of ander verband tussen sodanige maatskappy, vereniging, firma, besigheid of onderneming en 'n effektebeurs in die Republiek aandui of te kenne gee wanneer daar in werklikheid geen sodanige verband bestaan nie."

Invoeging van artikel 2A in Wet 7 van 1947.

5. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

„Aansoek op sertifikaat wat uitreiking of hernuwing van effektebeurslisensies magtig.

3. (1) **„'n Vereniging van minstens twintig persone kan in die voorgeskrewe vorm en op die voorgeskrewe wyse** Ondanks die bepalings van die Maatskappyywet, 1926 (Wet 46 van 1926), kan veertig of meer persone 'n vereniging stig om die besigheid van 'n effektebeurs te dryf, en sodanige vereniging kan by die **„Minister** Registrateur aansoek doen om 'n sertifikaat wat 'n ontvanger van inkomste magtig om aan die vereniging 'n lisensie uit te reik om die besigheid van 'n effektebeurs te dryf, of om so 'n lisensie te hernieu: Met dien verstande dat 'n vennootskap by die toepassing van hierdie subartikel as een persoon beskou word.

(2) Iedere aansoek wat op die uitreiking van so 'n lisensie betrekking het, moet in die by regulasie voorgeskrewe vorm wees en moet vergesel gaan van minstens vyf afskrifte van die reëls van die vereniging.

(3) By ontvangs van 'n aansoek wat op die uitreiking van so 'n lisensie betrekking het, laat die **„Tesourie** Registrateur op koste van die vereniging, in die *Staatskoerant* en in elke provinsie en die Gebied een maal in elk van drie opeenvolgende weke in 'n Afrikaanse en 'n Engelse nuusblad deur die **„Tesourie** Registrateur goedgekeur, 'n kennisgewing ooreenkomstig subartikel (4) publiseer dat die aansoek ontvang is.

(4) Genoemde kennisgewing moet die naam, adres en beroep van elke lid van die vereniging vermeld, asook die plek in elke provinsie en die Gebied waar die reëls van die vereniging ter insae deur lede van die publiek sal lê, en moet alle belanghebbendes wat beswaar het teen die inwilliging van die sertifikaat, aansê om hul besware by die **„Minister** Registrateur in te lewer binne 'n in die kennisgewing vermelde tydperk, wat nie korter as veertien dae vanaf die datum van die laaste publikasie daarvan mag wees nie."

Vervanging van artikel 3 van Wet 7 van 1947, soos gewysig deur artikel 2 van Wet 72 van 1951.

Substitution of section 4 of Act 7 of 1947, as amended by section 1 of Act 1 of 1948 and section 3 of Act 72 of 1951.

6. The following section is hereby substituted for section 4 of the principal Act:

"Grant of certificates authorizing issue of stock exchange licences.

4. (1) On the expiry of the period referred to in section 3 (4) the Registrar may, after consideration of any objections lodged with him under the said subsection, grant to the association a certificate authorizing a receiver of revenue to issue to the association a licence to carry on the business of a stock exchange, if the Registrar is satisfied—

(a) that the interests of the public will be served by the issue of the licence; and

(b) that at least forty members of the association will carry on business mainly as buyers and sellers of securities on behalf of other persons, independently of and in competition with each other.

(2) Such certificate shall specify the place or places at which the business of the stock exchange may be carried on, and such business shall not be carried on at any other place without the approval of the Registrar."

Substitution of section 5 of Act 7 of 1947, as amended by section 4 of Act 72 of 1951.

7. The following section is hereby substituted for section 5 of the principal Act:

"Stock exchange licences.

5. (1) A stock exchange licence shall, subject to the provisions of subsections (3) and (4), be issued by the receiver of revenue of the district in which the head office of the association concerned is situate.

(2) Any such licence shall expire on the thirty-first day of December of the year for which it is issued, but may, subject to the provisions of subsections (3) and (4), be renewed from year to year.

(3) No such licence shall be issued or renewed except in pursuance of a certificate by the Registrar authorizing the issue or renewal thereof, as the case may be.

(4) A fee of two thousand rand shall be payable in respect of the issue or renewal of any such licence: Provided that if the liability in respect of the issue of the licence arises after the thirtieth day of June in any year, one-half of that amount shall be payable for the issue thereof."

Substitution of section 6 of Act 7 of 1947.

8. The following section is hereby substituted for section 6 of the principal Act:

"Circumstances under which certificate authorizing renewal of stock exchange licence may be refused.

6. (1) The Registrar may refuse the grant of a certificate authorizing the renewal of a stock exchange licence—

(a) if he is not satisfied that the rules of the association have, during the year preceding the year for which the licence is to be renewed, been properly enforced, or that the association has, during the said year, complied with the provisions of this Act or of the regulations made thereunder, or that during the year for which the licence is to be renewed, at least forty members of the association will carry on business mainly as buyers and sellers of securities on behalf of other persons independently of and in competition with each other; or

(b) if the association has, during the year preceding the year for which the licence is to be renewed,

6. Artikel 4 van die Hoofwet word hierby deur die volgende artikel vervang:

„Inwilliging van sertifikate wat die uitreiking van effektebeurslisensies magtig.

4. (1) By verloop van die tydperk bedoel in artikel 3 (4) kan die Registrateur, na oorweging van enige beswaar wat kragtens genoemde subartikel by hom ingelewer is, aan die vereniging 'n sertifikaat toestaan wat 'n ontvanger van inkomste magtig om aan die vereniging 'n lisensie uit te reik om die besigheid van 'n effektebeurs te dryf, mits die Registrateur oortuig is—
- (a) dat die belange van die publiek deur die uitreiking van die lisensie gedien sal word; en
- (b) dat minstens veertig lede van die vereniging, onafhanklik van mekaar en as mededingers die een met die ander, hoofsaaklik as kopers en verkopers van effekte ten behoeve van ander persone besigheid sal dryf.
- (2) Sodanige sertifikaat vermeld die plek of plekke waar die besigheid van die effektebeurs gedryf mag word, en sodanige besigheid mag nie op enige ander plek sonder die goedkeuring van die Registrateur gedryf word nie.”

Vervanging van artikel 4 van Wet 7 van 1947, soos gewysig deur artikel 1 van Wet 1 van 1948 en artikel 3 van Wet 72 van 1951.

7. Artikel 5 van die Hoofwet word hierby deur die volgende artikel vervang:

„Effektebeurslisensies.

5. (1) 'n Effektebeurslisensie word, behoudens die bepalings van subartikels (3) en (4), uitgereik deur die ontvanger van inkomste vir die distrik waarin die hoofkantoor van die betrokke vereniging geleë is.
- (2) So 'n lisensie verval op die een-en-dertigste dag van Desember van die jaar waarvoor dit uitgereik word, maar kan, behoudens die bepalings van subartikels (3) en (4), van jaar tot jaar hernieu word.
- (3) So 'n lisensie word nie uitgereik of hernieu nie, behalwe ingevolge 'n sertifikaat deur die Registrateur wat die uitreiking of hernuwing daarvan, na gelang van die geval, magtig.
- (4) Lisensiegelde ten bedrae van tweeduisend rand is ten opsigte van die uitreiking of hernuwing van so 'n lisensie betaalbaar: Met dien verstande dat indien die aanspreeklikheid ten opsigte van die uitreiking van die lisensie na die dertigste dag van Junie in 'n jaar ontstaan, die helfte van daardie bedrag vir die uitreiking daarvan betaalbaar is.”

Vervanging van artikel 5 van Wet 7 van 1947, soos gewysig deur artikel 3 van Wet 72 van 1951.

8. Artikel 6 van die Hoofwet word hierby deur die volgende artikel vervang:

„Omstandighede waaronder sertifikaat wat hernuwing van effektebeurslisensie magtig, geweier kan word.

6. (1) Die Registrateur kan weier om 'n sertifikaat wat die hernuwing van 'n effektebeurslisensie magtig, toe te staan—
- (a) indien hy nie oortuig is nie dat die reëls van die vereniging na behore afgedwing is gedurende die jaar wat die jaar waarvoor die lisensie hernieu moet word, voorafgaan, of dat die vereniging gedurende genoemde jaar die bepalings van hierdie Wet of van die regulasies uit hoofde daarvan uitgevaardig, nagekom het, of dat minstens veertig lede van die vereniging gedurende die jaar waarvoor die lisensie hernieu moet word, onafhanklik van mekaar en as mededingers die een met die ander, hoofsaaklik as kopers en verkopers van effekte ten behoeve van ander persone, besigheid sal dryf; of
- (b) indien die vereniging, gedurende die jaar wat die jaar voorafgegaan het waarvoor die lisensie

Vervanging van artikel 6 van Wet 7 van 1947.

failed to give effect to a decision of the board referred to in section 11.

(2) The Registrar shall not refuse the grant of any such certificate on any ground as to which the association concerned has not had an opportunity of making representations to the Registrar."

Repeal of
section 7 of
Act 7 of 1947.

9. Section 7 of the principal Act is hereby repealed.

Substitution of
section 8 of
Act 7 of 1947,
as substituted by
section 5 of
Act 72 of 1951.

10. The following section is hereby substituted for section 8 of the principal Act:

"Rules of a
stock
exchange.

8. (1) The rules of a stock exchange shall be so designed as to ensure, to the satisfaction of the Registrar—

- (a) that no natural person is admitted or allowed to continue as a member unless he is of good character and high business integrity;
- (b) that no natural person is admitted as a member unless he complies with the minimum requirements in regard to experience and education prescribed by regulation under this Act;
- (c) that members comply with the provisions of section 8C;
- (d) that a member who is a stock-broker does not on his own account buy or sell listed securities except—
 - (i) when buying from or through or selling to or through another stock-broker; or
 - (ii) for the purposes of correcting a mistake; or
 - (iii) for effecting a transaction in which he sells securities for cash to a person and simultaneously buys the same securities from such person for delivery at a future date, or in which he buys securities for cash from a person and simultaneously sells the same securities to such person for delivery at a future date; or
 - (iv) when effecting an odd-lot transaction; or
 - (v) when buying from or selling to a person in a foreign country, any part of whose regular business in such country is the buying and selling of securities;
- (e) that adequate steps are taken against any member who contravenes or fails to comply with the provisions of this Act or of the regulations made thereunder, or of such rules;
- (f) that the membership of a member who is a stock-broker is not terminated on any ground as to which he has not had an opportunity of making representations to the committee;
- (g) that any qualifying right to be held by any person in order to be admitted as a member, is available for acquisition by any applicant for admission, at not more than the price stated in the rules;
- (h) that every member who is a stock-broker provides sureties or security to the satisfaction of the committee of the stock exchange, in an amount of not less than eight thousand rand, for the discharge, during the first three years in which he is entitled to carry on business

hernieu moet word, versuim het om aan 'n besluit van die raad bedoel in artikel 11 gevolg te gee.

(2) Die Registrateur weier nie om so 'n sertifikaat toe te staan op 'n grond waaromtrent die betrokke vereniging geen geleentheid gehad het om verhoë tot die Registrateur te rig nie."

9. Artikel 7 van die Hoofwet word hierby herroep.

Herroeping
van artikel 7
van Wet 7 van
1947.

10. Artikel 8 van die Hoofwet word hierby deur die volgende artikel vervang:

„Reëls
van 'n
effekte-
beurs.

8. (1) Die reëls van 'n effektebeurs moet daarop bereken wees om, ten genoë van die Registrateur, te verseker—

- (a) dat geen natuurlike persoon as lid aangeneem of toegelaat word om as lid aan te bly nie, tensy hy van goeie karakter en van hoogstaande onkreukbaarheid in sy besigheid is;
- (b) dat geen natuurlike persoon as lid aangeneem word nie tensy hy voldoen aan die minimum vereistes wat betref ondervinding en onderwys by regulasie kragtens hierdie Wet voorgeskryf;
- (c) dat lede aan die bepalings van artikel 8C voldoen;
- (d) dat 'n lid wat 'n effektemakelaar is nie vir eie rekening genoteerde effekte koop of verkoop nie behalwe—

- (i) wanneer hy koop van of deur bemiddeling van of verkoop aan of deur bemiddeling van 'n ander effektemakelaar; of
- (ii) om 'n fout reg te stel; of
- (iii) om 'n transaksie te bewerkstellig waarby hy effekte vir kontant aan iemand verkoop en terselfdertyd dieselfde effekte van so iemand koop vir lewering op 'n toekomstige datum, of waarby hy effekte vir kontant van iemand koop en terselfdertyd dieselfde effekte aan so iemand verkoop vir lewering op 'n toekomstige datum; of
- (iv) wanneer hy 'n los-hoeveelhedetransaksie bewerkstellig; of
- (v) wanneer hy koop van of verkoop aan iemand in die buiteland, indien 'n deel van so iemand se gereelde besigheid in daardie land die koop en verkoop van effekte is;

- (e) dat toereikende stappe gedoen word teen 'n lid wat die bepalings van hierdie Wet of van die regulasies daarkragtens uitgevaardig of van bedoelde reëls, oortree of versuim om daaraan te voldoen;
- (f) dat die lidmaatskap van 'n lid wat 'n effektemakelaar is nie beëindig word nie op 'n grond waaromtrent hy nie die geleentheid gehad het om verhoë tot die komitee te rig nie;
- (g) dat 'n bevoegdheid verlenende reg wat iemand moet besit ten einde as lid toegelaat te word, beskikbaar is vir verkryging deur enige aansoeker om toelating, en wel teen nie meer nie as die prys in die reëls vermeld;
- (h) dat elke lid wat 'n effektemakelaar is borge gee of sekerheid stel ten genoë van die komitee van die effektebeurs vir 'n bedrag van minstens agtduisend rand, vir die betaling, gedurende die eerste drie jaar waarin hy geregtig is om besig-

Vervanging
van artikel 8
van Wet 7 van
1947, soos
vervang deur
artikel 5 van
Wet 72 van 1951.

as a stock-broker or, in the case of a person who is so entitled at the commencement of the Stock Exchanges Control Amendment Act, 1970, during such portion of that period as has not expired at such commencement, after he has been excused, of his liabilities arising out of transactions entered into by him in respect of securities;

- (i) that every member who is a stock-broker contributes to a fund of which the rules have been approved by the Registrar and which was established for the purpose of securing the discharge, after excussion (at any time or within a period stated in the rules) of the member concerned, of the liabilities of such member up to an amount not less than twelve thousand rand arising out of transactions entered into by him while a member in respect of securities;
- (j) that members who are stock-brokers will charge reasonable fees for their services;
- (k) that no member who is a stock-broker becomes, and from 1st January, 1975, remains, a director of a company which has issued securities which are listed securities, or of a subsidiary or a holding company of such company; and
- (l) generally, that the business of the stock exchange is carried on with due regard to the public interest.

(2) If under the rules of a licensed stock exchange, members who are stock-brokers are permitted to share their fees with persons who are not stock-brokers or to grant a rebate of any portion of their fees to such persons, the basis of such sharing or of such rebate shall be determined in such rules.

(3) The Registrar shall as soon as may be after he has granted a certificate authorizing the issue of a stock exchange licence, cause the rules of the stock exchange concerned to be published in the *Gazette* in both official languages and at the expense of the stock exchange concerned.

(4) No addition to or alteration (other than a suspension) of the rules of an association which is the holder of a stock exchange licence shall be valid, unless it has been approved by the Registrar: Provided that if the Registrar does not disapprove of any such addition or alteration within a period of two months after the expiry of the period referred to in subsection (6), he shall be deemed to have approved thereof, and if he approves or is deemed to have approved thereof, such approval shall take effect on the day immediately following upon the date of expiry of the aforesaid period of two months.

(5) Upon receipt of an application for his approval under subsection (4) the Registrar shall cause to be published at the expense of the association, in both official languages in the *Gazette*, a notice setting forth the proposed additions to or alterations of the rules.

