



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

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DEPARTMENT OF THE PRIME MINISTER.

No. 1126.

28th June, 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 91 of 1972: Financial Institutions Amendment Act, 1972.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 1126.

28 Junie 1972.

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 91 van 1972: Wysigingswet op Finansiële Instellings, 1972.

Wet No. 91, 1972

WYSIGINGSWET OP FINANSIELLE INSTELLINGS,
1972.**WET**

Tot wysiging van die Versekeringswet, 1943, ten einde die gedeeltes van die fondse van versekeraars wat belê moet word in onderskeidelik bates van die soorte vermeld in Deel I van die Derde Bylae by genoemde Wet en in wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, te vergroot; tot wysiging van die Wet op die Nasionale Finansiekorporasie, 1949, ten einde voorsiening te maak vir die oordrag van aandele in die Nasionale Finansiekorporasie van Suid-Afrika en om die aangeleenthede wat by regulasie voorgeskryf kan word, uit te brei; tot wysiging van die Wet op Pensioenfondse, 1956, ten einde die gedeeltes van die totale waarde van die bates van pensioenfondse wat belê moet word in onderskeidelik bates van die klasse in artikel 19 (1) van genoemde Wet vermeld en in wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, te vergroot; en ten einde die Minister van Finansies te magtig om enige van die bevoegdhede by artikel 19 van die Wet aan hom verleen, aan die Registrateur van Pensioenfondse te deleger; tot wysiging van die Wet op Onderlinge Hulpverenigings, 1956, ten einde 'n onderlinge hulpvereniging wie se rekenings deur 'n Proviniale Ouditeur geouditeer moet word, van die vereiste om 'n ouditeur aan te stel, te onthef; tot wysiging van die Wet op Deelnemingsverbande, 1964, ten einde die voorwaardes waarop bestuurders van deelnemingsverbandskemas gelde vir belegging in deelnemingsverbande mag ontvang en deelnemings in sodanige verbande mag aanbied, uit te brei; ten einde die regte van deelnemers in deelnemingsverbande om hulle regte teen verbandgewers uit te oefen en om sodanige regte oor te dra of te sedeer, te wysig; en ten einde voorsiening te maak vir 'n bykomende bepaling wat in die reëls van skemas ingevoeg moet word; tot wysiging van die bepalings van die Bankwet, 1965, met betrekking tot woordomskrywings en met betrekking tot die minimum reserwesaldo, minimum likwiede bates en minimum voorgeskrewe beleggings wat deur bankinstellings in stand gehou moet word; ten einde die totaalbedrag wat van 'n persoon op spaarrekening ontvang kan word, te verhoog; en om voorsiening te maak vir 'n verlenging van tyd waarin 'n bankinstelling 'n versuim om 'n verhouding of minimum bedrag in stand te hou, wat deur kragtens die bedoelde Bankwet voorgeskryf word kan goedmaak; en tot wysiging van die Bouverenigingswet, 1965, ten einde die totaalbedrag wat van 'n persoon op spaarrekening ontvang kan word, te verhoog; ten einde die herbelegging van 'n vaste deposito vir minder as twaalf maande te magtig; en ten einde die Minister van Finansies te magtig om bouverenigings tydelik te onthef van die vereiste om voorgeskrewe beleggings in stand te hou; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Junie 1972.)

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

FINANCIAL INSTITUTIONS AMENDMENT ACT,
1972.

Act No. 91, 1972

ACT

To amend the Insurance Act, 1943, in order to increase the proportions of the funds of insurers to be invested respectively in assets of the kinds mentioned in Part I of the Third Schedule to the said Act and in bills, bonds or securities issued by the Government of the Republic; to amend the National Finance Corporation Act, 1949, in order to provide for the transfer of stock in the National Finance Corporation of South Africa and to extend the matters which may be prescribed by regulation; to amend the Pension Funds Act, 1956, in order to increase the proportions of the aggregate value of assets of pension funds to be invested respectively in assets of the classes mentioned in section 19 (1) of the said Act and in bills, bonds or securities issued by the Government of the Republic and to empower the Minister of Finance to delegate any of the powers conferred on him by section 19 of the said Act to the Registrar of Pension Funds; to amend the Friendly Societies Act, 1956, in order to exempt a friendly society whose accounts are being audited by a Provincial Auditor, from the requirement to appoint an auditor; to amend the Participation Bonds Act, 1964, in order to extend the conditions on which managers of participation bond schemes may accept moneys for investment in participation bonds and may offer participations in such bonds; in order to amend the rights of participants in participation bonds to enforce their rights against mortgagors and to transfer or cede such rights; and in order to provide for an additional stipulation to be included in the rules of schemes; to amend the provisions of the Banks Act, 1965, relating to definitions and to the minimum reserve balance, minimum liquid assets and minimum prescribed investments to be maintained by banking institutions; in order to increase the aggregate amount which may be accepted from a person on savings account; and to provide for an extension of time within which a banking institution may correct a failure to maintain a ratio or minimum amount prescribed by or under the said Banks Act; and to amend the Building Societies Act, 1965, in order to increase the aggregate amount which may be accepted from a person on savings account; in order to authorize the re-investment of a fixed deposit for less than twelve months; and in order to authorize the Minister of Finance to exempt building societies temporarily from the requirement to maintain prescribed investments; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 16th June, 1972.)

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

Wet No. 91, 1972**WYSIGINGSWET OP FINANSIEËLE INSTELLINGS,
1972.**

Wysiging van artikel 1 van Wet 27 van 1943, soos gewysig deur artikel 2 van Wet 73 van 1951, artikel 39 van Wet 24 van 1956, artikel 50 van Wet 25 van 1956, artikel 1 van Wet 79 van 1959, artikel 1 van Wet 10 van 1965, artikel 1 van Wet 41 van 1966, artikel 1 van Wet 65 van 1968 en artikel 1 van Wet 39 van 1969.

1. Artikel 1 van die Versekeringswet, 1943, word hierby gewysig deur in subartikel (1)—

- (a) na die omskrywing van „eienaar” die volgende omskrywing in te voeg:
„pensioenfonds” beteken ‘n pensioenfonds soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962);” en
- (b) na die omskrywing van „Republiek” die volgende omskrywing in te voeg:
„uittredingannuïteitsfonds” beteken ‘n uitredingannuïteitsfonds soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962);”.

Wysiging van artikel 17 van Wet 27 van 1943, soos vervang deur artikel 12 van Wet 10 van 1965 en gewysig deur artikel 4 van Wet 41 van 1966.

2. Artikel 17 van die Versekeringswet, 1943, word hierby gewysig—

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
 - „(2) (a) Die in subartikel (1)(b) bedoelde bates moet, behoudens die bepalings van subartikel (3), bates van die in Deel I van die Derde Bylae vermelde soorte insluit met ‘n gesamentlike waarde gelyk aan minstens—
 - (i) dertig persent van die bedrag van die in subartikel (1)(b) bedoelde netto verbintenis met uitsluiting van sodanige netto verbintenis ten opsigte van langtermyn-versekeringsbesigheid wat met pensioenfondse en uitredingannuïteitsfondse gedryf word; en
 - (ii) vyftig persent van die bedrag van die bedoelde netto verbintenis ten opsigte van langtermyn-versekeringsbesigheid wat met pensioenfondse en uitredingannuïteitsfondse gedryf word.
 - (b) Die in paragraaf (a) laasbedoelde bates moet wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit met ‘n gesamentlike waarde van minstens—
 - (i) vyftien persent van die bedrag van die bedoelde netto verbintenis, met uitsluiting van sodanige netto verbintenis ten opsigte van langtermyn-versekeringsbesigheid wat met pensioenfondse en uitredingannuïteitsfondse gedryf word; en
 - (ii) twintig persent van die bedrag van die bedoelde netto verbintenis ten opsigte van langtermyn-versekeringsbesigheid wat met pensioenfondse en uitredingannuïteitsfondse gedryf word.”; en
- (b) deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang:
 - „(c) Die bates van die in Deel I van die Derde Bylae vermelde soorte wat in paragrawe (a) en (b) bedoel word, moet wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit met ‘n gesamentlike waarde van minstens vyftien persent van die bedrag van die in subartikel (4) (b) bedoelde netto verbintenis en bykomende bedrag.”.

FINANCIAL INSTITUTIONS AMENDMENT ACT,
1972.

Act No. 91, 1972

1. Section 1 of the Insurance Act, 1943, is hereby amended by the insertion in subsection (1)—

(a) after the definition of "owner" of the following definition:

"'pension fund' means a pension fund as defined in section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962);"; and

(b) after the definition of "Republic" of the following definition:

"'retirement annuity fund' means a retirement annuity fund as defined in section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962);".

Amendment of section 1 of Act 27 of 1943, as amended by section 2 of Act 73 of 1951, section 39 of Act 24 of 1956, section 50 of Act 25 of 1956, section 1 of Act 79 of 1959, section 1 of Act 10 of 1965, section 1 of Act 41 of 1966, section 1 of Act 65 of 1968 and section 1 of Act 39 of 1969.

2. Section 17 of the Insurance Act, 1943, is hereby amended—

(a) by the substitution for subsection (2) of the following subsection:

"(2) (a) The assets referred to in subsection 1 (b) shall, subject to the provisions of subsection (3), include assets of the kinds mentioned in Part I of the Third Schedule having an aggregate value not less than—

(i) thirty per cent of the amount of the net liabilities referred to in subsection 1 (b), excluding such net liabilities in respect of long-term insurance business carried on with pension funds and retirement annuity funds; and

(ii) fifty per cent of the amount of the said net liabilities in respect of long-term insurance business carried on with pension funds and retirement annuity funds.

(b) The assets last-mentioned in paragraph (a) shall include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than—

(i) fifteen per cent of the amount of the said net liabilities, excluding such net liabilities in respect of long-term insurance business carried on with pension funds and retirement annuity funds; and

(ii) twenty per cent of the amount of the said net liabilities in respect of long-term insurance business carried on with pension funds and retirement annuity funds."; and

(b) by the substitution for paragraph (c) of subsection (5) of the following paragraph:

"(c) The assets of the kinds mentioned in Part I of the Third Schedule and referred to in paragraphs (a) and (b), shall include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than fifteen per cent of the amount of the net liabilities and the additional amount referred to in subsection (4) (b).".

Amendment of section 17 of Act 27 of 1943, as substituted by section 12 of Act 10 of 1965 and amended by section 4 of Act 41 of 1966.

Wet No. 91, 1972

WYSIGINGSWET OP FINANSIELLE INSTELLINGS,
1972.

Wysiging van artikel 18 van Wet 27 van 1943, soos vervang deur artikel 13 van Wet 10 van 1965 en gewysig deur artikel 5 van Wet 41 van 1966.

3. Artikel 18 van die Versekeringswet, 1943, word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

,,(2) (a) Die in subartikel (1) bedoelde bates moet, behoudens die bepalings van subartikel (3), bates van die in Deel I van die Derde Bylae vermelde soorte insluit met 'n gesamentlike waarde gelyk aan minstens—

(i) dertig persent van die bedrag van die in subartikel (1) bedoelde netto verbintenis, met uitsluiting van sodanige netto verbintenis ten opsigte van langtermyn-versekeringsbesigheid wat met pensioenfondse en uitredingannuïteitsfondse gedryf word; en

(ii) vyftig persent van die bedrag van die bedoelde netto verbintenis ten opsigte van langtermyn-versekeringsbesigheid wat met pensioenfondse en uitredingannuïteitsfondse gedryf word.

(b) Die in paragraaf (a) laasbedoelde bates moet wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit met 'n gesamentlike waarde van minstens—

(i) vyftien persent van die bedrag van die bedoelde netto verbintenis, met uitsluiting van sodanige netto verbintenis ten opsigte van langtermyn-versekeringsbesigheid wat met pensioenfondse en uitredingannuïteitsfondse gedryf word; en

(ii) twintig persent van die bedrag van die bedoelde netto verbintenis ten opsigte van langtermyn-versekeringsbesigheid wat met pensioenfondse en uitredingannuïteitsfondse gedryf word.”; en

(b) deur paragraaf (c) van subartikel (5) deur die volgende paragraaf te vervang:

,,(c) Die bates van die in Deel I van die Derde Bylae vermelde soorte wat in paragrawe (a) en (b) bedoel word, moet wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik, insluit met 'n gesamentlike waarde van minstens vyftien persent van die bedrag van die in subartikel (4) bedoelde netto verbintenis en bykomende bedrag.”.

4. Artikel 18bis van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang:

„Tydelike aanpassings van artikels 17 en 18.

18bis. (1) 'n Geregistreerde versekeraar wat op die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, nie bates van die in Deel I van die Derde Bylae vermelde soorte met die gesamentlike waarde wat in artikel 17 of 18, na gelang van die geval, voorgeskryf is, besit nie, moet, tot tyd en wyl hy bates van daardie soorte met die aldus voorgeskrewe gesamentlike waarde besit, aan die end van elke boekjaar bates van bedoelde soorte besit met 'n gesamentlike waarde van minstens—

Vervanging van artikel 18bis van Wet 27 van 1943, soos ingevoeg deur artikel 14 van Wet 10 van 1965 en gewysig deur artikel 6 van Wet 41 van 1966.

FINANCIAL INSTITUTIONS AMENDMENT ACT,
1972.

Act No. 91, 1972

3. Section 18 of the Insurance Act, 1943, is hereby amended—

Amendment of
section 18 of Act 27
of 1943, as sub-
stituted by section
13 of Act 10 of 1965
and amended by
section 5 of Act 41
of 1966.

- (a) by the substitution for subsection (2) of the following subsection:

“(2) (a) The assets referred to in subsection (1) shall, subject to the provisions of subsection (3), include assets of the kinds mentioned in Part I of the Third Schedule having an aggregate value not less than—

- (i) thirty per cent of the amount of the net liabilities referred to in subsection (1), excluding such net liabilities in respect of long-term insurance business carried on with pension funds and retirement annuity funds; and
- (ii) fifty per cent of the amount of the said net liabilities in respect of long-term insurance business carried on with pension funds and retirement annuity funds.

- (b) The assets last-mentioned in paragraph (a) shall include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than—

- (i) fifteen per cent of the amount of the said net liabilities, excluding such net liabilities in respect of long-term insurance business carried on with pension funds and retirement annuity funds; and
- (ii) twenty per cent of the amount of the said net liabilities in respect of long-term insurance business carried on with pension funds and retirement annuity funds.”; and

- (b) by the substitution for paragraph (c) of subsection (5) of the following paragraph:

“(c) The assets of the kinds mentioned in Part I of the Third Schedule and referred to in paragraphs (a) and (b), shall include bills, bonds or securities issued by the Government of the Republic having an aggregate value not less than fifteen per cent of the amount of the net liabilities and the additional amount referred to in subsection (4).”.

4. The following section is hereby substituted for section 18bis of the Insurance Act, 1943:

Substitution of
section 18bis of Act
27 of 1943, as
inserted by section
14 of Act 10 of 1965
and amended by
section 6 of Act 41
of 1966.

“Temporary
modifica-
tions of
sections 17
and 18.