(6) The said notice shall call upon all interested persons (other than members of the stock exchange concerned) who have any objections to the proposed additions or alterations, to lodge their objections with the Registrar within a period of thirty days from the date of publication in the *Gazette*.

heid as 'n effektemakelaar te dryf of, in die geval van iemand wat by die inwerkingtrekking van die Wysigingswet op Beheer van Effektebeurse, 1970, aldus geregtig is, gedurende dié gedeelte van daardie tydperk wat nie by sodanige inwerkingtrekking verstryk het nie, nadat hy uitgewin is, van sy verpligtings wat ontstaan het uit transaksies wat hy ten opsigte van effekte aangegaan het;

- (i) dat elke lid wat 'n effektemakelaar is, bydra tot 'n fonds, waarvan die reëls deur die Registrateur goedgekeur is en wat gestig is ten einde betaling, nadat die betrokke lid (te eniger tyd of binne 'n tydperk in die reëls vermeld) uitgewin is, te verseker van die verpligtinge van dié lid tot 'n bedrag van minstens twaalfduisend rand wat ontstaan uit transaksies wat hy ten opsigte van effekte aangegaan het terwyl hy 'n lid was;
- (j) dat lede wat effektemakelaars is redelike gelde vir hul dienste vra;
- (k) dat geen lid wat 'n effektemakelaar is, 'n direkteur word en vanaf 1 Januarie 1975 as 'n direkteur aanbly nie van 'n maatskappy wat effekte uitgegee het, wat genoteerde effekte is, of van 'n filiaal of 'n beherende maatskappy van sodanige maatskappy; en
- (l) in die algemeen, dat die besigheid van die effektebeurs met behoorlike inagneming van die openbare belang gedryf word.

(2) Indien lede wat effektemakelaars is kragtens die reëls van 'n gelisensieerde effektebeurs toegelaat word om hul gelde met persone wat nie effektemakelaars is nie, te deel, of om 'n korting van 'n gedeelte van hul gelde aan sodanige persone toe te staan, word die grondslag van sodanige deelneming of van sodanige korting in die reëls bepaal.

(3) Die Registrateur laat so gou doenlik nadat hy 'n sertifikaat toegestaan het wat die uitreiking van 'n effektebeurslisensie magtig, die reëls van die betrokke effektebeurs in albei amptelike tale in die *Staatskoerant* op koste van die betrokke effektebeurs publiseer.

(4) Geen toevoeging by of wysiging (behalwe 'n opskorting) van die reëls van 'n vereniging wat die houer van 'n effektebeurslisensie is, is geldig nie, tensy dit deur die Registrateur goedgekeur is: Met dien verstande dat indien die Registrateur so 'n toevoeging of wysiging nie binne 'n tydperk van twee maande na verstryking van die tydperk bedoel in subartikel (6) afkeur nie, hy geag word dit goed te gekeur het, en indien hy dit goedkeur of geag word dit goed te gekeur het, tree sodanige goedkeuring in werking op die dag wat onmiddellik volg op die datum van verstryking van die voormelde tydperk van twee maande.

(5) By ontvangs van 'n aansoek om sy goedkeuring kragtens subartikel (4), laat die Registrateur, op koste van die vereniging, in die *Staatskoerant* 'n kennisgewing in albei amptelike tale publiseer, waarin die voorgestelde toevoegings by of veranderinge aan die reëls uiteengesit word.

(6) Genoemde kennisgewing moet alle belanghebbendes (uitgesonderd lede van die betrokke effektebeurs) wat beswaar het teen die voorgestelde toevoegings of veranderinge, aansê om hul besware binne 'n tydperk van dertig dae vanaf die datum van publikasie in die *Staatskoerant*, by die Registrateur in te lewer.

(7) Subject to the prior approval of the Registrar, the committee of a licensed stock exchange may suspend any of its rules for a period not exceeding thirty days at a time."

Substitution of section 8bis of Act 7 of 1947, as inserted by section 6 of Act 72 of 1951.

11. The following section is hereby substituted for section 8bis of the principal Act:

"Stock exchange membership of corporate bodies.

8A. (1) As from the commencement of the Stock Exchanges Control Amendment Act, 1970, a corporate body shall not be capable of becoming a member and as from the 1st of January, 1975, no such body shall remain a member of any licensed stock exchange unless it is a corporate body which is a private company having a share capital, incorporated and registered under the Companies Act, 1926 (Act No. 46 of 1926), and whose memorandum of association states that its directors and former directors shall be liable, jointly and severally, together with the company, for such debts and liabilities of the company as are or were contracted during their periods of office.

(2) Notwithstanding anything to the contrary contained in the Companies Act, 1926, the following provisions shall apply to any such company:

- (a) Only natural persons who are stock-brokers and members of the same stock exchange as that of which the company is a member, may hold the shares of such company or have any interest in such shares: Provided that in the event of any person dying or ceasing to qualify so to hold shares of the company, any shares thereof so held by him prior thereto, may continue to be held by him or his estate for such period as the committee of the stock exchange concerned may determine, but no voting rights shall attach to such shares during such period.
- (b) Every holder of shares of such company, other than a person referred to in the proviso to paragraph (a), shall be deemed to be a director of the company, and no other person who is not such a holder shall be a director of the company.
- (c) A holder of such shares shall not dispose of any of his shares without the prior consent of the committee of the stock exchange concerned.
- (d) The memorandum and articles of association of such company, and any amendment thereof, shall be subject to the approval, and the conduct of its business shall be subject to the control, of the committee of the stock exchange concerned in terms of the rules of such exchange."

Insertion of sections 8B and 8C in Act 7 of 1947.

12. The following sections are hereby inserted in the principal Act after section 8A.

"Stock exchange membership of natural persons.

8B. No natural person who is not a South African citizen shall become a member of a licensed stock exchange, and as from 1st January, 1975, no natural person who is not a South African citizen shall continue to be such a member.

Financial requirements in regard to stock exchange members.

8C. No person shall be admitted as or allowed to continue to be a member of a licensed stock exchange unless at the time of his admission and thereafter while he is authorized under the rules of that exchange to carry on the business of a stock-

(7) Onderworpe aan die voorafgaande goedkeuring van die Registrateur kan die komitee van 'n gelisensieerde effektebeurs enige van sy reëls vir 'n tydperk van hoogstens dertig dae op 'n keer opskort."

11. Artikel 8bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Effektebeurslidmaatskap van regspersone.

8A. (1) Vanaf die inwerkingtreding van die

Wysigingswet op Beheer van Effektebeurse, 1970, kan 'n regspersoon nie 'n lid word, en vanaf 1 Januarie 1975 mag so 'n persoon nie 'n lid bly van 'n gelisensieerde effektebeurs nie, tensy dit 'n regspersoon is wat 'n private maatskappy is wat 'n aandelekapitaal het en kragtens die Maatskappywet, 1926 (Wet No. 46 van 1926), geïnkorporeer en geregistreer is en wie se akte van oprigting bepaal dat sy direkteure en voormalige direkteure gesamentlik en afsonderlik, tesame met die maatskappy, aanspreeklik is vir die skulde en verpligtings van die maatskappy wat gedurende hulle ampstermyne aangegaan word of is.

(2) Ondanks andersluidende bepalings van die Maatskappywet, 1926, geld die volgende bepalings ten opsigte van so 'n maatskappy:

- (a) Slegs natuurlike persone wat effektemakelaars is en lede is van dieselfde effektebeurs as dié waarvan die maatskappy 'n lid is, mag die aandele van so 'n maatskappy hou of 'n belang in sodanige aandele hê: Met dien verstande dat ingeval iemand te sterwe kom of ophou om te kwalifiseer om aldus aandele van die maatskappy te hou, aandele daarvan wat vóór dit deur hom gehou is, nog deur hom of sy boedel gehou kan word vir die tydperk wat die komitee van die betrokke effektebeurs bepaal, maar gedurende sodanige tydperk is geen stemreg aan sodanige aandele verbonde nie.
- (b) Elke houer van aandele van sodanige maatskappy, uitgesonderd iemand bedoel in die voorbehoudsbepaling by paragraaf (a), word geag 'n direkteur van die maatskappy te wees, en niemand wat nie so 'n houer is nie, mag 'n direkteur van die maatskappy wees nie.
- (c) 'n Houer van sodanige aandele mag nie van sy aandele sonder die vooraf verkreeë toestemming van die komitee van die betrokke effektebeurs van die hand sit nie.
- (d) Die akte van oprigting en statute van sodanige maatskappy, en enige wysiging daarvan, is onderworpe aan die goedkeuring, en die bestuur van sy sake is onderworpe aan die beheer van die komitee van die betrokke effektebeurs ooreenkomstig die reëls van sodanige beurs."

Vervanging van artikel 8bis van Wet 7 van 1947, soos ingevoeg deur artikel 6 van Wet 72 van 1951.

12. Die volgende artikels word hierby in die Hoofwet na artikel 8A ingevoeg:

„Effektebeurslidmaatskap van natuurlike persone.

8B. Geen natuurlike persoon wat nie 'n Suid-

Afrikaanse burger is nie, mag 'n lid van 'n gelisensieerde effektebeurs word nie, en vanaf 1 Januarie 1975 mag geen natuurlike persoon wat nie 'n Suid-Afrikaanse burger is nie, so 'n lid bly nie.

Finansiële vereistes met betrekking tot lede van effektebeurs.

8C. Niemand word toegelaat om 'n lid te word of as 'n lid aan te bly van 'n gelisensieerde effektebeurs nie, tensy ten tyde van sy toelating en daarna, terwyl hy kragtens die reëls van daardie effektebeurs gemagtig is om die besigheid van 'n effektemakelaar

Invoeging van artikels 8B en 8C in Wet 7 van 1947.

broker, he has in the Republic assets which exceed his liabilities by at least twenty thousand rand plus the amount referred to in section 8 (1) (h): Provided that—

- (a) a person who carries on business as a stock-broker in partnership with any other person who is a stock-broker, shall be deemed so to have such assets if and so long as the partnership has in the Republic assets of which the aggregate value exceeds the amount of its liabilities by at least forty thousand rand, plus ten thousand rand multiplied by the number of partners in excess of two; and
- (b) a person who is a holder of shares of a private company referred to in section 8A (1), shall be deemed so to have such assets if and so long as the private company has in the Republic assets of which the aggregate value exceeds the amount of its liabilities by at least forty thousand rand, plus ten thousand rand multiplied by the number of holders of shares of that company in excess of two;
- (c) until the 31st day of December, 1974, a member who immediately prior to the commencement of the Stock Exchanges Control Amendment Act, 1970, was entitled under the rules of a licensed stock exchange to carry on the business of a stock-broker, shall so have assets which exceed his liabilities by at least ten thousand rand;
- (d) until the 31st day of December, 1974, if a person carries on business as a stock-broker in partnership with any other person who is a stock-broker and he and every other member of such partnership were, immediately prior to the commencement of the Stock Exchanges Control Amendment Act, 1970, entitled under the rules of the stock exchange to carry on the business of stock-brokers, such first-mentioned person shall be deemed to have such assets if and so long as the partnership has in the Republic assets of which the aggregate value exceeds the amount of its liabilities by at least ten thousand rand multiplied by the number of partners; and
- (e) until the 31st day of December, 1974, if a person is a holder of shares of a private company referred to in section 8A (1), and he and every other holder of shares of the company were, immediately prior to the commencement of the Stock Exchanges Control Amendment Act, 1970, entitled under the rules of the stock exchange to carry on the business of stock-brokers, such person shall be deemed to have such assets if and so long as the private company has in the Republic assets of which the aggregate value exceeds the amount of its liabilities by at least ten thousand rand multiplied by the number of holders of shares of the company.”.

Substitution of section 9 of Act 7 of 1947, as substituted by section 9 of Act 72 of 1951.

13. The following section is hereby substituted for section 9 of the principal Act:

- “Stock exchange committee’s duties in relation to listing of securities.
9. The committee of a licensed stock exchange—
- (a) shall keep a list of the securities which may be dealt in on the stock exchange, and shall not permit dealings on the stock exchange in securities not included in such list, but may permit dealings on the stock exchange in

te dryf, hy in die Republiek bates besit wat sy laste oorskry met minstens twintigduisend rand plus die bedrag bedoel in artikel 8 (1) (h): Met dien verstande dat—

- (a) iemand wat die besigheid van 'n effektemakelaar dryf in vennootskap met iemand anders wat 'n effektemakelaar is, geag word sodanige bates te besit indien en vir solank die vennootskap in die Republiek bates besit waarvan die totale waarde die bedrag van sy laste oorskry met minstens veertigduisend rand plus tienduise rand vermenigvuldig met die getal vennote vir sover hulle meer as twee is; en
- (b) iemand wat die houer is van aandele van 'n private maatskappy bedoel in artikel 8A (1), geag word sodanige bates te besit indien en vir solank die private maatskappy in die Republiek bates besit waarvan die totale waarde die bedrag van sy laste oorskry met minstens veertigduisend rand plus tienduise rand vermenigvuldig met die getal houters van aandele van daardie maatskappy vir sover hulle meer as twee is;
- (c) tot 31 Desember 1974 'n lid wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Beheer van Effektebeurse, 1970, kragtens die reëls van 'n gelisensieerde effektebeurs geregtig was om die besigheid van 'n effektemakelaar te dryf, aldus bates moet besit wat sy laste met minstens tienduise rand oorskry;
- (d) indien iemand besigheid as 'n effektemakelaar dryf in vennootskap met iemand anders wat 'n effektemakelaar is, en hy en elke ander lid van sodanige vennootskap onmiddellik voor die inwerkingtreding van die Wysigingswet op Beheer van Effektebeurse, 1970, kragtens die reëls van die effektebeurs geregtig was om die besigheid van effektemakelaars te dryf, eersgenoemde persoon, tot 31 Desember 1974, geag word sodanige bates te besit indien en vir solank die vennootskap in die Republiek bates besit waarvan die totale waarde die bedrag van sy laste oorskry met minstens tienduise rand vermenigvuldig met die getal vennote; en
- (e) indien iemand 'n houer van aandele van 'n private maatskappy bedoel in artikel 8A (1) is, en hy en elke ander houer van aandele van die maatskappy onmiddellik voor die inwerkingtreding van die Wysigingswet op Beheer van Effektebeurse, 1970, kragtens die reëls van die effektebeurs geregtig was om die besigheid van effektemakelaars te dryf, sodanige persoon, tot 31 Desember 1974, geag word sodanige bates te besit indien en vir solank die private maatskappy in die Republiek bates besit waarvan die totale waarde die bedrag van sy laste oorskry met minstens tienduise rand vermenigvuldig met die getal houters van aandele van die maatskappy.”

13. Artikel 9 van die Hoofwet word hierby deur die volgende artikel vervang:

„Pligte van komitee van effektebeurs met betrekking tot notering van effekte.

9. Die komitee van 'n gelisensieerde effektebeurs—

- (a) hou 'n lys van die effekte waarmee op die effektebeurs sake gedoen kan word en mag geen sake op die effektebeurs met effekte wat nie in die lys opgeneem is, toelaat nie, maar kan toelaat dat sake op die effektebeurs gedoen

Vervanging van artikel 9 van Wet 7 van 1947, soos vervang deur artikel 9 van Wet 72 van 1951.

securities of any company or corporate body not registered or incorporated in the Republic which are listed or quoted on, or in respect of which permission to deal in has been granted and has not been withdrawn by, any stock exchange outside the Republic which has been recognized under section 13 (4);

- (b) shall receive, consider and grant, defer or refuse applications by the issuers of securities for the inclusion of such securities in such list;
- (c) shall revise such list at least once during every year and submit to the Registrar in each year a certificate by the president that the list has been revised during that year, and may, notwithstanding any arrangement entered into before or after the commencement of this Act, under which the securities may be dealt in on the stock exchange, charge such fees in respect of such revision as may be prescribed in the rules of the stock exchange."

Insertion of sections 9A, 9B and 9C in Act of 1947.

14. The following sections are hereby inserted in the principal Act after section 9:

"Applica-
tion of new
conditions
to existing
listed
securities.