18bis. (1) Any registered insurer who at the date of commencement of the Financial Institutions Amendment Act, 1972, does not hold assets of the kinds mentioned in Part I of the Third Schedule to the aggregate value prescribed by section 17 or 18, as the case may be, shall, until he holds assets of those kinds having the aggregate value so prescribed, hold at the end of each financial year, assets of such kinds having an aggregate value not less than—

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WYSIGINGSWET OP FINANSIELE INSTELLINGS,
1972.

- (a) die ingevolge artikel 17 of 18, na gelang van die geval, voorgeskrewe gesamentlike waarde, min
- (b) die bedrag wat in dieselfde verhouding staan tot die bedrag waarmee die gesamentlike waarde van die bates van bedoelde soorte wat die versekeraar op die dertigste dag van September 1971 sou moes besit het indien die Wysigingswet op Finansiële Instellings, 1972, toe van toepassing sou gewees het, die gesamentlike waarde van die bates van bedoelde soorte wat die versekeraar op daardie datum besit het, oorskry, as waarin die tydperk vanaf die einde van die betrokke boekjaar tot die einde van 'n tydperk van tien jaar wat strek vanaf die begin van die boekjaar waarin bedoelde datum van inwerkingtreding val, tot 'n tydperk van tien jaar staan.
- (2) 'n Geregistreerde versekeraar wat op die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, nie bates in die vorm van wissels, skuldbriewe of effekte deur die Regering van die Republiek uitgereik met die ingevolge artikel 17 of 18, na gelang van die geval, voorgeskrewe gesamentlike waarde besit nie, moet, tot tyd en wyl hy bates in daardie vorm met die aldus voorgeskrewe gesamentlike waarde besit, aan die end van elke boekjaar bates in bedoelde vorm besit met 'n gesamentlike waarde van minstens—
- (a) die ingevolge artikel 17 of 18, na gelang van die geval, voorgeskrewe gesamentlike waarde, min
- (b) die bedrag wat in dieselfde verhouding staan tot die bedrag waarmee die gesamentlike waarde van die bates in bedoelde vorm wat die versekeraar op die dertigste dag van September 1971 sou moes besit het indien die Wysigingswet op Finansiële Instellings, 1972, toe van toepassing sou gewees het, die gesamentlike waarde van die bates in bedoelde vorm wat die versekeraar op daardie datum besit het, oorskry, as waarin die tydperk vanaf die einde van die betrokke boekjaar tot die einde van 'n tydperk van tien jaar wat strek vanaf die begin van die boekjaar waarin bedoelde datum van inwerkingtreding val, tot 'n tydperk van tien jaar staan.
- (3) Die Registrateur kan ten opsigte van 'n versekeraar wat enige van die bepalings van subartikel (1) of (2) moet nakom, in buitengewone omstandighede 'n afwyking van bedoelde bepalings magtig in die mate en onderworpe aan die voorwaardes wat die Registrateur bepaal."

Invoeging van
artikel 6A in Wet
33 van 1949.

5. Die volgende artikel word hierby in die Wet op die Nasionale Finansiekorporasie, 1949, na artikel 6 ingevoeg:

„Oordrag
van
aandele.

6A. (1) Die oordrag van aandele in die korporasie is beperk tot die oordrag van aandele tussen instellings van die klasse in artikel 6 (1) genoem en sodanige oordragte is onderworpe aan die goedkeuring van die raad wat na goedgunke mag weier om 'n oordrag van aandele te regstreer sonder om verplig te wees om 'n rede vir die weierung te gee.

(2) Geen aandele in die korporasie word gehou in die naam van, of oorgedra aan 'n genomineerde nie.”

FINANCIAL INSTITUTIONS AMENDMENT ACT,
1972.

Act No. 91, 1972

- (a) the aggregate value prescribed by section 17 or 18, as the case may be, less
- (b) the amount which bears the same ratio to the amount by which the aggregate value of assets of such kinds which the insurer would have been required to hold on the thirtieth day of September, 1971, had the Financial Institutions Amendment Act, 1972, been then applicable, exceeds the aggregate value of assets of such kinds which the insurer held at that date, as the period from the end of the financial year in question to the end of a period of ten years extending from the beginning of the financial year in which such date of commencement falls, bears to a period of ten years.
- (2) Any registered insurer who at the date of commencement of the Financial Institutions Amendment Act, 1972, does not hold assets in the form of bills, bonds or securities issued by the Government of the Republic to the aggregate value prescribed by section 17 or 18, as the case may be, shall, until he holds assets in that form having the aggregate value so prescribed, hold at the end of each financial year, assets in such form having an aggregate value not less than—
- (a) the aggregate value prescribed by section 17 or 18, as the case may be, less
- (b) the amount which bears the same ratio to the amount by which the aggregate value of assets in such form which the insurer would have been required to hold on the thirtieth day of September, 1971, had the Financial Institutions Amendment Act, 1972, been then applicable, exceeds the aggregate value of assets in such form which the insurer held at that date as the period from the end of the financial year in question to the end of a period of ten years extending from the beginning of the financial year in which such commencement date falls, bears to a period of ten years.
- (3) The Registrar may in respect of an insurer who is required to comply with any of the provisions of subsection (1) or (2), in exceptional circumstances authorize a departure from the said provisions to the extent and subject to such conditions as the Registrar may determine.”.

5. The following section is hereby inserted in the National Finance Corporation Act, 1949, after section 6:

Insertion of
section 6A in Act
33 of 1949.“Transfer
of stock.

6A. (1) The transfer of stock in the corporation shall be restricted to the transfer of stock among institutions of the classes mentioned in section 6 (1) and such transfers shall be subject to the approval of the board which in its discretion may refuse to register any transfer of stock, without being obliged to give any reason for the refusal.

(2) No stock in the corporation shall be held in the name of or transferred to a nominee.”.

Wet No. 91, 1972**WYSIGINGSWET OP FINANSIELLE INSTELLINGS,
1972.**

Vervanging van
artikel 19 van Wet
33 van 1949.

6. (1) Artikel 19 van die Wet op die Nasionale Finansiekorporasie, 1949, word hierby deur die volgende artikel vervang:

„Regula-

19. Die Staatspresident kan regulasies, wat nie met die bepalings van hierdie Wet strydig is nie, uitvaardig betreffende—

- (a) die bevoegdhede en pligte van die raad;
- (b) die prosedure by die aanstelling van direkteure in die raad en by die aanstelling van 'n direkteur om 'n toevallige vakature te vul;
- (c) die voorwaardes (behalwe dié met betrekking tot vergoeding) waarop direkteure en hul plaasvervangers aangestel word, en die omstandighede waarin 'n direkteur of sy plaasvervanger sy amp ontruim;
- (d) die geleenthede waarby en die omstandighede waarin en die voorwaardes waarop 'n plaasvervanger in die plek van 'n direkteur kan op tree;
- (e) vergaderings van die raad en die prosedure daarop en die notule wat daarvan gehou moet word;
- (f) die neem van besluite deur direkteure sonder die hou van 'n raadsvergadering;
- (g) vergaderings van aandeelhouers, die benoeming van persone om aandeelhouers op sulke vergaderings te verteenwoordig, die sake wat daarop behandel moet word en die prosedure daarop, met inbegrip van die kworum wat daarvoor nodig is en die notule wat daarvan gehou moet word;
- (h) die jaarlikse voorlegging van 'n balansstaat en rekenings aan 'n vergadering van aandeelhouers;
- (i) die voorsiening van 'n amptelike seël of seëls en die gebruik daarvan binne die Republiek of elders;
- (j) die vorm en uitreiking van aandeesertifikate en die hou van 'n register van aandeelhouers;
- (k) die oordrag en oorgang van aandele;
- (l) die verklaring van tussentydse dividende en die prosedure by betaling van dividende;
- (m) die magtiging van persone deur die raad om stukke vir of namens die korporasie te onderteken of te verly;
- (n) die skadeloosstelling van direkteure, amptenare of dienare van die korporasie teen koste, verliese of uitgawes wat uit die verrigting van werksaamhede kragtens hierdie Wet of die regulasies ontstaan;
- (o) 'n aangeleenthed wat ingevalle hierdie Wet by regulasie voorgeskryf moet of kan word;
- (p) in die algemeen, alle aangeleenthede waarvoor hy dit nodig of dienstig ag dat regulasies uitgevaardig moet word ten einde die oogmerke van hierdie Wet te bereik.”.