9A. Notwithstanding any conditions on which the committee of a stock exchange may have consented to the inclusion of any securities in the list referred to in section 9 (a), any conditions imposed thereafter and in force from time to time in respect of such inclusion, may be applied by the committee also to any securities in respect of which such consent was granted prior to the imposition of such conditions, by notice in writing to the person who issued such securities: Provided that such conditions so applied to any securities shall not take effect in respect of such securities until the expiry of two years from the date on which the committee so notifies such person.

Removal or
suspension
of inclusion
of securities
from or in
list, and
omission of
securities
from price
list.

9B. (1) The committee of a stock exchange may, notwithstanding any arrangement entered into under which any securities may be dealt in on the stock exchange, if after investigation in accordance with its rules it is of opinion that it is desirable to do so, remove from the list of securities referred to in section 9 (a) any securities previously included therein, or suspend the inclusion in such list of any such securities, or omit from a list of quotations of prices of securities issued for publication on the authority of the stock exchange, the prices of any securities previously quoted in any such list: Provided that—

- (a) no such removal, suspension or omission shall be effected by the committee on any ground in respect of which the person who issued the securities has not had the opportunity of making representations to the committee in support of the continued inclusion of the securities or prices in the said lists;
- (b) such a suspension or omission for a period not exceeding thirty days may be effected by the president after consultation with the head of the department of the stock exchange dealing with the listing of securities;
- (c) in the case of such a suspension the committee may permit members of the stock exchange concerned to deal on such stock exchange in the security concerned for the sole purpose of enabling such members to make such

word met effekte van 'n maatskappy of regspersoon wat nie in die Republiek geregistreer of geïnkorporeer is nie, wat genoteer is op, of ten opsigte waarvan toestemming om sake te doen verleen is en nie herroep is nie deur 'n effektebeurs buite die Republiek wat kragtens artikel 13 (4) erken is;

- (b) ontvang, oorweeg en staan toe, stel uit of weier aansoeke deur uitreikers van effekte om die insluiting van sodanige effekte in sodanige lys;
- (c) hersien dié lys minstens een maal gedurende elke jaar en lê elke jaar aan die Registrateur 'n sertifikaat voor deur die president dat die lys gedurende daardie jaar hersien is, en kan ondanks enige reëling, voor of na die inwerking-treding van hierdie Wet aangegaan, waarvolgens met die betrokke effekte op die effektebeurs sake gedoen mag word, ten opsigte van dié hersiening die gelde vra wat in die reëls van die effektebeurs voorgeskryf word."

14. Die volgende artikels word hierby in die Hoofwet na artikel 9 ingevoeg:

„Toe-passing van nuwe voorwaardes op be-staande ge-noteerde effekte.

9A. Ondanks die voorwaardes waarop die komitee van 'n effektebeurs ingestem het dat effekte opge-neem word in die lys vermeld in artikel 9 (a), kan voorwaardes wat daarna opgelê word en van tyd tot tyd van krag is ten opsigte van sodanige opname, deur die komitee ook op effekte ten opsigte waar-van sodanige instemming voor die oplegging van sodanige voorwaardes verleen is, toegepas word by skriftelike kennisgewing aan die persoon wat so-danige effekte uitgegee het: Met dien verstande dat sodanige voorwaardes wat aldus ten opsigte van effekte toegepas word, nie ten opsigte van dié effekte van krag word nie voor die verstryking van twee jaar vanaf die datum waarop die komitee sodanige persoon aldus in kennis stel.

Invoeging van artikels 9A, 9B en 9C in Wet 7 van 1947.

Verwydering of op-skorting van opname van effekte uit of in lys, en weg-lating van effekte uit pryslys.

9B. (1) Die komitee van 'n effektebeurs kan, ondanks 'n reëling aangegaan waarkragtens met effekte op die effektebeurs sake gedoen mag word, indien hy na ondersoek ooreenkomstig sy reëls van oordeel is dat dit wenslik is om dit te doen, effekte vantevore opgeneem in 'n lys bedoel in artikel 9 (a) daaruit verwyder, of die opname van sodanige effekte in dié lys opskort, of die pryse van effekte wat tevore genoteer is op 'n lys van prysnoterings van effekte wat op gesag van die effektebeurs vir publikasie uitgereik word, uit dié lys weglaat: Met dien verstande dat—

- (a) geen sodanige verwydering, opskorting of weglating deur die komitee teweeggebring word nie op 'n grond ten opsigte waarvan die persoon wat die effekte uitgegee het, nie die geleentheid gehad het nie om versoë tot die komitee te rig ter ondersteuning van die voortgesette opname van die effekte of pryse in genoemde lys;
- (b) sodanige opskorting of weglating vir 'n tydperk van hoogstens dertig dae deur die president teweeggebring kan word na oorlegpleging met die hoof van die departement van die effektebeurs wat met die notering van effekte handel;
- (c) in die geval van so 'n opskorting die komitee lede van die betrokke effektebeurs kan toelaat om op dié effektebeurs sake in die betrokke effekte te doen met die uitsluitlike doel om sodanige lede in staat te stel om dié aankope

purchases of such security as may be necessary to fulfil obligations entered into by them before the suspension;

- (d) no such removal shall be effected by the committee unless the inclusion in such list of the security concerned have first been suspended;
- (e) securities issued by a company and considered by the president, after consultation with the head of the department of the stock exchange dealing with the listing of securities, to be eligible for continued inclusion in such list, may not be removed from such list upon request or application by the company concerned, unless the proposed removal has been approved by its shareholders at a general meeting; and
- (f) the transfer of the price of any security from one section of the list of quotations of prices of securities to another section of such list shall not be deemed to be an omission of the price of such security from such list.

(2) Whenever any committee under section 9 (b) refuses an application or under subsection (1) of this section removes any securities from the list referred to in section 9 (a) or suspends the inclusion of any securities in such list, it shall cause the committee of every other stock exchange in the Republic to be notified thereof, and of the date of such refusal, removal or suspension, and thereupon no such other committee shall, during the period of six months after the said date, grant any application for the inclusion of those securities in the list kept by it under the said section 9 (a), unless an appeal against such refusal, removal or suspension has been allowed under section 10: Provided that if such first-mentioned committee withdraws any such refusal, removal or suspension before the expiry of the said period of six months, it shall likewise cause the committee of every other stock exchange in the Republic to be notified thereof, and thereupon the restriction upon the granting of any such application shall lapse.

Disclosure of information by persons whose securities are listed.

9C. (1) The president of a stock exchange may require any person whose securities are included in the list referred to in section 9 (a) to disclose to him, within a period specified by him, such information at its disposal as the president may determine, and if the president is satisfied, after such person having had an opportunity of making representations to him, that the disclosure of such information to the registered holders of such securities will be in the public interest, he may refer the matter to the committee concerned, which, if it is also so satisfied, may by notice in writing require such person so to disclose such information within the period specified in the notice.

(2) Any such person shall comply with the requirements of the committee within the said period or within such further period as the committee may allow."

Amendment of section 10 of Act 7 of 1947, as amended by section 8 of Act 72 of 1951.

15. Section 10 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

"(1) If the committee of a licensed stock exchange—

- (a) terminates the membership of any person; or
- (b) under section 9 [(1)] (b) [or (d)] defers or refuses any application for the inclusion of any securities in,

van sodanige effekte te doen wat nodig is om verpligtings, wat voor die opskorting deur hul aangegaan is, na te kom;

- (d) geen sodanige verwydering deur die komitee teweeggebring word nie, tensy die opname van die betrokke effekte in sodanige lys eers opgeskort is;
- (e) effekte wat deur 'n maatskappy uitgegee is en deur die president, na oorlegpleging met die hoof van die departement van die effektebeurs wat handel met die notering van effekte, geag word geskik te wees vir voortgesette opname in sodanige lys, nie uit so 'n lys op versoek of aansoek van die betrokke maatskappy verwyder word nie, tensy die voorgestelde verwydering deur sy aandeelhouders op 'n algemene vergadering goedgekeur is; en
- (f) die oordrag van die prys van effekte van een afdeling van die lys van prysnoterings van effekte na 'n ander afdeling van dié lys nie geag word 'n weglating van die prys van sodanige effekte uit so 'n lys te wees nie.

(2) Wanneer 'n komitee 'n aansoek kragtens artikel 9 (b) van die hand wys of kragtens subartikel (1) van hierdie artikel effekte uit die lys bedoel in artikel 9 (a) verwyder of die opname van effekte in so 'n lys opskort, laat hy die komitee van elke ander effektebeurs in die Republiek daarvan in kennis stel, asook van die datum van die weiering, verwydering of opskorting, en daarop mag geen sodanige ander komitee gedurende die tydperk van ses maande na genoemde datum 'n aansoek om die opname van daardie effekte in die lys wat hy kragtens genoemde artikel 9 (a) hou, toestaan nie, tensy 'n appél teen sodanige weiering, verwydering of opskorting ingevolge artikel 10 geslaag het: Met dien verstande dat indien eersgenoemde komitee so 'n weiering, verwydering of opskorting voor verloop van genoemde tydperk van ses maande intrek, hy insgelyks die komitee van elke ander effektebeurs in die Republiek daarvan in kennis laat stel, en die beperking op die toestaan van so 'n aansoek daarop verval.

Bekend-
making van
inligting
deur per-
sone wie
se effekte
genoteer is.

9C. (1) Die president van 'n effektebeurs kan eis dat iemand wie se effekte opgeneem is in die lys bedoel in artikel 9 (a), binne 'n tydperk deur die president gestel, aan hom die inligting tot so iemand se beskikking wat die president bepaal, bekend maak, en indien die president oortuig is, nadat so iemand 'n geleentheid gehad het om verhoë tot hom te rig, dat die bekendmaking van sodanige inligting aan die geregistreerde houders van sodanige effekte in die openbare belang sal wees, kan hy die saak na die betrokke komitee verwys, wat, indien hy ook aldus oortuig is, by skriftelike kennisgewing kan eis dat so iemand sodanige inligting binne die tydperk in die kennisgewing vermeld, aldus bekend maak.

(2) So iemand moet aan die vereistes van die komitee voldoen binne genoemde tydperk of binne die verdere tydperk wat die komitee toestaan.”

15. Artikel 10 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) Indien die komitee van 'n gelisensieerde effektebeurs—

- (a) die lidmaatskap van iemand beëindig; of
- (b) kragtens artikel 9 [(1)] (b) [of (d)] 'n aansoek om die opname van effekte [of aandele] in die lys bedoel in artikel 9 (a) uitstel of van die hand wys, of kragtens

Wysiging
van artikel
10 van Wet
7 van 1947,
soos gewysig
deur artikel 8
van Wet 72
van 1951.

or under section 9B (1) removes any **["stocks or shares"]** securities from, or suspends, for a period which, together with any suspension in terms of paragraph (b) of the proviso to the said section 9B (1) exceeds thirty days, the inclusion of any **["stocks or shares"]** securities in the list referred to in section 9 **["(1)"]** (a), or omits, for a period which together with any omission in terms of paragraph (b) of the said proviso to the said section 9B (1) exceeds thirty days, the price of any **["stocks or shares"]** securities from a list of quotations referred to in the said **["paragraph (d)"]** section 9B (1),

such person, or the person who issued the **["stocks or shares"]** securities, as the case may be, shall be entitled to be furnished with the reason for the termination, deferment, refusal, removal, suspension or omission, and may appeal against the decision of the committee to the board referred to in section 11, and the board may confirm, vary or set aside the decision, and, whether or not the appeal is withdrawn, make such award as to costs as it may deem fit: Provided that—

- (i) the said board shall deal with an appeal only on the relevant information which the committee had before it; and
- (ii) the appellant shall, within the period prescribed, lodge with the secretary of the said board such sum of money as the chairman of the board may have determined, as security for the payment of any costs that may be awarded against the appellant.”

Amendment of
section 11 of
Act 7 of 1947.

16. Section 11 of the principal Act is hereby amended—

- (a) by the insertion after subsection (3) of the following subsection:

“(3A) The Minister may, subject to the provisions of subsection (2), likewise appoint an alternate member in respect of any member so appointed by him.”; and

- (b) by the substitution for subsection (4) of the following subsection:

“(4) If any member or alternate member of the board is for any reason unable to act, the Minister may, subject to the provisions of subsection (2), appoint another person to act in his stead.”.

Repeal of
section 12 of
Act 7 of 1947.

17. Section 12 of the principal Act is hereby repealed.

Substitution of
of section 13 of
Act 7 of 1947,
as amended by
section 10 of
Act 72 of 1951.

18. The following section is hereby substituted for section 13 of the principal Act:

“Purchases
and sales
by stock-
brokers on
behalf of
other
persons.

13. (1) If any stock-broker buys any securities on behalf of any person on condition that such person pays for such securities against delivery thereof by the stock-broker, and he receives such securities or any portion thereof, he shall forthwith offer to deliver to such person such securities or such portion thereof, and if payment therefor is not made within ten business days of such offer, the stock-broker shall, as soon as is reasonably possible, in his discretion—
(a) receive from such person so much of the purchase price in cash as will make the securities of which delivery was so offered sufficient to pro-

artikel 9B (1) effekte **["of aandele"]** uit dié lys verwyder of hul opname daarin opskort vir 'n tydperk wat, tesame met enige opskorting kragtens paragraaf (b) van die voorbehoudsbepaling by genoemde artikel 9B (1), dertig dae oorskry, of vir 'n tydperk wat, tesame met enige weglating kragtens paragraaf (b) van genoemde voorbehoudsbepaling by genoemde artikel 9B (1) dertig dae oorskry, die prys van effekte **["of aandele"]** uit 'n lys van prysnoterings bedoel in genoemde **["paragraaf (d)"]** artikel 9B (1) weglaat,

dan het so iemand of die persoon wat die effekte **["of aandele"]** uitgegee het, na gelang van die geval, die reg om voorsien te word van die rede vir die beëindiging, uitstel, van-die-hand-wysing, verwydering, opskorting of weglating, en kan hy teen die besluit van die komitee na die raad bedoel in artikel 11 in hoër beroep gaan, en die raad kan die besluit bekragtig, wysig of ter syde stel, en kan ongeag of die appèl teruggetrek word of nie, die kostebevel uitreik wat hy goedvind: Met dien verstande dat—

- (i) genoemde raad slegs op grond van die ter sake dienende inligting wat voor die komitee gewees het, met 'n appèl handel; en
- (ii) die appellant by die sekretaris van genoemde raad binne die voorgeskrewe tydperk die bedrag geld wat die voorsitter van die raad bepaal het, stort as sekerheid vir die betaling van koste wat teen die appellant toegewys word."

16. Artikel 11 van die Hoofwet word hierby gewysig—

- (a) deur na subartikel (3) die volgende subartikel in te voeg:

„(3A) Die Minister kan, behoudens die bepalings van subartikel (2), insgelyks 'n plaasvervangende lid aanstel ten opsigte van enige lid aldus deur hom aangestel."; en

- (b) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) Indien 'n lid of plaasvervangende lid van die raad om die een of ander rede nie in staat is om op te tree nie, kan die Minister, behoudens die bepalings van subartikel (2), iemand anders aanstel om in sy plek waar te neem."

Wysiging
van artikel
11 van Wet
7 van 1947.

17. Artikel 12 van die Hoofwet word hierby herroep.

Herroeping
van artikel
12 van Wet
7 van 1947.

18. Artikel 13 van die Hoofwet word hierby deur die volgende artikel vervang:

„Koop en verkoop deur effektemakelaars ten behoeve van ander persone.