(2) Subartikel (1) word geag in werking te getree het op 15 Julie 1949.

Wysiging van
artikel 19 van Wet
24 van 1956, soos
gewysig deur
artikel 13 van Wet

7. Artikel 19 van die Wet op Pensioenfondse, 1956, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

FINANCIAL INSTITUTIONS AMENDMENT ACT,
1972.

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6. (1) The following section is hereby substituted for section 19 of the National Finance Corporation Act, 1949:

Substitution of
section 19 of Act
33 of 1949."Regula-
tions.

- 19.** The State President may make regulations, not inconsistent with the provisions of this Act, as to—
- (a) the powers and duties of the board;
 - (b) the procedure for the appointment of directors to the board and for the appointment of a director to fill a casual vacancy;
 - (c) the conditions (other than those relating to remuneration) of appointment of directors and alternate directors and the circumstances in which a director or an alternate director shall vacate his office;
 - (d) the occasions when and the circumstances in which and the conditions under which an alternate director may act in the place of a director;
 - (e) meetings of the board and the procedure thereat and the minutes to be kept thereof;
 - (f) the taking of decisions by directors without holding a meeting of the board;
 - (g) meetings of stockholders, the nomination of persons to represent stockholders at such meetings, the matters to be dealt with thereat, and the procedure thereat, including the quorum necessary therefor and the minutes to be kept thereof;
 - (h) the submission annually of a balance sheet and accounts to a meeting of stockholders;
 - (i) the provision of an official seal or seals and the use thereof within the Republic or elsewhere;
 - (j) the form and the issue of stock certificates and the keeping of a register of stockholders;
 - (k) the transfer and vesting of stock;
 - (l) the declaration of interim dividends and the procedure for payment of dividends;
 - (m) the authorization by the board of persons to sign or execute documents for or on behalf of the corporation;
 - (n) the indemnification of directors, officials or servants of the corporation against costs, losses or expenses arising from the discharge of any functions under this Act or the regulations;
 - (o) any matter which in terms of this Act shall or may be prescribed by way of regulation;
 - (p) generally, all matters for which he deems it necessary or expedient to make regulations in order to achieve the objects of this Act.”.

(2) Subsection (1) shall be deemed to have come into operation on 15 July, 1949.

7. Section 19 of the Pension Funds Act, 1956, is hereby amended—

Amendment of
section 19 of Act 24
of 1956, as amended
by section 13 of
Act 80 of 1959.

- (a) by the substitution for subsection (1) of the following subsection:

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80 van 1959,
artikel 9 van Wet 58
van 1966, artikel 1
van Wet 80 van
1969 en artikel 2
van Wet 23 van
1970.

,,(1) 'n Geregistreerde fonds moet, behoudens die bepalings van subartikels (6) en (7), bates gelyk in waarde aan minstens vyftig persent van die totale waarde van al die bates van die fonds in een of meer van die volgende klasse van bates in die Republiek hou, te wete—

- (a) geld in kas in die Republiek;
- (b) 'n batige saldo van die betrokke fonds in 'n rekening by 'n kantoor in die Republiek van 'n bankinstelling geregistreer kragtens die Bantwet, 1965 (Wet No. 23 van 1965), of by 'n bouvereniging geregistreer kragtens die Bouverenigingswet, 1965 (Wet No. 24 van 1965), of by die Nasionale Finansie-korporasie van Suid-Afrika ingestel kragtens die Wet op die Nasionale Finansiekorporasie, 1949 (Wet No. 33 van 1949), of by die Posspaarbank;
- (c) wissels, skuldbriefe of effekte wat deur die Regering van die Republiek of 'n provinsiale administrasie uitgereik of gewaarborg is;
- (d) wissels, skuldbriefe of effekte uitgereik of gewaarborg deur of deposito's by 'n plaaslike bestuur in die Republiek wat regtens gemagtig is om belastings op onroerende goed te hef;
- (e) wissels, skuldbriefe of effekte uitgereik of gewaarborg deur die Randwaterraad of die Elektriesiteitsvoorsieningskommissie;
- (f) deposito's by, of obligasies op 'n effektebeurs in die Republiek genoteer en uitgereik deur, die Land- en Landboubank van Suid-Afrika;
- (g) Suid-Afrikaanse Reserwebank-aandele;
- (h) wissels, skuldbriefe of effekte wat die registrateur, onderworpe aan die voorwaardes wat hy stel, goedgekeur het en ook dié uitgereik deur 'n instelling wat die registrateur insgelyks goedgekeur het:

Met dien verstande dat 'n geregistreerde fonds een of meer van die in paragraaf (c) vermelde soorte bates wat deur die Regering van die Republiek uitgereik is, ten bedrae van minstens twintig persent van die totale waarde van al die bates van die fonds moet hou.”;

- (b) deur paragraaf (a) van subartikel (6) deur die volgende paragraaf te vervang:
 - ,,(a) Die Minister kan enige fonds opgerig of gedryf deur 'n godsdienstige inrigting algeheel of gedeeltelik vrystel van voldoening aan die bepalings van subartikels (1) en (7), en kan, onder buitengwone omstandighede, en op die voorwaardes en vir die tydperke wat hy mag bepaal, enige fonds tydelik vrystel van voldoening aan enige bepaling van subartikel (1), (4), (5) of (7).”;
 - (c) deur die volgende paragraaf by subartikel (6) te voeg:
 - ,,(c) Die Minister kan 'n bevoegdheid wat by hierdie artikel aan die Minister verleen word skriftelik aan die registrateur deleger.”; en
 - (d) deur subartikel (7) deur die volgende subartikel te vervang:

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"(1) A registered fund shall, subject to the provisions of subsections (6) and (7), hold in the Republic assets equal in value to at least fifty per cent of the aggregate value of all the assets of the fund in one or more of the following classes of assets, namely—

- (a) money in hand in the Republic;
- (b) any amount standing to the credit of the fund concerned in an account with an office in the Republic of a banking institution registered under the Banks Act, 1965 (Act No. 23 of 1965), or with a building society registered under the Building Societies Act, 1965 (Act No. 24 of 1965), or with the National Finance Corporation of South Africa established under the National Finance Corporation Act, 1949 (Act No. 33 of 1949), or with the Post Office Savings Bank;
- (c) bills, bonds or securities issued or guaranteed by the Government of the Republic or a provincial administration;
- (d) bills, bonds or securities issued or guaranteed by or deposits with any local authority in the Republic authorized by law to levy rates upon immovable property;
- (e) bills, bonds or securities issued or guaranteed by the Rand Water Board or the Electricity Supply Commission;
- (f) deposits with, or debentures quoted on a stock exchange in the Republic issued by, the Land and Agricultural Bank of South Africa;
- (g) South African Reserve Bank stock;
- (h) bills, bonds or securities approved by the registrar subject to such conditions as he may impose, and also those issued by an institution which the registrar has likewise approved:

Provided that a registered fund shall hold any one or more of the kinds of assets mentioned in paragraph (c), which have been issued by the Government of the Republic, in an amount of not less than twenty per cent of the aggregate value of all the assets of the fund.”;

(b) by the substitution for paragraph (a) of subsection (6) of the following paragraph:

"(a) The Minister may exempt either wholly or in part any fund established or conducted by a religious institution from compliance with the provisions of subsections (1) and (7), and may, under exceptional circumstances, and on such conditions and for such periods as he may determine, temporarily exempt any fund from compliance with any provision of subsection (1), (4), (5) or (7).”;

(c) by the addition to subsection (6) of the following paragraph:

"(c) The Minister may in writing delegate to the registrar any power conferred on the Minister by this section.”; and

(d) by the substitution for subsection (7) of the following subsection:

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„(7) Indien die bates van 'n geregistreerde fonds op die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, nie voldoen nie aan—

- (a) die vereistes van subartikel (1), sonder inagneming van die vereistes van die voorbehoudsbepaling by daardie subartikel, moet daardie fonds, totdat sy bates aan bedoelde vereistes voldoen, aan die einde van elke boekjaar bates in een of meer van die in subartikel (1) vermelde klasse van bates hou met 'n totale waarde van minstens—
 - (i) die by subartikel (1) voorgeskrewe waarde, min—
 - (ii) 'n bedrag wat in dieselfde verhouding staan tot die bedrag waarmee vyftig persent van die totale waarde van al die bates van die fonds op 31 Desember 1971 die totale waarde van die bates van die klasse vermeld in subartikel (1) op daardie datum deur die fonds gehou, oorskry het, as wat die tydperk wat strek vanaf die einde van die betrokke boekjaar tot 31 Desember 1981 tot 'n tydperk van tien jaar staan;
- (b) die vereistes van die voorbehoudsbepaling by subartikel (1), moet daardie fonds, totdat sy bates aan bedoelde vereistes voldoen, aan die einde van elke boekjaar bates van die soort vermeld in paragraaf (c) van subartikel (1) wat deur die Regering van die Republiek uitgereik is, hou, met 'n totale waarde van minstens—
 - (i) die in die genoemde voorbehoudsbepaling voorgeskrewe bedrag, min—
 - (ii) 'n bedrag wat in dieselfde verhouding staan tot die bedrag waarmee twintig persent van die totale waarde van al die bates van die fonds op 31 Desember 1971 die totale waarde van die bates van die bedoelde soorte op daardie datum deur die fonds gehou, oorskry het, as wat die tydperk wat strek vanaf die einde van die betrokke boekjaar tot 31 Desember 1981 tot 'n tydperk van tien jaar staan.”.

Wysiging van
artikel 11 van Wet
25 van 1956.

8. Artikel 11 van die Wet op Onderlinge Hulpverenigings, 1956, word hierby gewysig deur in subartikel (1) na die woord „Ouditeur-generaal” die woorde „of 'n Proviniale Ouditeur” in te voeg.

Wysiging van
artikel 3 van Wet
48 van 1964.

9. Artikel 3 van die Wet op Deelnemingsverbande, 1964, word hierby gewysig—

- (a) deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Bestuurder kan geld van enige persoon ingevolge 'n skriftelike ooreenkoms ontvang om namens hom bele te word op sekuriteit van 'n bepaalde deelnemingsverband of van enige deelnemingsverbande, hetsy daardie verband of daardie verbande alreeds geregistreer is al dan nie: Met dien verstande dat—

 - (a) indien 'n deelneming nie binne sestig dae vanaf die datum van die ontvangs van daardie geld toegeken word nie, die geld terugbetaal moet word aan die persoon van wie dit ontvang is; en
 - (b) van die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972—
 - (i) 'n bedrag van minder as eenduisend rand nie aldus ontvang word nie; en
 - (ii) genoemde ooreenkoms moet bepaal dat, behalwe in die omstandighede uiteengesit in

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"(7) If the assets of a registered fund do not at the date of commencement of the Financial Institutions Amendment Act, 1972, satisfy—

- (a) the requirements of subsection (1), without having regard to the requirements of the proviso to that subsection, such fund shall, until its assets satisfy the said requirements, hold at the end of each financial year assets in one or more of the classes of assets referred to in subsection (1) having an aggregate value not less than—
 - (i) the value prescribed by subsection (1), less
 - (ii) an amount which bears the same ratio to the amount by which fifty per cent of the aggregate value of all the assets of the fund on 31 December, 1971, exceeded the aggregate value of the assets of the classes referred to in subsection (1) held by the fund on that date, as the period extending from the end of the financial year in question to 31 December, 1981, bears to a period of ten years;
- (b) the requirements of the proviso to subsection (1), such fund shall, until its assets satisfy the said requirements, hold at the end of each financial year, assets of the kinds mentioned in paragraph (c) of subsection (1), which have been issued by the Government of the Republic, having an aggregate value not less than—
 - (i) the amount prescribed in the said proviso, less
 - (ii) an amount which bears the same ratio to the amount by which twenty per cent of the aggregate value of all the assets of the fund on 31 December, 1971, exceeded the aggregate value of the assets of the said kinds held by the fund on that date, as the period extending from the end of the financial year in question to 31 December, 1981, bears to a period of ten years.”.

8. Section 11 of the Friendly Societies Act, 1956, is hereby amended by the insertion in subsection (1) after the word "Auditor-General" of the words "or a Provincial Auditor".

Amendment of
section 11 of Act 25
of 1956.

9. Section 3 of the Participation Bonds Act, 1964, is hereby amended—

Amendment of
section 3 of Act 48
of 1964.

- (a) by the substitution for subsection (1) of the following subsection:

"(1) A manager may accept money from any person in terms of a written agreement to be invested on his behalf upon the security of a particular participation bond or of any participation bonds, whether such bond is or such bonds are already registered or not: Provided that—

- (a) if a participation is not granted within sixty days as from the date of acceptance of such money, the money shall be refunded to the person from whom it was accepted; and
- (b) from the date of commencement of the Financial Institutions Amendment Act, 1972—
 - (i) an amount of less than one thousand rand shall not be so accepted; and
 - (ii) such agreement shall provide that, except in the circumstances set forth in paragraph (a)

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paragraaf (a) van hierdie voorbehoudsbepaling en in artikel 6 (6) (b) (iii), daardie geld vir 'n tydperk van minstens vyf jaar belê moet word in 'n deelnemingsverband of deelnemingsverbande wat by die skema ingesluit is en dat indien die skuld wat deur 'n deelnemingsverband gesekureer word voor die verstryking van 'n tydperk van vyf jaar vanaf die datum van belegging geheel of gedeeltelik deur die verbandgewer terugbetaal word, geld wat aldus terugbetaal word vir minstens die onverstreke gedeelte van die bedoelde tydperk van vyf jaar deur die bestuurder ten behoeve van daardie persoon herbelê moet word op sekuriteit van 'n ander deelnemingsverband of van ander deelnemingsverbande wat by die skema ingesluit en vir daardie persoon aanneemlik is.”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) 'n Bestuurder kan 'n deelneming in 'n deelnemingsverband aan enige persoon aanbied of self as 'n deelnemer 'n deelneming in 'n deelnemingsverband hou: Met dien verstande dat—

(a) waar 'n persoon geld aan 'n bestuurder ingevolge subartikel (1) betaal het, daardie bestuurder, sonder om eers so 'n aanbod te doen, die deelneming of deelnemings in so 'n verband aan daardie persoon kan toeken wat binne die perke van 'n skriftelike magtiging val wat daardie persoon aan daardie bestuurder verleen het;