13. (1) Indien 'n effektemakelaar ten behoeve

van iemand effekte koop op voorwaarde dat so iemand vir sodanige effekte betaal teen lewering daarvan deur die effektemakelaar, en hy ontvang sodanige effekte of 'n gedeelte daarvan, moet hy onverwyld aanbied om daardie effekte of daardie gedeelte daarvan aan so iemand te lewer, en indien betaling daarvoor nie binne tien besigheidsdae vanaf sodanige aanbod geskied nie, moet die effektemakelaar so gou as wat redelik doenlik is, volgens goed-dunke—

- (a) van so iemand soveel van die koopprys in kontant ontvang as wat die effekte waarvan lewering aldus aangebied was, genoegsaam

Vervanging
van artikel
13 van Wet
7 van 1947,
soos gewysig
deur artikel 10
van Wet 72
van 1951.

vide minimum cover for the balance of the purchase price of such securities; or

- (b) if such person is not indebted to the stock-broker in respect of any transaction in connection with securities previously entered into on his behalf, accept from such person such securities as (either alone or together with any securities of which delivery was so offered) may be necessary to provide minimum cover in respect of the amount owing in respect of the securities of which delivery was offered; or
 - (c) if such person is indebted to the stock-broker in respect of any transaction in connection with securities previously entered into on his behalf, accept from such person such securities as (either alone or together with any securities of which delivery was so offered, and any other securities which may be held by the stock-broker in respect of such indebtedness) may be necessary to provide minimum cover in respect of the aggregate of the amount owing in respect of the securities of which delivery was so offered and the amount of such indebtedness; or
 - (d) sell for the account of such person the whole of any securities referred to in paragraph (a), (b) or (c) and any other securities held by or to be delivered to the stock-broker on behalf of such person, or so much thereof as is necessary to make any such securities not so sold sufficient to provide minimum cover for—
 - (i) the amount owing in respect of the purchase; and
 - (ii) any amount owing in respect of any transaction by virtue of which securities are so held by or to be delivered to the stock-broker.
- (2) (a) If any stock-broker buys any securities on behalf of any person on condition that such person is not obliged to pay for such securities when they are available for delivery to him, or if any person requests any stock-broker to make any purchase on time of any securities for him, such person shall not later than ten business days after the purchase—
- (i) pay to the stock-broker so much of the purchase price in cash as will make the securities so bought sufficient to provide minimum cover for the balance of the purchase price; or
 - (ii) if he is not indebted to the stock-broker in respect of any transaction in connection with securities previously entered into on his behalf, deposit with the stock-broker such securities as (either alone or together with any securities so bought) may be necessary to provide minimum cover in respect of the amount owing in pursuance of the purchase; or
 - (iii) if he is indebted to the stock-broker in respect of any transaction in connection with securities previously entered into on his behalf, deposit with the stock-broker

maak om minimum dekking vir die balans van die koopprys van sodanige effekte te voorsien; of

- (b) indien so iemand nie by die effektemakelaar in die skuld is nie ten opsigte van 'n transaksie in verband met effekte wat vantevore ten behoeve van hom aangegaan is, van so iemand die effekte ontvang wat (of alleen of tesame met effekte waarvan lewering aldus aangebied is) nodig is om minimum dekking te voorsien ten opsigte van die bedrag verskuldig ten opsigte van die effekte waarvan lewering aangebied is; of
 - (c) indien so iemand by die effektemakelaar in die skuld is ten opsigte van 'n transaksie in verband met effekte wat vantevore ten behoeve van hom aangegaan is, van so iemand die effekte ontvang wat (of alleen of tesame met effekte waarvan aflewering aldus aangebied is en ander effekte wat deur die effektemakelaar ten opsigte van sodanige skuld gehou word) nodig is om minimum dekking te voorsien ten opsigte van die totaal van die bedrag wat verskuldig is ten opsigte van die effekte waarvan aflewering aldus aangebied is en die bedrag van sodanige skuld; of
 - (d) vir die rekening van so iemand al die effekte bedoel in paragraaf (a), (b) of (c) verkoop en ook enige ander effekte wat die effektemakelaar hou, of wat aan die effektemakelaar gelever moet word, ten behoeve van so iemand, of soveel daarvan as wat nodig is om sodanige effekte wat nie aldus verkoop word nie genoegsaam te maak om minimum dekking te voorsien vir—
 - (i) die bedrag uitstaande ten opsigte van die aankoop; en
 - (ii) enige bedrag uitstaande ten opsigte van 'n transaksie uit hoofde waarvan effekte aldus deur die effektemakelaar gehou word of aldus aan hom gelever moet word.
- (2) (a) Indien 'n effektemakelaar effekte ten behoeve van iemand koop op voorwaarde dat so iemand nie verplig is om vir daardie effekte te betaal wanneer hulle vir lewering aan hom beskikbaar is nie, of indien iemand 'n effektemakelaar versoek om vir hom 'n termynaankoop van effekte te doen, moet so iemand nie later nie as tien besigheidsdae na die koop—
- (i) aan die effektemakelaar soveel van die koopprys in kontant betaal as wat die effekte wat aldus gekoop is voldoende maak om minimum dekking vir die balans van die koopprys te voorsien; of
 - (ii) indien hy nie by die effektemakelaar in die skuld is ten opsigte van 'n transaksie in verband met effekte wat vantevore ten behoeve van hom aangegaan is nie, by die effektemakelaar die effekte deponeer wat (of alleen of tesame met aldus gekoopte effekte) nodig is om minimum dekking te voorsien ten opsigte van die bedrag verskuldig uit hoofde van die koop; of
 - (iii) indien hy by die effektemakelaar in die skuld is ten opsigte van 'n transaksie in verband met effekte wat vantevore ten behoeve van hom aangegaan is, by die effektemakelaar die effekte deponeer wat

such securities as (either alone or together with any securities so bought, and any other securities which may be held by the stock-broker in respect of such indebtedness) may be necessary to provide minimum cover in respect of the aggregate of the amount owing in pursuance of the purchase and the amount of such indebtedness.

(b) If a person does not comply with the provisions of paragraph (a) the stock-broker concerned shall, as soon as is reasonably possible, sell, for the account of such person, all the securities bought by him as contemplated in that paragraph or so much of—

- (i) the securities so bought; and
- (ii) any other securities held by or to be delivered to the stock-broker in respect of any transaction in connection with securities previously entered into on behalf of such person,

as are necessary to make the securities referred to in subparagraphs (i) and (ii) and which are not so sold sufficient to provide minimum cover for—

- (aa) the amount owing in respect of such purchase; and
- (bb) any amount owing in respect of any transaction referred to in subparagraph (ii).

(3) In calculating any indebtedness contemplated in subsection (1) (c) or subsection (2) (a) (iii) any amount due to the purchaser concerned in pursuance of a sale on his behalf of securities which have not been delivered by him, and any cover deposited by him under subsection (6) (b) shall not be taken into account.

(4) Subsections (1) and (2) shall not apply if the person concerned on whose behalf securities are purchased is a stock-broker or a member of a stock exchange outside the Republic recognized by the Registrar for the purpose of this subsection.

(5) The provisions of this section shall not be construed as rendering ineffective any contractual obligation to make any payment or to deposit, deliver or cede any securities before the expiry of the relative period referred to in subsection (1) or (2), and any deposit of securities made under this section shall in itself not affect any contractual obligation to make any payment or to deliver or cede any securities before or after the expiry of any such period.

(6) (a) If any person requests a stock-broker to sell any securities on his behalf and the sale of such securities would be a bear sale, such person shall at the same time inform, and on the day on which the request is made, confirm in writing to such stock-broker that the sale would be a bear sale.

(b) No stock-broker shall knowingly enter into a bear sale on behalf of any person unless such person has deposited with him minimum cover in respect of an amount equal to the value of the securities to be sold, calculated on the basis of the last price at which, before the request for such sale was made, such securities were sold on the stock exchange on which the bear sale is to take place.

(of alleen of tesame met aldus gekoopte effekte, en ander effekte wat die effektemakelaar ten opsigte van die skuld hou) nodig is om minimum dekking te voorsien ten opsigte van die totaal van die bedrag verskuldig uit hoofde van die koop en die bedrag van genoemde skuld.

(b) Indien iemand nie die bepalings van paragraaf

(a) nakom nie, moet die betrokke effektemakelaar, so gou as wat redelik moontlik is, vir die rekening van so iemand al die effekte verkoop wat deur hom gekoop is soos in daardie paragraaf beoog, of soveel van—

(i) die effekte aldus gekoop; en

(ii) ander effekte wat deur die effektemakelaar gehou word of wat aan hom gelewer moet word ten opsigte van 'n transaksie in verband met effekte wat vantevore ten behoeve van so iemand aangegaan is,

as wat nodig is om die effekte bedoel in subparagrafe (i) en (ii) en wat nie aldus verkoop word nie, voldoende te maak om minimum dekking te voorsien vir—

(aa) die bedrag verskuldig ten opsigte van sodanige aankoop; en

(bb) enige bedrag verskuldig ten opsigte van 'n transaksie bedoel in subparagraaf (ii).

(3) By die berekening van 'n skuld bedoel in subartikel (1) (c) of subartikel (2) (a) (iii) word 'n bedrag wat aan die betrokke koper verskuldig is uit hoofde van 'n verkoop ten behoeve van hom van effekte wat nie deur hom gelewer is nie, asook enige dekking wat hy ingevolge subartikel (6) (b) gedeponeer het, buite rekening gelaat.

(4) Subartikels (1) en (2) is nie van toepassing nie indien die betrokke persoon ten behoeve van wie effekte gekoop word, 'n effektemakelaar is of 'n lid van 'n effektebeurs buite die Republiek is wat deur die Registrateur vir die doeleindes van hierdie subartikel erken is.

(5) Die bepalings van hierdie artikel word nie só vertolk dat dit 'n kontraktuele verpligting om voor die verstryking van die toepaslike tydperk bedoel in subartikel (1) of (2) 'n betaling te doen of effekte te deponeer, te lewer of te sedgeer nietig maak nie, en 'n deposito van effekte wat ingevolge hierdie artikel gedoen word, raak op sigself nie 'n kontraktuele verpligting om 'n betaling te doen of om effekte te lewer of te sedgeer voor of na die verstryking van so 'n tydperk.

(6) (a) Indien iemand 'n effektemakelaar versoek om effekte ten behoeve van hom te verkoop en die verkoop van daardie effekte 'n daalverkoop sal wees, moet so iemand terselfdertyd sodanige effektemakelaar mededeel dat die verkoop 'n daalverkoop sal wees, en moet hy op die dag waarop die versoek gedoen word, aan sodanige effektemakelaar skriftelik bevestig dat die verkoop 'n daalverkoop sal wees.

(b) 'n Effektemakelaar gaan nie wilens en wetens 'n daalverkoop ten behoeve van iemand aan nie tensy so iemand by hom minimum dekking gedeponeer het ten opsigte van 'n bedrag gelykstaande met die waarde van die effekte wat verkoop moet word, bereken op die grondslag van die laaste prys waarteen sodanige effekte op die effektebeurs, waarop die daalverkoop moet plaasvind, verkoop is voordat die versoek om die daalverkoop gedoen is.

(c) Subject to the provisions of paragraph (d) no person shall on his own account or on behalf of any other person enter into a bear sale on a stock exchange—

(i) at a price below the cash sale price of the securities in question last recorded by such stock exchange; or

(ii) at the cash sale price of the securities in question last recorded by such stock exchange, unless such cash sale price is higher than the nearest preceding different cash sale price so recorded.

(d) The provisions of paragraph (c) shall not apply to an arbitrage transaction or an odd-lot transaction.

(7) No stock-broker shall return any securities deposited with him or held by him as minimum cover under this section or any part of such securities, to the depositor or person on whose behalf such securities are so held as minimum cover, or deliver them to any other person to be held or dealt with on behalf of or for the benefit of the depositor or person on whose behalf such securities are so held as minimum cover, if the effect of the return or delivery of such securities would be to reduce the value of the securities held by such stock-broker in respect of the amount owing to him by the depositor or person on whose behalf such securities are so held as minimum cover, below the value necessary to provide minimum cover in respect of the said amount.

(8) For the purposes of subsection (7) the reference in the definition of 'minimum cover' in section 1 to the date on which the cover is provided shall be deemed to be a reference to the date of the return or delivery of the securities, as the case may be."

Insertion of sections 13A and 13B in Act 7 of 1947.

19. The following sections are hereby inserted in the principal Act after section 13:

"Prohibition of bear sales by directors and certain shareholders.

13A. (1) A director of a company or a person entitled to the financial rights attaching to more than ten per cent in value of any class of securities issued by a company and which are listed securities shall not directly or indirectly effect a bear sale of the securities of such company.

(2) For the purposes of subsection (1) a 'bear sale' includes any sale of a security by a director or any other person referred to in the said subsection, where, prior to completion of the transaction by delivery, such director or person repurchases the security.

Repudiation of purchase of securities.

13B. If a stock-broker buys on behalf of any person any securities for delivery to such person within a specified period and fails to deliver them to such person within that period, such person may call upon the stock-broker in writing to deliver to him the securities within a period specified by him

(c) Behoudens die bepalings van paragraaf (d), mag niemand vir eie rekening of ten behoeve van iemand anders 'n daalverkoop op 'n effektebeurs aangaan nie—

(i) teen 'n prys onder die kontant verkoopprijs van die betrokke effekte wat die laaste deur daardie effektebeurs aangeteken is; of

(ii) teen die kontant verkoopprijs van die betrokke effekte wat die laaste deur daardie effektebeurs aangeteken is, tensy sodanige kontant verkoopprijs hoër is as die naaste voorafgaande verskillende kontant verkoopprijs aldus aangeteken.

(d) Die bepalings van paragraaf (c) is nie op 'n arbitrasie-transaksie of 'n los-hoeveelhede-transaksie van toepassing nie.

(7) 'n Effektemakelaar mag nie effekte of 'n gedeelte van effekte wat kragtens hierdie artikel by hom gedeponeer is of deur hom as minimum dekking gehou word, aan die deposant of persoon ten behoeve van wie sodanige effekte aldus as minimum dekking gehou word, teruggee nie, of dié effekte aan iemand anders oorhandig om hulle te hou of daarmee te handel ten behoeve van of ten bate van die deposant of persoon ten behoeve van wie sodanige effekte aldus as minimum dekking gehou word nie, indien die uitwerking van die teruggawe of oorhandiging van sodanige effekte sou wees om die waarde van die effekte wat deur sodanige effektemakelaar gehou word ten opsigte van die bedrag aan hom verskuldig deur die deposant of persoon ten behoeve van wie sodanige effekte aldus as minimum dekking gehou word, te verminder benede die waarde wat nodig is om minimum dekking ten opsigte van genoemde bedrag te voorsien.

(8) By die toepassing van subartikel (7) word die verwysing in die omskrywing van „minimum dekking” in artikel 1 na die datum waarop die dekking voorsien word, geag 'n verwysing te wees na die datum van die teruggawe of oorhandiging van die effekte, na gelang van die geval.”

19. Die volgende artikels word hierby in die Hoofwet na artikel 13 ingevoeg:

Invoeging van artikels 13A en 13B in Wet 7 van 1947.

„Verbod op daalverkope deur direkteure en sekere aandeelhouders.

13A. (1) 'n Direkteur van 'n maatskappy of

iemand wat geregtig is op die geldelike regte verbonde aan meer as tien persent volgens waarde van enige klas effekte wat deur 'n maatskappy uitgereik en genoteerde effekte is, mag nie, hetsy regstreeks of onregstreeks, 'n daalverkoop van die effekte van sodanige maatskappy bewerkstellig nie.

(2) By die toepassing van subartikel (1) beteken 'n daalverkoop ook 'n verkoop van effekte deur 'n direkteur of iemand anders bedoel in genoemde subartikel, indien sodanige direkteur of so iemand, voor uitvoering van die transaksie deur lewering, die effekte terugkoop.

Repudiasie van koop van effekte.

13B. Indien 'n effektemakelaar ten behoeve van iemand effekte koop vir lewering aan so iemand binne 'n vermelde tydperk en hy versuim om hulle binne dié tydperk aan so iemand te lewer, kan so iemand die effektemakelaar skriftelik aansê om die effekte aan hom te lewer binne 'n tydperk deur

and which shall be reasonable, and if the stock-broker fails to do so, such person may, without prejudice to any other rights he may have, repudiate the transaction."

Repeal of sections 14 and 15 of Act 7 of 1947.

20. Sections 14 and 15 of the principal Act are hereby repealed.

Substitution of section 16 of Act 7 of 1947.

21. The following section is hereby substituted for section 16 of the principal Act:

"Grant of certificate authorizing issue or renewal of licence to carry on business of carrier against shares.

16. (1) The Registrar may, upon application made in the prescribed form and manner, grant to any person a certificate authorizing a receiver of revenue to issue to that person a licence to carry on the business of a carrier against shares, or to renew any such licence.

(2) Such a certificate may be refused—

(a) if, in the case of the issue of any such licence under this Act or of the first renewal thereunder of such a licence held at the commencement of the Stock Exchanges Control Amendment Act, 1970, and which has at the date of the renewal been held for a period of less than three years, such person has not deposited with the Treasury a sum of not less than twenty thousand rand, or, in the case of any other renewal, such person has not kept deposited with the Treasury as from the date of such issue or first renewal until he has held the licence for three years, the said sum, and thereafter a sum of not less than twelve thousand rand, in cash or in securities approved by the Registrar or in cash and in such securities, to be made available in the prescribed manner, after he has been excused, for the discharge of any liability of such person arising out of any transaction entered into by him in respect of securities; or

(b) if the Registrar is not satisfied that—

(i) the person concerned has assets in the Republic of an aggregate value of at least twenty thousand rand in excess of his liabilities plus the relative amount referred to in paragraph (a); or

(ii) the public interest will be served by the issue or renewal of the licence.

(3) For the purposes of subsection (2) (a) securities shall have the value which they have in terms of the definition of 'minimum cover' in section 1.

(4) Any person who has made a deposit for the purposes of subsection (2) (a) (in this section referred to as the depositor) may at any time—

(a) withdraw so much thereof as exceeds the relative amount referred to in the said subsection (2) (a); or

(b) substitute for any security so deposited any money or any other security approved by the Registrar of an equivalent value.

(5) If at any time the value of the deposit made by a depositor is less than the relative amount referred to in subsection (2) (a), the Treasury may, by notice in writing, call upon the depositor to make good the deficiency by a further deposit in cash or in securities,

hom bepaal en wat redelik moet wees, en indien die effektemakelaar versuim om dit te doen, kan so iemand, sonder benadeling van ander regte wat hy het, die transaksie repudieer.”.

20. Artikels 14 en 15 van die Hoofwet word hierby herroep.

Herroeping van artikels 14 en 15 van Wet 7 van 1947.

21. Artikel 16 van die Hoofwet word hierby deur die volgende artikel vervang:

„Inwilliging van sertifikaat wat uitreiking of hernuwing van lisensie magtig om die besigheid van geldskieder teen aandele te dryf.

16. (1) Die Registrateur kan, op aansoek in die voorgeskrewe vorm en op die voorgeskrewe wyse gedoen, aan iemand 'n sertifikaat toestaan wat 'n ontvanger van inkomste magtig om aan so iemand 'n lisensie uit te reik om die besigheid van geldskieder teen aandele te dryf, of om so 'n lisensie te hernieu.

(2) So 'n sertifikaat kan geweier word—

(a) indien so iemand, in die geval van die uitreiking van so 'n lisensie kragtens hierdie Wet of van die eerste hernuwing daarkragtens van so 'n lisensie wat by die inwerkingtreding van die Wysigingswet op Beheer van Effektebeurse, 1970, gehou is en wat op die datum van die hernuwing vir 'n tydperk van minder as drie jaar gehou is, nie 'n bedrag van minstens twintigduisend rand by die Tesourie gedeponeer het nie, of, in die geval van enige ander hernuwing, nie vanaf die datum van bedoelde uitreiking of eerste hernuwing totdat hy die lisensie vir drie jaar gehou het, genoemde bedrag, en daarna 'n bedrag van minstens twaalfduisend rand, by die Tesourie gedeponeer gehou het nie, by wyse van kontant of deur die Registrateur goedgekeurde effekte of van kontant en van sodanige effekte, om op die voorgeskrewe wyse, nadat hy uitgewin is, beskikbaar gestel te word ter betaling van skuld van so iemand wat ontstaan uit 'n transaksie wat hy ten opsigte van effekte aangegaan het; of

(b) indien die Registrateur nie oortuig is nie dat—

(i) die betrokke persoon bates in die Republiek besit wat oor die geheel minstens twintigduisend rand meer is as sy laste plus die toepaslike bedrag bedoel in paragraaf (a); of

(ii) die openbare belang deur die uitreiking of hernuwing van die lisensie gedien sal word.

(3) By die toepassing van subartikel (2) (a) het effekte die waarde wat hul ingevolge die omskrywing van „minimum dekking” in artikel 1 het.

(4) Iemand wat vir die doeleindes van subartikel (2) (a) 'n deposito gestort het (in hierdie artikel die deposant genoem), kan te eniger tyd—

(a) soveel daarvan opvra as wat meer is as die toepaslike bedrag in genoemde subartikel 2 (a) bedoel; of

(b) aldus gedeponeerde effekte vervang deur geld of deur ander effekte van gelyke waarde wat deur die Registrateur goedgekeur is.

(5) Indien die waarde van die deposito deur die deposant gestort te eniger tyd minder is as die toepaslike bedrag bedoel in subartikel (2) (a), kan die Tesourie die deposant by skriftelike kennisgewing aansê om die tekort aan te suiwer deur 'n verdere deposito van geld of effekte deur die Registrateur

Vervanging van artikel 16 van Wet 7 van 1947.

approved by the Registrar, or in cash and in such securities, and if the depositor fails to comply with such notice within a period of thirty days from the date thereof, or within such further period as the Registrar may allow, the Registrar may cancel the depositor's licence to carry on the business of a carrier against shares.

(6) If a depositor has deposited any money for the said purposes, the Treasury shall, at his request, invest it in securities specified by the depositor and approved by the Registrar, and the said securities shall be deemed to have been so deposited by the depositor.

(7) A depositor shall be entitled to the income derived from any securities deposited or deemed to have been deposited with the Treasury for the said purposes.

(8) If a depositor has ceased to carry on the business of a carrier against shares for a period of not less than three months, or has become a stock-broker and has been a stock-broker for such a period, the Registrar shall, subject to the provisions of subsections (9), (10) and (11), authorize the Treasury to return to him so much of any deposit made or deemed to have been made by him, as is held by the Treasury.

(9) Before authorizing the return of any such deposit the Registrar shall cause to be published at the expense of the depositor, in the *Gazette* and in every province and in the Territory once in each of three consecutive weeks in an English and an Afrikaans newspaper approved by the Registrar a notice calling upon all persons who have any claims against the depositor arising out of any transaction entered into by him in respect of securities and who object against the return of such deposit to the depositor, to lodge their objections with the Registrar within a period specified in the notice not being less than thirty days as from the date of the last publication thereof.

(10) If any objection is lodged under subsection (9) and the depositor admits the claim of the objector, the Registrar shall not authorize the Treasury to return such deposit until the claim has been satisfied.

(11) If any objection is so lodged and the depositor does not admit the claim, the Registrar shall not authorize the Treasury to return such deposit—

- (a) unless the objector fails to institute legal proceedings against the depositor in pursuance of his claim within a period of two months after the expiry of the period referred to in subsection (9) or within such further period as the Registrar may allow; or
- (b) if the objector does institute such proceedings within the said period, unless his claim is dismissed or withdrawn, or until any judgment given against the depositor has been satisfied.

(12) If a depositor dies or if his estate is sequestrated, the Registrar shall authorize the Treasury to hand over so much of any deposit made or deemed to have been made by him, as is held by the Treasury, to the executor or trustee of his deceased or insolvent estate, as the case may be: Provided

goedgekeur, of beide van geld en sodanige effekte, en indien die deposant versuim om aan die kennisgewing te voldoen binne 'n tydperk van dertig dae vanaf die datum daarvan, of binne die verdere tydperk wat die Registrateur toestaan, kan die Registrateur die deposant se lisensie om die besigheid van 'n geldskietier teen aandele te dryf, intrek.

(6) Indien 'n deposant vir genoemde doeleindes geld gedeponeer het, belê die Tesourie dit op sy versoek in effekte deur die deposant aangewys en deur die Registrateur goedgekeur, en genoemde effekte word geag aldus deur die deposant gedeponeer te gewees het.

(7) 'n Deposant is geregtig op die inkomste verkry uit effekte wat vir genoemde doeleindes by die Tesourie gedeponeer is of geag word aldus gedeponeer te gewees het.

(8) Indien 'n deposant vir 'n tydperk van minstens drie maande opgehou het om die besigheid van 'n geldskietier teen aandele te dryf, of 'n effektemakelaar geword het en vir so 'n tydperk 'n effektemakelaar gewees het, moet die Registrateur, behoudens die bepalings van subartikels (9), (10) en (11), die Tesourie magtig om aan hom soveel terug te gee van 'n deposito wat hy gestort het of geag word deur hom gestort te gewees het, as wat deur die Tesourie gehou word.

(9) Alvorens magtiging verleen word vir die teruggee van sodanige deposito, laat die Registrateur op koste van die deposant in die *Staatiskoerant* en in elke provinsie en die Gebied een maal in elk van drie agtereenvolgende weke in 'n Afrikaanse en 'n Engelse nuusblad deur die Registrateur goedgekeur, 'n kennisgewing publiseer waarby almal met vorderings teen die deposant wat ontstaan uit transaksies wat hy ten opsigte van effekte aangegaan het en met besware teen die teruggee van dié deposito aan die deposant, aangesê word om hul besware binne 'n tydperk in die kennisgewing vermeld, maar van minstens dertig dae vanaf die datum van die laaste publikasie daarvan, by die Registrateur in te lewer.

(10) Indien 'n beswaar kragtens subartikel (9) ingelewer word en die deposant die vordering van die beswaarmaker erken, magtig die Registrateur nie die Tesourie om dié deposito terug te gee voordat die vordering vereffen is nie.

(11) Indien 'n beswaar aldus ingelewer word en die deposant nie die vordering van die beswaarmaker erken nie, magtig die Registrateur nie die Tesourie om die deposito terug te gee nie—

(a) tensy die beswaarmaker versuim om binne 'n tydperk van twee maande na verloop van die tydperk bedoel in subartikel (9), of binne die verdere tydperk wat die Registrateur toestaan, 'n regseding uit hoofde van sy vordering teen die deposant in te stel; of

(b) indien die beswaarmaker wel binne genoemde tydperk so 'n geding instel, tensy sy vordering van die hand gewys of teruggetrek word of voordat voldoen is aan 'n uitspraak wat teen die deposant gedoen is.

(12) Indien 'n deposant sterf of sy boedel gesekwestreer word, moet die Registrateur die Tesourie magtig om soveel van 'n deposito wat hy gestort het of geag word deur hom gestort te wees, as wat deur die Tesourie gehou word, aan die eksekuteur of kurator van sy bestorwe of insolvente boedel, na gelang van die geval, te oorhandig: Met dien ver-

that whenever the estate of the depositor is insolvent, any deposit so handed over shall be applied towards the satisfaction of any claim arising out of any transaction entered into by the depositor in respect of securities, in priority to any other claim."

Insertion of sections 16A and 16B in Act 7 of 1947.

22. The following sections are hereby inserted in the principal Act after section 16:

"Exemption from provisions of section 2 (1) (b) (ii).

16A. (1) If any person is carrying on the business of buying and selling listed securities and the Registrar is satisfied that if such person is exempted from the provisions of section 2 (1) (b) (ii) he will carry on such business mainly through a stock-broker, the Registrar may in writing exempt such person from the said provisions.

(2) Any person so exempted shall furnish the Registrar with such information in regard to the buying and selling by him, otherwise than through a stock-broker, of securities, and at such times or at such intervals as the Registrar may require.

(3) The Registrar may at any time in writing withdraw any exemption granted under subsection (1).

Exemption of persons from provisions relating to carriers against shares.

16B. The Registrar may in writing exempt any person, subject to such conditions as he may determine, from any provision of this Act relating to carriers against shares, and may likewise at any time withdraw any such exemption: Provided that no person shall be so exempted if his main business in the Republic is that of a carrier against shares."

Substitution of section 17 of Act 7 of 1947, as amended by section 11 of Act 72 of 1951.

23. The following section is hereby substituted for section 17 of the principal Act:

"Issue and renewal of licence to carry on business of carrier against shares.

17. (1) The provisions of section ~~6~~ 5 (1), (2) and (3) shall *mutatis mutandis* apply in respect of the issue and renewal of a licence to carry on the business of a carrier against shares ~~and the provisions of sub-sections (4) to and including (12) of section 12 shall so apply in respect of any deposit made for the purposes of sub-section (3) of the last-mentioned section read with section 16 (2)]~~.

(2) A fee of ~~ten pounds~~ twenty rand shall be payable in respect of the issue or renewal of any such licence: Provided that if the liability in respect of the issue of the licence arises after the thirtieth day of June in any year, one-half of that amount shall be payable for the issue thereof."

Substitution of section 18 of Act 7 of 1947.

24. The following section is hereby substituted for section 18 of the principal Act:

"Restriction on loans by stock-brokers and carriers against shares.

18. (1) No stock-broker or carrier against shares shall ~~if any person is indebted to him in respect of a loan made by him after the commencement of this Act—~~

(a) against security other than stocks or shares, lend money to that person against the security of stocks or shares; or

(b) against the security of stocks or shares, lend money to that person against any security other than stocks or shares]

stande dat indien die boedel van die deposant insolvent is, enige aldus oorhandigde deposito aangewend word ter vereffening van enige vordering wat ontstaan uit 'n transaksie wat die deposant ten opsigte van effekte aangegaan het, met voorrang bo enige ander vordering."

22. Die volgende artikels word hierby in die Hoofwet na artikel 16 ingevoeg:

„Vrystelling van bepalinge van artikel 2 (1) (b) (ii).

16A. (1) Indien iemand die besigheid van koop en verkoop van genoteerde effekte dryf en die Registrateur oortuig is dat, indien so iemand van die bepalinge van artikel 2 (1) (b) (ii) vrygestel word, hy sodanige besigheid hoofsaaklik deur bemiddeling van 'n effektemakelaar sal dryf, kan die Registrateur so iemand skriftelik van genoemde bepalinge vrystel.

(2) Iemand aldus vrygestel moet aan die Registrateur die inligting verstrek ten opsigte van die koop en verkoop van effekte deur hom, anders as deur bemiddeling van 'n effektemakelaar, en wel op die tye en by die tussenpose wat die Registrateur vereis.

(3) Die Registrateur kan te eniger tyd enige vrystelling kragtens subartikel (1) verleen, skriftelik intrek.

Invoeging van artikels 16A en 16B in Wet 7 van 1947.

Vrystelling van persone van bepalinge betreffende geldskieters teen aandeel.

16B. Die Registrateur kan, onderworpe aan die voorwaardes wat hy bepaal, iemand skriftelik vrystel van 'n bepaling van hierdie Wet betreffende geldskieters teen aandeel, en kan so 'n vrystelling te eniger tyd insgelyks intrek: Met dien verstande dat niemand aldus vrygestel word nie, indien sy hoofbesigheid dié van 'n geldskieder teen aandeel is."

23. Artikel 17 van die Hoofwet word hierby deur die volgende artikel vervang:

„Uitreiking en hernuwing van lisensie om besigheid van geldskieder teen aandeel te dryf.

17. (1) Die bepalinge van artikel [6] 5 (1), (2) en (3) is *mutatis mutandis* van toepassing ten opsigte van die uitreiking en hernuwing van 'n lisensie om die besigheid van geldskieder teen aandeel te dryf [en die bepalinge van subartikels (4) tot en met (12) van artikel 12 is aldus van toepassing ten opsigte van 'n deposito wat gedoen is vir die doeleindes van subartikel (3) van laasgenoemde artikel gelees met artikel 16 (2)].

(2) Gelde ten bedrae van [tien-pond] twintig rand is ten opsigte van die uitreiking of hernuwing van so 'n lisensie betaalbaar: Met dien verstande dat indien die aanspreeklikheid ten opsigte van die uitreiking van die lisensie na die dertigste dag van Junie in enige jaar ontstaan, die helfte van daardie bedrag vir die uitreiking daarvan betaalbaar is."