(b) die bestuurder daardie deelnemings nie mag aanbied, toeken of hou nie in bedrae waarvan die som meer is as die totale bedrag wat kragtens daardie verband gesekureer is, of, in 'n geval waar die verbandgewer 'n gedeelte van die kragtens die verband gesekureerde skuld terugbetaal het, meer is as die bedrag wat deur die verbandgewer kragtens die verband verskuldig is op die tydstip wanneer die deelneming toegeken word; en

(c) vanaf die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, die bestuurder nie aan 'n persoon 'n deelneming van minder as eenduisend rand in 'n deelnemingsverband wat na die inwerkingtreding van genoemde Wysigingswet geregistreer is, mag aanbied nie.”;

(c) deur subartikel (3) deur die volgende subartikel te vervang:

„(3) 'n Aanbod ingevolge subartikel (2) moet—

(a) die besonderhede van die verband waarin die deelneming aangebied word, vermeld;

(b) die grootte van die aangebode deelneming vermeld;

(c) behalwe waar die belegger reeds 'n deelnemer in die skema is, vergesel gaan van 'n afskrif van die reëls van die skema waarby die verband ingesluit is; en

(d) gemaak word op die uitdruklike voorwaarde dat, behalwe in die omstandighede uiteengesit in paragraaf (a) van die voorbehoudsbepaling by subartikel (1) en in artikel 6 (6) (b) (iii), geld wat belê is op sekuriteit van 'n deelnemingsverband wat by die skema ingesluit is, vir 'n tydperk van minstens vyf jaar in die deelneming wat aangebied

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of this proviso and in section 6 (6) (b) (iii), such money shall be invested for a period of not less than five years in a participation bond or participation bonds included in the scheme and that in the event of the debt secured by a participation bond being repaid in whole or in part by the mortgagor before the expiry of a period of five years from the date of investment, money so repaid shall be reinvested for not less than the unexpired portion of the said period of five years by the manager on behalf of such person upon the security of another participation bond or of other participation bonds included in the scheme and acceptable to such person.”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) A manager may offer to any person, or itself or himself hold as a participant, a participation in any participation bond: Provided that—

- (a) where a person has paid money to a manager in terms of subsection (1) such manager may, without first making such offer, grant to such person such participation or participations in any such bond as fall within the scope of any written authority given by such person to such manager;
 - (b) the manager shall not offer, grant or hold such participations in sums the aggregate of which exceeds the total sum secured under such bond, or, in any case where the mortgagor has repaid part of the debt secured under the bond, exceeds the amount owing by the mortgagor under such bond at the time when the participation is granted; and
 - (c) from the date of commencement of the Financial Institutions Amendment Act, 1972, the manager shall not offer to any person a participation of less than one thousand rand in any participation bond registered after the commencement of the said Amendment Act.”;
- (c) by the substitution for subsection (3) of the following subsection:

“(3) An offer in terms of subsection (2) shall—

- (a) set forth the particulars of the bond in which the participation is offered;
- (b) set forth the extent of the participation offered;
- (c) be accompanied by a copy of the rules of the scheme in which the bond is included, except where the investor is already a participant in the scheme; and
- (d) be made on the specific condition that, except in the circumstances set forth in paragraph (a) of the proviso to subsection (1) and in section 6 (6) (b) (iii), money invested upon the security of a participation bond included in the scheme shall remain invested for a period of not less than five years in the participation offered and accepted or

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en aanvaar is of op sekuriteit van 'n ander deelnemingsverband of van ander deelnemingsverbande wat by die skema ingesluit is, belê moet bly en dat in geval die skuld wat gesekureer is deur die deelnemingsverband waarin die deelneming toegeken word voor die verstryking van 'n tydperk van vyf jaar vanaf die datum waarop die deelneming toegeken is geheel of gedeeltelik deur die verbandgewer terugbetaal word, die bedrag wat belê staan te word in die deelneming aldus aangebied vir minstens die onverstreke gedeelte van die bedoelde tydperk van vyf jaar deur die bestuurder ten behoeve van daardie persoon herbelê moet word op sekuriteit van 'n ander deelnemingsverband of van ander deelnemingsverbande wat by die skema ingesluit en vir daardie persoon aanneemlik is."; en

(d) deur die volgende subartikel na subartikel (5) in te voeg:

„(6) Die bepalings van hierdie artikel is *mutatis mutandis* van toepassing op enige geld of 'n gedeelte van so 'n som wat na die verstryking van die tydperk van vyf jaar bedoel in paragraaf (b) (ii) van die voorbehoudsbepaling by subartikel (1) en in subartikel (3) (d), ter vermindering van die hoofskuld aan die bestuurder betaal word en waar daardie geld of 'n gedeelte van so 'n som herbelê staan te word ten behoeve van 'n belegger op sekuriteit van 'n ander deelnemingsverband of van ander deelnemingsverbande wat by die skema ingesluit is.".

Wysiging van
artikel 6 van Wet
48 van 1964, soos
gewysig deur
artikel 2 van Wet
98 van 1967.

10. Artikel 6 van die Wet op Deelnemingsverbande, 1964, word hierby gewysig—

(a) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) (a) Elke houer van 'n deelneming wat deur 'n deelnemingsverband gesekureer is, is, tensy die reëls van die skema waarby die verband ingesluit is, anders bepaal, geregtig om sy regte kragtens daardie deelneming uit te oefen sodra dit aan hom toegeken is, op dieselfde manier asof die verband op sy naam as verbandnemer geregistreer was.

(b) So 'n houer is nie geregtig om sy reg op terugbetaling van die hoofskuld deur die verband gesekureer uit te oefen nie tensy—

(i) die verbandgewer in gebreke bly om aan die voorwaardes van die verband te voldoen; of

(ii) in 'n geval waar die reg op sodanige terugbetaling verkry is voor die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, 'n tydperk van minstens drie jaar verstryk het nadat 'n houer daardie reg verkry het; of

(iii) in 'n geval waar die reg op sodanige terugbetaling verkry word op of na die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, die tydperk van minstens vyf jaar bedoel in paragraaf (b) (ii) van die voorbehoudsbepaling by artikel 3 (1) of in artikel 3 (3) (d), na gelang van die geval, verstryk het.”; en

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on the security of another participation bond or of other participation bonds included in the scheme and that in the event of the debt secured by the participation bond in which the participation is granted being repaid in whole or in part by the mortgagor before the expiry of a period of five years from the date on which the participation was granted, the amount to be invested in the participation so offered shall be reinvested for not less than the unexpired portion of the said period of five years by the manager on behalf of such person upon the security of another participation bond or of other participation bonds included in the scheme and acceptable to such person.”; and

- (d) by the insertion of the following subsection after subsection (5):

“(6) The provisions of this section shall apply *mutatis mutandis* to any money or any part of such sum paid to a manager after the expiry of the period of five years referred to in paragraph (b) (ii) of the proviso to subsection (1) and in subsection (3) (d), in reduction of the principal debt and where such money or any part of such sum is to be reinvested on behalf of an investor upon the security of another participation bond or of other participation bonds included in the scheme.”.

10. Section 6 of the Participation Bonds Act, 1964, is hereby amended—

Amendment of
section 6 of Act
48 of 1964, as
amended by
section 2 of Act 98
of 1967.

- (a) by the substitution for subsection (2) of the following subsection:

“(2) (a) Every holder of a participation secured by a participation bond shall, unless it is otherwise provided in the rules of the scheme in which the bond is included, be entitled to enforce against the mortgagor his rights under such participation as soon as it has been granted to him in the same manner as if the bond were registered in his name as mortgagee.