Vervanging van artikel 17 van Wet 7 van 1947, soos gewysig deur artikel 11 van Wet 72 van 1951.

24. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang:

„Beperking op lenings deur effektemakelaars en geldskieters teen aandeel.

18. (1) Geen effektemakelaar of geldskieder teen aandeel mag [indien 'n persoon by hom in die skuld is ten opsigte van 'n lening wat hy na die inwerking-treding van hierdie Wet verstrek het—

(a) teen ander sekuriteit dan effekte of aandeel, aan daardie persoon geld leen teen sekuriteit van effekte of aandeel nie; of

(b) teen sekuriteit van effekte of aandeel, aan daardie persoon geld leen teen ander sekuriteit dan effekte of aandeel nie]

Vervanging van artikel 18 van Wet 7 van 1947.

in the course of his business lend money to any person against any security other than listed securities.

(2) No stock-broker or carrier against shares shall in the course of his business—

- (a) lend any amount to any person **against the security of stocks or shares** unless that person has deposited with him such **stocks or shares** securities as may be necessary to provide minimum cover in respect of that amount; or
- (b) if any person is indebted to him in respect of a previous loan made **after the commencement of this Act, against the security of stocks or shares** in the course of his business, lend any amount to that person, unless that person has deposited with him such **stocks or shares** securities as (either alone or together with any other **stocks or shares** securities which may be held by the stock-broker or carrier in respect of the debt) may be necessary to provide minimum cover in respect of the aggregate of the said amount and of such debt.

[(3) If at the commencement of this Act any person is indebted to a carrier against shares in respect of a loan made to him by such carrier against the security of stocks or shares only, he shall within a period of twelve months after such commencement, or such further period as the Minister may determine by notice in the Gazette, if the debt is not paid, deposit with such carrier such stocks or shares as (either alone or together with any other stocks or shares held by such carrier in respect of the debt) may be necessary to provide the minimum cover in respect of so much of the debt as remains unpaid.]

(3) [(4) If any person fails to comply with the provisions of subsection (3)] The provisions of section 13 **[(5) (a)] (7)** shall *mutatis mutandis* apply to the securities so deposited.

[(5)] (4) The provisions of this section shall not apply if **the carrier against shares** the lender and the borrower concerned are **members of a stock exchange in the Union or of a stock exchange outside the Union recognised for the purposes of sub-section (6) of section thirteen,** stock-brokers in the Republic.”.

Substitution of section 19 of Act 7 of 1947.

25. The following section is hereby substituted for section 19 of the principal Act:

“Issue of receipt to depositor or borrower against securities.

19. Whenever **stocks or shares** securities are deposited with a stock-broker under section 13 or **delivered to** deposited with a stock-broker or carrier against shares **as security** in respect of a loan under section 18, or for safe custody, the stock-broker or carrier against shares shall forthwith issue to the depositor or borrower, as the case may be, a **note** receipt, signed by him or on his behalf, setting forth the purpose for which the **stocks or shares** securities have been deposited **or delivered** and containing a description of the particular **stocks or shares** securities sufficient to identify them.”.

in die loop van sy besigheid aan iemand geld op ander sekuriteit as genoteerde effekte leen nie.

(2) Geen effektemakelaar of geldskierter teen aandeel mag in die loop van sy besigheid—

(a) aan iemand enige bedrag teen sekuriteit van effekte of aandeel leen nie, tensy so iemand by hom die effekte of aandeel gedeponeer het wat nodig is om minimum dekking ten opsigte van daardie bedrag te voorsien; of

(b) indien iemand by hom in die skuld is ten opsigte van 'n vorige lening wat na die inwerking-treding van hierdie Wet teen sekuriteit van effekte of aandeel in die loop van sy besigheid verstrekk is, aan so iemand enige bedrag leen nie, tensy so iemand by hom die effekte of aandeel gedeponeer het wat (of alleen of tesame met ander effekte of aandeel) wat die effektemakelaar of geldskierter ten opsigte van die skuld hou) nodig is om minimum dekking ten opsigte van die totaal van genoemde bedrag en bedoelde skuld te voorsien.

[(3) Indien enige persoon by die inwerkingtreding van hierdie Wet in die skuld is by 'n geldskierter teen aandeel ten opsigte van 'n lening wat die geldskierter teen sekuriteit van slegs effekte of aandeel aan hom verstrekk het, moet hy binne 'n tydperk van twaalf maande na bedoelde inwerkingtreding, of die verdere tydperk wat die Minister by kennisgewing in die Staatskoerant mag bepaal, as die skuld nie betaal is nie, by die geldskierter die effekte of aandeel deponeer wat (of alleen of tesame met enige ander effekte of aandeel wat die geldskierter ten opsigte van die skuld mag hou) nodig mag wees om die minimum dekking ten opsigte van soveel van die skuld as wat nog onbetaald is, te verstrek.]

(3) [(4) Indien enige persoon versuim om die bepalings van subartikel (3) na te kom, is] Die bepalings van artikel 13 [(5) (a)] (7) is *mutatis mutandis* van toepassing op die effekte aldus gedeponeer.

[(5)] (4) Die bepalings van hierdie artikel is nie van toepassing nie as die betrokke geldskierter teen aandeel uitleener en die betrokke lener lede is van 'n effektebeurs in die Unie of van 'n effektebeurs buite die Unie wat vir die doeleindes van subartikel (6) van artikel dertien deur die Minister erken is] effektemakelaars in die Republiek is.

25. Artikel 19 van die Hoofwet word hierby deur die volgende artikel vervang:

„Uitreiking van kwitansie aan deposant van of lener teen effekte.

19. Wanneer effekte of aandeel ingevolge artikel 13 by 'n effektemakelaar gedeponeer word of by 'n effektemakelaar of geldskierter teen aandeel gelewer gedeponeer word as sekuriteit ten opsigte van 'n lening kragtens artikel 18, of vir veilige bewaring, moet die effektemakelaar of geldskierter teen aandeel onverwyld aan die deposant of lener, na gelang van die geval, 'n nota kwitansie uitreik, deur of ten behoeve van homself onderteken, waarin die doel waarvoor die effekte of aandeel gedeponeer of gelewer is, vermeld word, en wat 'n beskrywing bevat van die bepaalde effekte of aandeel wat voldoende is om hul te kan identifiseer.”

Vervanging van artikel 19 van Wet 7 van 1947.

Insertion of
section 19A in
Act 7 of 1947.

26. The following section is hereby inserted in the principal Act after section 19:

"Stock-broker and carrier against shares to mark securities in his possession.

19A. Whenever a document of title relating to securities comes into the possession of a stock-broker or carrier against shares, he shall mark it as soon as it is practicable to do so in a manner which will render it possible at any time thereafter to establish readily the identity of the person entitled to such securities."

Substitution of
section 20 of
Act 7 of 1947.

27. The following section is hereby substituted for section 20 of the principal Act:

"Restriction on alienation of securities which have been deposited or are held as security in respect of a loan.

20. Subject to the provisions of [subsection] subsections [(5)] (1) (d) and (2) (b) of section 13 no stock-broker shall alienate [or pledge] any [stocks or shares] securities which have been deposited with him under the said section and [subject to the provisions of subsection (4) of section eighteen,] no stock-broker or carrier against shares shall alienate [or pledge] any [stocks or shares] securities held by him as security in respect of a loan, unless the person who deposited the [stocks or shares] securities or to whom the loan was made, as the case may be, has before or after the deposit or loan, authorized him thereto in writing."

Insertion of
section 20A in
Act 7 of 1947.

28. The following section is hereby inserted in the principal Act after section 20:

"Restriction on borrowing against and repledging of clients' securities.

20A. A stock-broker or carrier against shares shall not—

- (a) borrow against securities which a client has pledged with him an amount in excess of the outstanding balance of any amount he may have lent the client concerned against such securities;
- (b) repledge securities which a client has pledged with him without the written consent of the client concerned;
- (c) repledge more of any securities which a client has pledged with him than would be required by a lender to lend to him an amount not exceeding the outstanding balance of the amount which he has lent to such client: Provided that he may repledge a certificate for one hundred shares or for securities other than shares of a nominal value of one hundred rand (or of two hundred rand where no smaller certificate is available), notwithstanding the fact that the number of shares or the nominal value of such securities so required for a loan of such amount, is less than one hundred, or one hundred or two hundred rand, as the case may be."

Repeal of
section 20bis of
Act 7 of 1947,
as inserted by
section 12 of
Act 72 of 1951.

29. Section 20bis of the principal Act is hereby repealed.

Substitution of
section 21 of
Act 7 of 1947.

30. The following section is hereby substituted for section 21 of the principal Act:

"Advertising by stock-brokers and

21. (1) Subject to the provisions of subsection (2), no person shall orally or by means of any written matter, either for himself or for any other person, directly or indirectly, canvass, advertise or

26. Die volgende artikel word hierby in die Hoofwet na artikel 19 ingevoeg:

Invoeging van artikel 19A in Wet 7 van 1947.

„Effektemakelaar en geldskieder teen aandeel moet effekte in sy besit merk.”

19A. Indien 'n titelbewys betreffende effekte in die besit van 'n effektemakelaar of geldskieder teen aandeel kom, moet hy dit so gou as wat doenlik is merk op 'n wyse wat dit moontlik sal maak om te eniger tyd daarna die identiteit van die persoon wat op sodanige effekte geregtig is, geredelik vas te stel.”

27. Artikel 20 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 20 van Wet 7 van 1947.

„Beperking op vervreemding van effekte wat gedeponeer is of gehou word as sekuriteit ten opsigte van 'n lening.”

20. Geen effektemakelaar mag, behoudens die bepalings van [subartikel] subartikels [(5)] (1) (d) en (2) (b) van artikel 13, effekte [of aandeel] wat ingevolge genoemde artikel by hom gedeponeer is, vervreem [of verpand] nie, en geen effektemakelaar of geldskieder teen aandeel mag [behoudens die by subartikel (4) van artikel agtien bepaalde] effekte [of aandeel] wat hy as sekuriteit ten opsigte van 'n lening hou, vervreem [of verpand] nie, tensy die persoon wat die effekte [of aandeel] gedeponeer het of aan wie die lening verstrekk is, na gelang van die geval, hom voor of na die deposito of lening skriftelik daartoe gemagtig het.”

28. Die volgende artikel word hierby in die Hoofwet na artikel 20 ingevoeg:

Invoeging van artikel 20A in Wet 7 van 1947.

„Beperking op leen teen en herverpanding van kliënte se effekte.”

20A. 'n Effektemakelaar of geldskieder teen aandeel mag nie—

- (a) teen effekte wat 'n kliënt aan hom verpand het, 'n bedrag leen nie wat meer is as die uitstaande balans van 'n bedrag wat hy aan die betrokke kliënt teen sodanige effekte uitgeleen het;
- (b) effekte wat 'n kliënt aan hom verpand het, sonder die skriftelike toestemming van die betrokke kliënt herverpand nie;
- (c) meer van effekte wat 'n kliënt aan hom verpand het, herverpand nie as wat deur 'n uitlener vereis sou word vir die leen aan hom van 'n bedrag wat nie meer is as die uitstaande balans van die bedrag wat hy aan die kliënt geleen het: Met dien verstande dat hy 'n sertifikaat vir honderd aandeel of vir ander effekte as aandeel van 'n nominale waarde van honderd rand (of van tweehonderd rand as 'n kleiner sertifikaat nie beskikbaar is nie) mag herverpand, niesteenstaande die feit dat die getal aandeel of die nominale waarde van sodanige effekte wat aldus vir 'n lening van so 'n bedrag vereis word, minder is as honderd, of honderd of tweehonderd rand, na gelang van die geval.”

29. Artikel 20bis van die Hoofwet word hierby herroep.

Herroeping van artikel 20bis van Wet 7 van 1947, soos ingevoeg deur artikel 12 van Wet 72 van 1951.

30. Artikel 21 van die Hoofwet word hierby deur die volgende artikel vervang:

Vervanging van artikel 21 van Wet 7 van 1947.

„Adverteer deur effektemakelaars en geld-

21. (1) Behoudens die bepalings van subartikel (2) mag niemand mondeling of deur middel van 'n geskrif, vir homself of vir iemand anders, regstreeks of onregstreeks, werk wat deel uitmaak van die

carriers
against
shares.

tout for any work forming part of the business of a stock-broker **[dealer in stocks or shares]** or carrier against shares.

(2) The provisions of subsection (1) shall not prohibit any stock-broker **[dealer in stocks or shares]** or carrier against shares, who is entitled to carry on business as such, from making known by a simple statement on any nameplate or sign-board exhibited in or on the premises in which he carries on his business or on any of his stationery or on any document issued in connection with any transaction relating to **[stocks or shares]** securities entered into by him, that he is a stock-broker **[dealer in stocks or shares]** or carrier against shares or a member of a specified stock exchange, as the case may be.

[(3) No stock-broker, dealer in stocks or shares or carrier against shares shall issue any circular, report or other written statement relating to any stocks or shares to any person other than a person with whom or on whose behalf he has entered into a transaction relating to stocks or shares within the period of twelve months preceding the date of such circular, report or statement.]

Insertion of
section 21A in
Act 7 of 1947.

31. The following section is hereby inserted in the principal Act after section 21:

"Manipulative
practices.

21A. No person shall by means of any statement, promise or forecast which he knows to be misleading induce any other person to buy or sell listed securities, or directly or indirectly, whether within or outside a stock exchange, by means of the creation of fictitious transactions or the spreading of false reports attempt to stimulate activities or influence the prices of securities on a licensed stock exchange."

Substitution of
section 22 of
Act 7 of 1947,
as amended by
section 13 of
Act 72 of 1951
and section 1 of
Act 53 of 1963.

32. The following section is hereby substituted for section 22 of the principal Act:

"Accounting
records and
audit.

22. (1) Every stock-broker **[dealer in stocks or shares]** and carrier against shares shall—

- (a) keep such **[books, accounts, and]** accounting records in one of the official languages of the **[Union] Republic**, as may be prescribed;
- (b) preserve **[every such book, account or record]** such records in a safe place for a period of at least **[three]** five years as from the date of the last entry therein; and
- (c) cause such **[books, account and]** records to be audited, not later than the thirty-first day of May of the year in question, or such later date as the **[Treasury] Registrar** may allow, in respect of each year ending upon the last day of February, or such other day as the Registrar may approve, by **[a person who publicly carries on the profession of accountant and auditor (in this section referred to as an auditor) and]** an accountant and auditor registered and engaged in public practice as contemplated in the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951) (hereinafter referred to as the auditor), and who has no direct or indirect financial interest in the business carried on by such broker **[dealer]** or carrier.

skieters
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besigheid van 'n effektemakelaar **["effekte- of aande-
delehandelaar"]** of geldskietter teen aandele, werf of
daarvoor adverteer of daarmee smous nie.

(2) Die bepalings van subartikel (1) verbied nie 'n
aandelemakelaar **["effekte- of aande-
delehandelaar"]** of
geldskietter teen aandele, wat geregtig is om as
sodanig besigheid te dryf, om by wyse van 'n blote
verklaring op 'n naamplaat of uithangbord vertoon
in of op die perseel waar hy sy besigheid dryf, of op
sy skryfpapier of op 'n stuk uitgereik in verband met
'n transaksie met betrekking tot effekte **["of aandele"]**
wat hy aangegaan het, bekend te maak dat hy 'n
effektemakelaar of 'n **["effekte- of aande-
delehandelaar"]** of geldskietter teen aandele of 'n lid van 'n bepaalde
effektebeurs, na gelang van die geval, is.