- (b) Such a holder shall not be entitled to enforce his right to repayment of the principal debt secured by the bond unless—

(i) the mortgagor fails to comply with the conditions of the bond; or

(ii) in a case where the right to such repayment was acquired before the date of commencement of the Financial Institutions Amendment Act, 1972, a period of not less than three years has elapsed after a holder acquired such right; or

(iii) in a case where the right to such repayment is acquired on or after the date of commencement of the Financial Institutions Amendment Act, 1972, the period of not less than five years referred to in paragraph (b) (ii) of the proviso to section 3 (1) or in section 3 (3) (d), as the case may be, has elapsed.”; and

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(b) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) 'n Deelnemer het die reg om sonder die toestemming van die verbandewer sy regte in 'n deelnemingsverband oor te dra, te sedeer of te beswaar, mits—

(a) hy vooraf die skriftelike toestemming van die bestuurder tot sodanige oordrag, sessie of beswaring verkry het; en

(b) in die geval van sodanige oordrag of sessie—

(i) waar hy sy regte in sodanige deelnemingsverband voor die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, verkry het, 'n tydperk van nie minder nie as drie jaar verstryk het nadat hy sodanige regte verkry het; of

(ii) waar hy sy regte in sodanige deelnemingsverband op of na die datum van inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, verkry, die tydperk van minstens vyf jaar bedoel in paragraaf (b) (ii) van die voorbehoudsbepaling by artikel 3 (1) of in artikel 3 (3) (d), na gelang van die geval, verstryk het; of

(iii) die registrateur sodanige oordrag of sessie goedkeur.”.

Wysiging van
artikel 9 van
Wet 48 van 1964,
soos gewysig deur
artikel 3 van Wet
98 van 1967.

11. Artikel 9 van die Wet op Deelnemingsverbande, 1964, word hierby gewysig deur na subartikel (4) die volgende subartikel in te voeg:

„(4A) Die reëls van die skema moet bepaal dat geld deur die bestuurder ingevolge artikel 3 (1) ontvang of geld deur die bestuurder ontvang ten gevolge van 'n aanbod deur hom gedoen ingevolge artikel 3 (2) of geld wat aan die bestuurder betaal word ter vermindering van die hoofskuld verskuldig onder 'n deelnemingsverband, deur die bestuurder op naam van die benoemde maatskappy ten behoeve van die belegger by 'n bankinstelling wat anders as voorlopig kragtens die Bankwet, 1965 (Wet No. 23 van 1965), geregistreer is, gedeponeer moet word en dat daardie geld aldus gedeponeer moet bly totdat die belegger 'n deelneming toegeken word in 'n deelnemingsverband wat by die skema ingesluit is of totdat die geld aan die belegger terugbetaal word.”.

Wysiging van
artikel 1 van Wet
23 van 1965.

12. Artikel 1 van die Bankwet, 1965, word hierby gewysig—

(a) deur in subartikel (1)—

(i) die omskrywing van „korttermynverpligting” deur die volgende omskrywing te vervang:

„korttermynverpligting”, met betrekking tot die een of ander datum, 'n verpligting (insluitende 'n lening of 'n deposito van 'n ander bankinstelling) wat op of voor die dertigste dag vanaf daardie datum betaalbaar is, of wat op daardie datum aan kennis van opseggung onderworpe is wat dit betaalbaar maak op of voor die dertigste dag vanaf daardie datum;”;

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- (b) by the substitution for subsection (6) of the following subsection:

"(6) A participant shall have the right to transfer, cede or encumber his rights in a participation bond without the consent of the mortgagor, provided—

- (a) he has obtained the prior written consent of the manager to such transfer, cession or encumbrance; and

- (b) in the case of any such transfer or cession—

(i) where he acquired his rights in such participation bond before the date of commencement of the Financial Institutions Amendment Act, 1972, a period of not less than three years has elapsed after he acquired such rights; or

(ii) where he acquires his rights in such participation bond on or after the date of commencement of the Financial Institutions Amendment Act, 1972, the period of not less than five years referred to in paragraph (b) (ii) of the proviso to section 3 (1) or in section 3 (3) (d), as the case may be, has elapsed; or

(iii) the registrar approves such transfer or cession.”.

- 11.** Section 9 of the Participation Bonds Act, 1964, is hereby amended by the insertion after subsection (4) of the following subsection:

"(4A) The rules of the scheme shall provide that money accepted by the manager in terms of section 3 (1) or money received by the manager in consequence of an offer made by him in terms of section 3 (2) or money paid to the manager in reduction of the principal debt owing under a participation bond shall be deposited by the manager in the name of the nominee company on behalf of the investor with a banking institution registered otherwise than provisionally in terms of the Banks Act, 1965 (Act No. 23 of 1965), and that such money shall remain so deposited until the investor is granted a participation in a participation bond included in the scheme or until the money is repaid to the investor.".

Amendment of
section 9 of Act 48
of 1964, as
amended by
section 3 of
Act 98 of 1967.

- 12.** Section 1 of the Banks Act, 1965, is hereby amended—

- (a) by the substitution in subsection (1)—

(i) for the definition of "liquid assets" of the following definition:

Amendment of
section 1 of Act 23
of 1965.

"'liquid assets' means the aggregate amount of—

(a) Reserve Bank notes, subsidiary coin, gold coin and bullion;

(b) credit balances with the Reserve Bank;

(c) deposits withdrawable on demand with the National Finance Corporation;

(d) deposits which are withdrawable on demand by cheque and which a banking institution, not being a member of the clearing house, holds with another

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- (ii) die omskrywing van „langtermynverpligting” deur die volgende omskrywing te vervang:
 „langtermynverpligting”, met betrekking tot die een of ander datum, ‘n verpligting (insluitende ‘n lening of ‘n deposito van ‘n ander bankinstelling) wat na verloop van meer as ses maande vanaf daardie datum betaalbaar is, of wat op daardie datum aan kennis van opseggingsonderworpe is wat dit betaalbaar maak na meer as ses maande;”;
- (iii) die omskrywing van „likwiede bates” deur die volgende omskrywing te vervang:
 „likwiede bates’ die totaalbedrag aan—
- (a) Reserwebanknote, pasmunt, goudmunten en staafgoud;
 - (b) kredietsaldo’s by die Reserwebank;
 - (c) onmiddellik opeisbare deposito’s by die Nasionale Finansiekorporasie;
 - (d) deposito’s wat per thek onmiddellik opeisbaar is en wat ‘n bankinstelling wat nie ‘n lid van die verrekeningshuis is nie by ‘n ander bankinstelling hou en waarop geen rente of enige ander vergoeding verdien of ontvang word nie;
 - (e) onmiddellik opeisbare lenings aan diskontohuise;
 - (f) skatkisbiljette van die Republiek;
 - (g) effekte van die Regering met ‘n oorblywende termyn tot die laaste aflosdatum van hoogstens drie jaar;
 - (h) wissels deur die Landbank uitgereik en voorskotte aan daardie bank wat na keuse van die uitlener in wissels omgesit kan word;
 - (i) obligasies van die Landbank met ‘n oorblywende termyn tot die vervaldatum daarvan van hoogstens drie jaar;
 - (j) obligasies of notas uitgereik deur die Nywerheid-ontwikkelingskorporasie van Suid-Afrika Beperk in verband met ‘n skema om die uitvoer van kapitaalgoedere te finansier en wat ‘n oorblywende termyn tot die vervaldatum daarvan van hoogstens drie jaar het en wat deur die Regering van die Republiek gewaarborg is;
 - (k) aksepte van ‘n bankinstelling wat deur die Reserwebank verdiskonterbaar is en wat nie aksepte van die betrokke bankinstelling self of van ‘n filiaal of medefiliaal van die betrokke bankinstelling of van ‘n bankinstelling deur wie die betrokke bankinstelling regstreeks of onregstreeks beheer word, is nie;
 - (l) self-likwiderende wissels of promesses wat uit die beweging van goedere ontstaan, wat binne hoogstens honderd-en-twintig dae of, in die geval van landbouwissels, ses maande verval, en wat deur die Reserwebank verdiskonterbaar is;
 - (m) effekte van die Suid-Afrikaanse Reserwebank met ‘n oorblywende termyn tot die laaste aflosdatum daarvan van hoogstens drie jaar; en