**["(3) Geen effektemakelaar, effekte- of aande-
delehandelaar of geldskietter teen aandele mag enige
omsendbrief, verslag of ander skriftelike verklaring
betreffende effekte of aandele aan enige ander persoon
uitreik nie dan 'n persoon met wie of ten behoeve van
wie hy binne die tydperk van twaalf maande wat die
datum van die omsendbrief, verslag of verklaring
vooraangaan, 'n transaksie met betrekking tot effekte
of aandele aangegaan het."]**

31. Die volgende artikel word hierby in die Hoofwet na
artikel 21 ingevoeg:

„Manipu-
lasie-
praktyke.

**21A. Niemand mag deur middel van 'n verklaring,
belofte of voorspelling ten opsigte waarvan hy weet
dat dit misleidend is, iemand anders oorhaal om
genoteerde effekte te koop of te verkoop, of reg-
streeks of onregstreeks, hetsy binne of buite 'n
effektebeurs, deur middel van die skepping van
skyn-transaksies of die verspreiding van valse berigte
poog om die bedrywighede op 'n gelisensieerde
effektebeurs te stimuleer of die pryse van effekte op
so 'n effektebeurs te beïnvloed nie."**

Invoeging
van artikel
21A in Wet 7
van 1947.

32. Artikel 22 van die Hoofwet word hierby deur die volgende
artikel vervang:

„Rekeninge-
aanteke-
nings en
audit.

**22. (1) Iedere effektemakelaar ["effekte- of aan-
delehandelaar"] en geldskietter teen aandele moet—**
(a) die **["boeke, rekenings en"]** rekeninge-aanteke-
nings wat voorgeskryf word, in een van die
amptelike tale van die **["Unie"]** Republiek hou;
(b) **["elke sodanige boek, rekening of aantekening"]**
sodanige aantekeninge op 'n veilige plek bewaar
vir 'n tydperk van minstens **["drie"]** vyf jaar vanaf
die datum van die laaste inskrywing daarin; en
(c) sodanige **["boeke, rekenings en"]** aantekeninge ten
opsigte van elke jaar wat eindig op die laaste dag
van Februarie of die ander dag wat die Regi-
strateur goedkeur, nie later nie dan die een-en-
dertigste dag van Mei van die betrokke jaar of
die latere datum wat die **["Tresourie"]** Registra-
teur toestaan, laat ouditeer deur **["'n persoon
wat die professie van rekenmeester en ouditeur
in die openbaar beoefen (in hierdie artikel 'n
ouditeur genoem) en"]** 'n rekenmeester en oudi-
teur wat geregistreer is en 'n openbare praktyk
beoefen soos beoog in die Wet op Openbare
Rekenmeesters en Ouditeurs, 1951 (Wet No. 51
van 1951), (hieronder die ouditeur genoem) en
wat geen regstreekse of onregstreekse geldelike
belang het nie by die besigheid wat deur dié
makelaar **["handelaar"]** of geldskietter gedryf
word.

Vervanging
van artikel
22 van Wet 7
van 1947, soos
gewysig deur
artikel 13 van
Wet 72 van 1951
en artikel 1
van Wet 53
van 1963.

(2) **Every** The auditor who has under this section audited the **books, accounts or** accounting records of a stock-broker **dealer in stocks or shares** or carrier against shares shall, not later than the thirtieth day of June of the year in question, or such later date as the **Treasury** Registrar may allow, transmit to the **Treasury** Registrar, and in the case of a **broker or dealer who is a member of a licensed stock exchange** stock-broker also to the committee of the stock exchange concerned—

(a) a copy of the balance sheet of such broker or carrier for the year to which the audit relates, signed by such broker or carrier, as the case may be, or, in the case of a partnership or company, by at least two members of the partnership or two directors of the company;

(b) a report setting forth—

(a) (i) **the** whether or not all the necessary **books, accounts and** accounting records **which** have been kept by such broker **dealer** or carrier during the period to which the audit relates, whether or not they have been properly kept, and if not, in which respects they are defective;

(b) (ii) whether or not he has obtained all the information and explanations he has required, and if not, the nature of the information he has not obtained and the matters which have not been explained;

(c) (iii) whether or not any **stocks or shares** securities which, according to the relevant accounting records, are held by such broker or carrier on behalf of any other person, including any securities held in safe custody, are **as far as may appear from his books, accounts and records** in his possession, and if not, in whose possession or custody they are; **and**

(iv) whether or not, at the date of the balance sheet, such broker or carrier was observing the provisions of section 13, and whether or not the auditor had during the course of his audit become aware of any breach of the said provisions; and

(d) (v) such other matters as may be prescribed.”.

Insertion of
section 22A in
Act 7 of 1947.

33. The following section is hereby inserted in the principal Act after section 22:

“Report by
auditor on
irregulari-
ties.

22A. An auditor who under section 22 audits the accounting records of any stock-broker or carrier against shares shall, if any failure on the part of such stock-broker or carrier to comply with any requirement of this Act, which, in his opinion, is a material requirement, comes to his notice, report the matter forthwith to the Registrar and in the case of a stock-broker also to the president of the exchange concerned.”.

(2) **[[Iedere]]** 'n Ouditeur wat kragtens hierdie artikel die **[[boeke, rekenings of]]** rekeninge-aantekenings van 'n effektemakelaar, **[[effekte- of aandelehandelaar]]** of geldskierter teen aandeel geouditeer het, moet nie later nie as die dertigste dag van Junie van die betrokke jaar, of die latere datum wat die **[[Tesourie]]** Registrateur toestaan, aan die **[[Tesourie]]** Registrateur, en in die geval van 'n **[[makelaar of handelaar wat lid is van 'n gelisensieerde effektebeurs,]]** effektemakelaar ook aan die komitee van die betrokke effektebeurs, die volgende deur-stuur, naamlik—

(a) 'n afskrif van die balansstaat van sodanige makelaar of geldskierter vir die jaar waarop die audit betrekking het, geteken deur die makelaar of geldskierter, na gelang van die geval, of, in die geval van 'n vennootskap of maatskappy, deur minstens twee lede van die vennootskap of twee direkteure van die maatskappy;

(b) 'n verslag waarin vermeld word—

[[a)] (i) [[die boeke, rekenings en]] of al die nodige rekeninge-aantekenings **[[wat]]** deur die makelaar **[[handelaar]]** of geldskierter **[[gehou het]]** gedurende die tydperk waarop die audit betrekking het, gehou is of nie, of hul behoorlik gehou is of nie, en indien nie, in welke opsigte hul gebrekkig is;

[[b)] (ii) of hy al die inligting en verduidelikings wat hy nodig gehad het, verkry het of nie, en indien nie, die aard van die inligting wat hy nie verkry het nie en die sake wat nie verduidelik is nie;

[[c)] (iii) of effekte **[[of aandele]]** wat volgens die betrokke rekeninge-aantekenings deur die makelaar **[[handelaar]]** of geldskierter ten behoeve van iemand anders **[[hou, al dan nie, vir sover dit uit sy boeke, rekenings en aantekenings blyk]]** gehou word, met inbegrip van effekte wat in veilige bewaring gehou word, in sy besit is of nie, en indien nie, in wie se besit of bewaring hulle is; **[[en]]**

(iv) of op die datum van die balansstaat dié makelaar of geldskierter die bepalinge van artikel 13 nagekom het of nie, en of die ouditeur in die loop van sy audit te wete gekom het van 'n oortreding van genoemde bepalinge of nie; en

[[d)] (v) die ander sake wat voorgeskryf is.”

33. Die volgende artikel word hierby in die Hoofwet na artikel 22 ingevoeg:

„Verslag deur ouditeur oor on-reëlmatighede.

22A. 'n Ouditeur wat kragtens artikel 22 die rekeninge-aantekenings van 'n effektemakelaar of geldskierter teen aandeel ouditeer, moet, indien 'n versuim van die kant van dié effektemakelaar of geldskierter teen aandeel om aan 'n voorskrif van hierdie Wet te voldoen wat volgens sy oordeel 'n wesenlike voorskrif is, onder sy aandag kom, die aangeleentheid onverwyld by die Registrateur en, in die geval van 'n effektemakelaar, ook by die president van die betrokke beurs aanmeld.”

Invoeging van artikel 22A in Wet 7 van 1947.

Substitution of section 23 of Act 7 of 1947, as amended by section 14 of Act 72 of 1951.

34. The following section is hereby substituted for section 23 of the principal Act:

"Inspections.

23. (1) The provisions of the Inspection of Financial Institutions Act, 1962 (Act No. 68 of 1962), shall apply *mutatis mutandis* to any stock exchange, stock-broker or carrier against shares, and for the purposes of such application a stock exchange, a stock-broker or a carrier against shares shall be deemed to be a financial institution, and the Registrar as defined in section 1 of this Act shall be the registrar in relation to a stock exchange, a stock-broker or a carrier against shares.

(2) In such application of the said provisions of the said Act—

(a) section 4 (2) thereof shall be construed as if after the words 'of the financial institution' the words 'or any person who has had any dealings with such institution' had been inserted; and

(b) section 8 (1) thereof shall be construed as if the following further proviso had been added at the end thereof: 'Provided further that the registrar may in his discretion communicate to the committee of a stock exchange information obtained by him in the course of an inspection under this Act, or from a report by an inspector on an inspection, of the affairs of a stock-broker who is or was a member of that stock exchange'.

(3) The committee of a stock exchange may in any disciplinary proceedings in terms of its rules against the member concerned or any other member of it, take into consideration any relevant information furnished to it by the Registrar by virtue of the provisions of subsection (2) (b)."

Insertion of sections 23A and 23B in Act 7 of 1947.

35. The following sections are hereby inserted in the principal Act after section 23:

"Applica-
tion of
Act 56 of
1964.

23A. The provisions of the Financial Institutions (Investment of Funds) Act, 1964, shall apply *mutatis mutandis* to any stock exchange, stock-broker or carrier against shares, and for the purposes of such application a stock exchange, a stock-broker or a carrier against shares shall be deemed to be a financial institution.

Registrar
may require
certain
persons to
furnish
information.

23B. The Registrar may by notice in writing require any person who is not a stock-broker or licensed carrier against shares and who he has reason to suspect is carrying on the business of buying and selling securities in contravention of section 2 (1) (b), (c), (d) or (e), or of a carrier against shares in contravention of section 2 (1) (f), to transmit to him within a period stated in the notice any document or information at his disposal and relating to his affairs which the Registrar may require, and any such person shall comply with the requirements of the Registrar to his satisfaction within the said period or within such further period as the Registrar may allow."

Repeal of section 24 of Act 7 of 1947.

36. Section 24 of the principal Act is hereby repealed.

34. Artikel 23 van die Hoofwet word hierby deur die volgende artikel vervang:

„Inspeksies.

23. (1) Die bepalings van die Wet op Inspeksie van Finansiële Instellings, 1962 (Wet No. 68 van 1962), is *mutatis mutandis* van toepassing op 'n effektebeurs, effektemakelaar of geldskieteer teen aandele, en vir die doeleindes van sodanige toepassing word 'n effektebeurs, 'n effektemakelaar of 'n geldskieteer teen aandele geag 'n finansiële instelling te wees, en is die Registrateur soos omskryf in artikel 1 van hierdie Wet, die registrateur met betrekking tot 'n effektebeurs, 'n effektemakelaar of 'n geldskieteer teen aandele.

(2) By sodanige toepassing van genoemde bepalings van genoemde Wet—

- (a) word artikel 4 (2) daarvan uitgelê asof na die woord „was” die woorde „of iemand wat met so 'n instelling sake gedoen het” ingevoeg was; en
- (b) word artikel 8 (1) daarvan uitgelê asof die volgende verdere voorbehoudsbepaling aan die end daarvan bygevoeg was: „Met dien verstande voorts dat die registrateur na goeddunke aan die komitee van 'n effektebeurs inligting kan oordra wat deur hom bekom is in die loop van 'n inspeksie kragtens hierdie Wet, of uit 'n verslag deur 'n inspekteur oor 'n inspeksie, van die sake van 'n effektemakelaar wat 'n lid is of was van daardie effektebeurs”.

(3) Die komitee van 'n effektebeurs kan, by enige dissiplinêre geding ooreenkomstig sy reëls teen die betrokke lid of een van sy ander lede enige toepaslike inligting aan hom deur die Registrateur uit hoofde van die bepalings van subartikel 2 (b) verstrekk, in ag neem.”.

Vervanging van artikel 23 van Wet 7 van 1947, soos gewysig deur artikel 14 van Wet 72 van 1951.

35. Die volgende artikels word hierby in die Hoofwet na artikel 23 ingevoeg:

„Toepassing van Wet 56 van 1964.

23A. Die bepalings van die Wet op Finansiële Instellings (Belegging van Fondse), 1964, is *mutatis mutandis* van toepassing op 'n effektebeurs, effektemakelaar of geldskieteer teen aandele, en vir die doeleindes van sodanige toepassing word 'n effektebeurs, 'n effektemakelaar of 'n geldskieteer teen aandele geag 'n finansiële instelling te wees.

Registrateur kan eis dat sekere persone inligting verstrekk.

23B. Die Registrateur kan by skriftelike kennisgewing eis dat iemand, wat nie 'n effektemakelaar of 'n gelisensieerde geldskieteer teen aandele is nie, en ten opsigte van wie hy rede het om te vermoed dat hy die besigheid dryf van koop en verkoop van effekte in stryd met artikel 2 (1) (b), (c), (d) of (e), of van 'n geldskieteer teen aandele in stryd met artikel 2 (1) (f), aan hom binne 'n tydperk in die kennisgewing vermeld, enige stuk of inligting waarvoor hy beskik en wat op sy sake betrekking het en wat die Registrateur nodig het, aan hom deurstuur, en so iemand moet ten genoeë van die Registrateur aan sy eis voldoen binne genoemde tydperk of binne die verdere tydperk wat die Registrateur toestaan.”.

Invoeëing van artikels 23A en 23B in Wet 7 van 1947.

36. Artikel 24 van die Hoofwet word hierby herroep.

Herroëping van artikel 24 van Wet 7 van 1947.

Substitution of section 25 of Act 7 of 1947, as amended by section 15 of Act 72 of 1951.

37. The following section is hereby substituted for section 25 of the principal Act:

"Penalties.

25. (1) Any person who—

(a) contravenes the provisions of section 2 (1) (a);

(b) contravenes the provisions of section 2A;

[(b)] (c) contravenes or fails to comply with the provisions of **[(subsection (5) of section 13, paragraph (a) of the said subsection as applied by section 18 (4), or of section 18 (1) or (2), 20bis or 22 (1)]** section 13 (1), (2) (b) or (6) (a), (b) or (c), 13A, 18, 20A or 22 (1);

[(c)] (d) contravenes or fails to comply with the provisions of section 2 (1) (b), (c), **[(d), (e) or (f), [14], 19, 19A, 20 or 21 [or 24]]**;

(e) refuses or fails to comply with any requirement of a president or a committee of a stock exchange under section 9C or of the Registrar under section 16A (2) or 23B;

[(d)] (f) carries on the business of a stock-broker **[(dealer in stocks or shares)]** or carrier against shares, at any time when in terms of a declaration under section 26 he is disqualified from doing so;

[(e)] (g) makes any incorrect statement or entry in any **[(book, account or] accounting** record kept under section 22, knowing the same to be incorrect; or

[(f)] (f) refuses to take an oath or to make an affirmation when called upon to do so by an officer under subsection (2) of section 23;

(g) refuses or fails to answer to the best of his knowledge any relevant question which an officer has lawfully put to him in the exercise of his functions under the last-mentioned section;

(h) makes to any such officer when examined by him under the said section, any relevant statement which is false in any material particular, knowing the same to be false;

(i) refuses or fails to comply with a request made by any such officer under subsection (5) of section 23; or

(j) hinders or obstructs any such officer in the exercise of his functions under the said section;

[(h)] contravenes the provisions of section 21A, shall be guilty of an offence and liable—

(i) in the case of an offence referred to in paragraph (a) or **[(h)]** to a fine not exceeding **[(one thousand pounds)]** four thousand rand or to imprisonment for a period not exceeding **[(two)]** four years, or to both such fine and imprisonment;

(ii) in the case of an offence referred to in paragraph **[(b), (e) or (h)]** (c), (e) or (g) to a fine not exceeding **[(five hundred pounds)]** two thousand rand or to imprisonment for a period not exceeding **[(one year)]** two years, or to both such fine and imprisonment; and

(iii) in the case of an offence referred to in paragraph **[(c), (d), (f), (g), (i) or (j)]** (b), (d) or (f) to a fine not exceeding **[(one hundred pounds)]**

37. Artikel 25 van die Hoofwet word hierby deur die volgende artikel vervang:

„Strafbepalings.

25. (1) Iemand wat—

- (a) die bepalings van artikel 2 (1) (a) oortree;
- (b) die bepalings van artikel 2A oortree;

Vervanging van artikel 25 van Wet 7 van 1947, soos gewysig deur artikel 15 van Wet 72 van 1951.

[(b)] (c) die bepalings van [subartikel (5) van artikel 13, paragraaf (a) van genoemde subartikel soos toegepas by artikel 13 (4), of van artikel 18 (1) of (2), 20 bis of 22 (1)] artikel 13 (1), (2) (b) of 6 (a), (b) of (c), 13A, 18, 20A of 22 (1) oortree of versuim om daaraan te voldoen;

[(c)] (d) die bepalings van artikel 2 (1) (b), (c), (d), (e) of (f), [14,] 19, 19A, 20 of 21 [of 24] oortree of versuim om daaraan te voldoen;

(e) weier of versuim om aan 'n vereiste van 'n president of 'n komitee van 'n effektebeurs kragtens artikel 9C of van die Registrateur kragtens artikel 16A (2) of 23B, te voldoen;

[(d)] (f) die besigheid van 'n effektemakelaar [effekte- of aandele handelaar] of geldskietster teen aandele dryf wanneer hy volgens 'n verklaring kragtens artikel 26 onbevoeg is om dit te doen;

[(e)] (g) in 'n [boek, rekening of] rekening-aantekening wat ingevolge artikel 22 gehou word, 'n onjuiste verklaring of inskrywing doen, terwyl hy weet dat dit onjuis is; of

[(f)] (f) weier om 'n eed of bevestiging af te lê wanneer 'n amptenaar dit kragtens subartikel (2) van artikel 23 van hom verlang;

(g) weier of versuim om na sy beste wete te antwoord op 'n relevante vraag wat 'n amptenaar hom by die uitoefening van sy bevoegdhede kragtens laasgenoemde artikel wettiglik gestel het;

(h) aan so 'n amptenaar, wanneer hy kragtens genoemde artikel deur hom ondervra word, 'n relevante verklaring doen wat in 'n wesenlike besonderheid vals is, wetende dat dit vals is;

(i) weier of versuim om te voldoen aan 'n versoek kragtens subartikel (5) van artikel 23 deur so 'n amptenaar gedoen; of

(j) so 'n amptenaar by die uitoefening van sy bevoegdhede kragtens genoemde artikel hinder of belemmer,]

(h) die bepalings van artikel 21A oortree, is aan 'n misdryf skuldig en strafbaar—

(i) in die geval van 'n misdryf bedoel in paragraaf (a) of (h), met 'n boete van hoogstens [duisend pond] vierduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens [twee] vier jaar, of met beide sodanige boete en gevangenisstraf;

(ii) in die geval van 'n misdryf bedoel in paragraaf [(b), (e) of (h)] (c), (e) of (g), met 'n boete van hoogstens [vyfhonderd pond] tweeduisend rand of met gevangenisstraf vir 'n tydperk van hoogstens [een] twee jaar, of met beide sodanige boete en gevangenisstraf; en

(iii) in die geval van 'n misdryf bedoel in paragraaf [(c), (d), (f), (g), (i) of (j)] (b), (d) of (f), met 'n boete van hoogstens [honderd pond] vier-

four hundred rand or to imprisonment for a period not exceeding **[six]** twelve months, or to both such fine and imprisonment.

(2) The provisions of section 20 read with paragraph **[(c)] (d)** of subsection (1) of this section shall not prevent the institution against any person of criminal proceedings for an offence under the common law."

Substitution of section 25bis of Act 7 of 1947, as inserted by section 3 of Act 93 of 1963.

38. The following section is hereby substituted for section 25bis of the principal Act:

"Evidence. 25A. Any record purporting to have been made or kept in the ordinary course of the carrying on of the business of a stock exchange, or the business of a stock-broker **[dealer in stocks or shares]** or carrier against shares as such, or a copy of or an extract from any such record certified to be correct by an officer in the service of the State, shall on its mere production by the public prosecutor in any criminal proceedings under this Act or any other law or the common law against the person who carries or carried on the business in question or any other person, be admissible in evidence and be *prima facie* proof of the facts contained in such record, copy or extract."

Substitution of section 26 of Act 7 of 1947, as amended by section 16 of Act 72 of 1951.

39. The following section is hereby substituted for section 26 of the principal Act:

"Court may declare stock-broker or carrier against shares disqualified. 26. (1) If any court—
(a) convicts any stock-broker **[dealer in stocks or shares]** or carrier against shares of any offence under this Act or of an offence of which any dishonest act or omission is an element; or
(b) finds, in any proceedings to which any such broker **[dealer]** or carrier is a party or in which his conduct is called in question, that he has been guilty of dishonest conduct,
the court may (in addition, in a case referred to in paragraph (a), to any sentence it may impose) declare such broker **[dealer]** or carrier to be disqualified, for an indefinite period or for a period specified by the court, from carrying on the business of a stock-broker **[dealer in stocks or shares]** or carrier against shares, as the case may be.

(2) The court may, on sufficient cause shown, vary a declaration made under subsection (1).

(3) The Registrar or clerk of any court which has made any declaration under subsection (1), or varied any declaration under subsection (2), shall forthwith notify the **[Treasury]** Registrar and, in the case of such a declaration in respect of a stock-broker, also the committee of any stock exchange of which such broker **[dealer or carrier]** is a member, of such declaration or variation.

(4) No declaration made under subsection (1) shall affect any right on the part of the committee of a stock exchange to take disciplinary action against such broker **[dealer or carrier]**."

Substitution of section 27 of Act 7 of 1947.

40. The following section is hereby substituted for section 27 of the principal Act:

"Regulations. 27. (1) The Minister may make regulations as to—
(a) the manner in which and the period within which appeals under section 10 shall be noted and prosecuted;

honderd rand of met gevangenisstraf vir 'n tydperk van hoogstens **【ses】** twaalf maande, of met beide sodanige boete en gevangenisstraf.

(2) Die bepalings van artikel 20, gelees met paragraaf **【(c)】** (d) van subartikel (1) van hierdie artikel verhinder nie die instelling teen iemand van 'n strafgeding weens 'n misdadig kragtens die gemene reg nie.”.

38. Artikel 25bis van die Hoofwet word hierby deur die volgende artikel vervang:

„Getuienis.

25A. 'n Aantekening wat heet gemaak of gehou te gewees het in die gewone loop van die dryf van 'n effektemakelaar of die saak van 'n effektemakelaar **【effekte- of aandeelhandelaar】** of geldskietster teen aandeel as sodanig, of 'n afskrif van of uittreksel uit so 'n aantekening wat deur 'n beampte in die diens van die Staat as juis gewaarmerk is, is by die blote oorlegging daarvan deur die Staatsaanklaer in 'n strafsak kragtens hierdie Wet of 'n ander wet of die gemene reg teen die persoon wat die betrokke saak dryf of gedryf het, of enige ander persoon, as getuienis toelaatbaar en *prima facie*-bewys van die feite in sodanige aantekening, afskrif of uittreksel vervat.”.

Vervanging van artikel 25bis van Wet 7 van 1947, soos ingevoeg deur artikel 3 van Wet 93 van 1963.

39. Artikel 26 van die Hoofwet word hierby deur die volgende artikel vervang:

„Hof kan effektemakelaar of geldskietster teen aandeel onbevoeg verklaar.

26. (1) Indien 'n hof—

- (a) 'n effektemakelaar **【effekte- of aandeelhandelaar】** of geldskietster teen aandeel skuldig bevind aan 'n misdryf ingevolge hierdie Wet of aan 'n misdadig of misdryf waarvan 'n oneerlike doen of late 'n bestanddeel uitmaak; of
- (b) in 'n geding waarby so 'n makelaar **【handelaar】** of geldskietster 'n party is, of waarin sy gedrag in twyfel getrek word, bevind dat hy hom aan oneerlike gedrag skuldig gemaak het,

kan die hof (benewens, in 'n geval bedoel in paragraaf (a), enige straf wat hy opleë), die makelaar **【handelaar】** of geldskietster vir 'n onbepaalde tydperk of vir 'n tydperk deur die hof bepaal, onbevoeg verklaar om die besigheid van 'n effektemakelaar **【effekte- of aandeelhandelaar】** of geldskietster teen aandeel, na gelang van die geval, te dryf.

(2) Die hof kan, by aanvoering van voldoende gronde, 'n verklaring wat kragtens subartikel (1) uitgevaardig is, wysig.

(3) Die griffier of klerk van 'n hof wat 'n verklaring kragtens subartikel (1) uitgevaardig het of 'n verklaring kragtens subartikel (2) gewysig het, moet die **【Tessourier】** **【Registrateur】** **【asook】** en, in die geval van so 'n verklaring ten opsigte van 'n effektemakelaar, ook die komitee van die effektemakelaars waarvan bedoelde makelaar **【handelaar of geldskietster】** 'n lid is, onverwyld daarvan verwittig.

(4) 'n Verklaring kragtens subartikel (1) raak nie enige reg van die kant van die komitee van 'n effektemakelaars om dissiplinêre stappe teen sodanige makelaar **【handelaar of geldskietster】** te doen nie.”.

Vervanging van artikel 26 van Wet 7 van 1947, soos gewysig deur artikel 16 van Wet 72 van 1951.

40. Artikel 27 van die Hoofwet word hierby deur die volgende artikel vervang:

„Regulasies.

27. (1) Die Minister kan regulasies uitvaardig betreffende—

- (a) die wyse waarop en die tydperk waarin appêle ingevolge artikel 10 aangeteken en voortgesit moet word;

Vervanging van artikel 27 van Wet 7 van 1947.

[(b) the fees to be charged for his services as a stock-broker, by any stock-broker who is not a member of a stock exchange;]

(b) the minimum requirements in regard to experience and education to be complied with by applicants for membership of a stock exchange;

(c) the assets or classes of assets which a stock-broker shall hold for the purpose of section 8C or a carrier against shares for the purpose of section 16 (2) (b) (i), and the basis of their valuation;

[(c)] (d) all matters which by this Act are required or permitted to be prescribed; and

[(d)] (e) generally all matters which he considers it necessary or expedient to prescribe in order that the purposes of this Act may be achieved.

(2) Any regulations made under subsection (1) may prescribe penalties for any contravention thereof or failure to comply therewith, not exceeding a fine of **[fifty pounds]** two hundred rand or imprisonment for a period of three months.

[(3) Regulations made under subsection (1) shall, within fourteen days after the promulgation thereof, be laid upon the Tables of both Houses of Parliament if Parliament is then in session, and if Parliament is not then in session, within fourteen days after the commencement of its ensuing session.

(4) If a resolution is passed by either House of Parliament disapproving of any such regulation, that regulation shall lapse, as from a date to be specified in the resolution, and no regulation having a similar import shall thereafter be made under the said subsection, except with due regard to the terms of such resolution or of any subsequent resolution rescinding or modifying such resolution.]

(3) Any regulation made under subsection (1) (c) shall commence on a date fixed by the Minister and which shall be a date not earlier than two years after the commencement of the Stock Exchanges Control Amendment Act, 1970."

Insertion of section 27A in Act 7 of 1947.

41. The following section is hereby inserted in the principal Act after section 27:

"Application of Act in South-West Africa.

27A. The provisions of this Act and any amendment thereof, whenever made, shall apply also in the Territory, including that portion of the Territory known as the Eastern Caprivi Zipfel."

Repeal of section 28 of Act 7 of 1947.

42. Section 28 of the principal Act is hereby repealed.

Substitution of certain expressions in Act 7 of 1947.

43. The principal Act is hereby amended—

(a) by the substitution for the word "Union", wherever it occurs, of the word "Republic"; and

(b) by the substitution for the words "stocks and shares" and for the words "stocks or shares", wherever they occur, of the word "securities".

Short title and commencement.

44. (1) This Act shall be called the Stock Exchanges Control Amendment Act, 1970, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may in terms of subsection (1) be fixed in respect of the several provisions of this Act.

[(b) die gelde wat deur 'n effektemakelaar wat nie 'n lid van 'n effektebeurs is nie, vir sy dienste as makelaar bereken moet word;]

(b) die minimum vereistes met betrekking tot onder-
vinding en onderwys waaraan aansoekers om
lidmaatskap van 'n effektebeurs moet voldoen;

(c) die bates of klasse bates wat 'n effektemakelaar
moet hou vir die doeleindes van artikel 8C
of wat 'n geldskierter teen aandele vir die doel-
eindes van artikel 16 (2) (b) (i) moet hou, en
die waardasiegrondslag daarvan;

[(c)] (d) alle aangeleenthede wat ingevolge hierdie Wet
voorgeskryf moet of kan word; en

[(d)] (e) in die algemeen, alle aangeleenthede wat hy
nodig of raadsaam ag om voor te skryf ten
einde die oogmerke van hierdie Wet te bereik.

(2) Regulasies kragtens subartikel (1) uitgevaardig
kan op 'n oortreding daarvan of versuim om daar-
aan te voldoen, strawwe stel van hoogstens 'n boete
van **vyftig pond** tweehonderd rand of gevangenis-
straf vir 'n tydperk van drie maande.

[(3) Regulasies kragtens subartikel (1) uitge-
vaardig, word in albei Huise van die Parlement ter
Tafel gelê binne veertien dae na die afkondiging
daarvan as die Parlement dan in sitting is, en as die
Parlement nie dan in sitting is nie, binne veertien
dae na die aanvang van sy eersvolgende sitting.

(4) Indien die een of die ander Huis van die
Parlement 'n besluit aanneem waarby so 'n regulasie
afgekeur word, verval daardie regulasie vanaf 'n
datum in die besluit vermeld te word, en geen regu-
lasie met 'n soortgelyke strekking word daarna
kragtens genoemde subartikel uitgevaardig nie, dan
alleen met behoorlike inagneming van die bepalings
van bedoelde besluit of van 'n latere besluit wat
bedoelde besluit herroep of wysig.]

(3) Regulasie kragtens artikel (1) (c) uitgevaardig
tree in werking op 'n datum wat die Minister bepaal
maar wat nie eerder mag wees nie as twee jaar na
die inwerkingtreding van die Wysigingswet op
Beheer van Effektebeurse, 1970."

41. Die volgende artikel word hierby in die Hoofwet na
artikel 27 ingevoeg:

„Toepas-
sing van
Wet in
Suidwes-
Afrika.

**27A. Die bepalings van hierdie Wet en enige
wysiging daarvan, wanneer ook al aangebring, is
van toepassing ook in die Gebied, met inbegrip
van daardie gedeelte van die Gebied wat die Oostelike
Caprivi Zipfel heet."**

Invoeging
van artikel 27A
in Wet 7
van 1947.

42. Artikel 28 van die Hoofwet word hierby herroep.

Herroeping
van artikel 28
van Wet 7 van
1947.

43. Die Hoofwet word hierby gewysig—

(a) deur die woord „Unie", oral waar dit voorkom, deur
die woord „Republiek" te vervang; en

(b) deur die woorde „effekte en aandele" en die woorde
„effekte of aandele", oral waar hulle voorkom, deur
die woord „effekte" te vervang.

Vervanging
van sekere
uitdrukkings in
Wet 7 van 1947.

44. (1) Hierdie Wet heet die Wysigingswet op Beheer van
Effektebeurse, 1970, en tree in werking op 'n datum wat die
Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten
opsigte van die onderskeie bepalings van hierdie Wet bepaal
word.

Kort titel
en inwerking-
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