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- banking institution and on which no interest or any other return is earned or received;
- (e) loans to discount houses repayable on demand;
 - (f) Treasury bills of the Republic;
 - (g) stocks of the Government with a maturity to the latest redemption date of not more than three years;
 - (h) bills issued by the Land Bank and advances to the said bank which, at the option of the lender, are convertible into bills;
 - (i) debentures of the Land Bank with a maturity of not more than three years;
 - (j) debentures or notes issued by the Industrial Development Corporation of South Africa, Limited, in connection with a scheme for financing the export of capital goods and which have a maturity of not more than three years and which are guaranteed by the Government of the Republic;
 - (k) acceptances of a banking institution which are discountable by the Reserve Bank, not being acceptances of the banking institution concerned itself or of a subsidiary or fellow subsidiary of the banking institution concerned or of a banking institution by which the banking institution concerned is controlled directly or indirectly;
 - (l) self-liquidating bills or promissory notes arising out of the movement of goods, with a maturity not exceeding one hundred and twenty days, or six months in the case of agricultural bills, and which are discountable by the Reserve Bank;
 - (m) securities of the South African Reserve Bank with a maturity of not more than three years; and
 - (n) any asset which ranked as a liquid asset at the commencement of the Financial Institutions Amendment Act, 1972, and which has not yet attained its first redemption date after the said commencement;";
- (ii) for the definition of "long-term liability" of the following definition:
- "'long-term liability', in relation to any date, means a liability (including a loan from or a deposit by another banking institution) which is payable after the expiration of more than six months as from that date or which on that date is subject to notice which makes it payable after more than six months;"

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- (n) 'n bate wat as 'n likwiede bate gegeld het by die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, en wat nog nie sy eerste aflosdatum na vermelde inwerkingtreding bereik het nie.';
- (iv) die omskrywing van „middeltermyn-verpligting” deur die volgende omskrywing te vervang:
 „,middeltermynverpligting”, met betrekking tot die een of ander datum, 'n verpligting (insluitende 'n lening of deposito van 'n ander bankinstelling) wat op of na die een-en-dertigste dag vanaf daardie datum maar nie later nie as die dag waarop 'n tydperk van ses maande vanaf daardie datum verstyk, betaalbaar is, of wat op daardie datum aan kennis van opseggeling onderworpe is wat dit betaalbaar maak op of na die een-en-dertigste dag vanaf daardie datum maar nie later nie as die dag waarop 'n tydperk van ses maande vanaf daardie datum verstyk, en ook spaardeposito's.”;
- (v) die omskrywing van „voorgeskrewe beleggings” deur die volgende omskrywing te vervang:
 „,voorgeskrewe beleggings” die totaalbedrag aan—
- (a) effekte van die Regering behalwe die effekte vermeld in die omskrywing van „likwiede bates”;
 - (b) obligasies of effekte deur die Regering gewaarborg;
 - (c) effekte van lenings aan en deposito's by 'n plaaslike bestuur in die Republiek;
 - (d) obligasies of effekte van die Randwaterraad of die Elektrisiteitsvoorsieningskommissie;
 - (e) obligasies van die Landbank behalwe sodanige obligasies vermeld in die omskrywing van „likwiede bates”; en
 - (f) die wissels, skuldbrieve of effekte wat die Registrateur by kennisgewing in die *Staatskoerant* en onderworpe aan die voorwaardes wat hy in sodanige kennisgewing uiteensit, vir die doeleindes van hierdie omskrywing goedkeur en ook dié uitgereik deur 'n instelling wat hy insgelyks deur sodanige kennisgewing goedgekeur het.”;
- (b) deur paragraaf (iii) van die voorbehoudsbepaling by subartikel (2) te skrap;
- (c) deur na subartikel (2) die volgende subartikel in te voeg:
- „(2A) 'n Persoon (met ingegrif van 'n koöperatiewe vereniging) behalwe 'n persoon wat deposito's werf of daarvoor adverteer, word by die toepassing van hierdie Wet nie geag die neem van deposito's as bedryf uit te oefen nie indien hy nie te eniger tyd deposito's van meer as twintig persone of deposito's wat in totaal meer as vyf honderdduisend rand bedra, hou nie: Met dien verstande dat by die toepassing van hierdie subartikel 'n persoon en 'n maatskappy wat regstreeks of onregstreeks deur hom beheer word (ongag of sodanige beheer by wyse van aandeelhouding of andersins geskied) of deur hom geadministreer word en 'n filiaal van bedoelde maatskappy geag word een persoon te wees.”; en

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- (iii) for the definition of "medium-term liability" of the following definition:

"medium-term liability", in relation to any date, means a liability (including a loan from or a deposit by another banking institution) which is payable on or after the thirty-first day as from that date but not later than the day on which a period of six months as from that date expires, or which on that date is subject to notice which makes it payable on or after the thirty-first day as from that date but not later than the day on which a period of six months as from that date expires, and includes savings deposits;";

- (iv) for the definition of "prescribed investments" of the following definition:

"prescribed investments" means the aggregate amount of—

- (a) stocks of the Government, other than the stocks mentioned in the definition of "liquid assets";
- (b) debentures or stock guaranteed by the Government;
- (c) stocks of, loans to and deposits with any local authority in the Republic;
- (d) debentures or stock of the Rand Water Board or the Electricity Supply Commission;
- (e) debentures of the Land Bank, other than such debentures mentioned in the definition of "liquid assets", and
- (f) such bills, bonds or securities as the Registrar may by notice in the *Gazette* approve for the purposes of this definition subject to such conditions as he may specify in such notice, and also those issued by an institution which he has likewise approved by such notice;";

- (v) for the definition of "short-term liability" of the following definition:

"short-term liability", in relation to any date, means a liability (including a loan from or a deposit by another banking institution) which is payable on or before the thirtieth day as from that date, or which on that date is subject to notice which makes it payable on or before the thirtieth day as from that date;"

- (b) by the deletion of paragraph (iii) of the proviso to subsection (2);

- (c) by the insertion after subsection (2) of the following subsection:

"(2A) A person (including a co-operative society) other than a person who solicits or advertises for deposits, shall not be deemed to be carrying on the business of accepting deposits for the purposes of this Act if he does not at any time hold deposits from more than twenty persons or deposits amounting in the aggregate to more than five hundred thousand rand: Provided that for the purposes of this subsection a person and any company controlled directly or indirectly by him (whether such control be by way of shareholding or otherwise) or administered by him and the subsidiary of any such company shall be deemed to be one person."; and

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- (d) deur die volgende paragrawe by subartikel (6) by te voeg:
- „(f) die instelling, na die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, regstreeks of onregstreeks onderneem om die terugbetaling te waarborg van 'n lening of 'n deposito wat 'n persoon in die Republiek (behalwe 'n bankinstelling) aan of by 'n ander persoon in die Republiek (behalwe 'n bankinstelling) maak of om 'n lening wat deur die instelling gemaak is te verkoop op 'n voorwaarde waarvolgens die lening op 'n toekomstige datum deur die instelling teruggekoop moet word;
- (g) 'n instelling 'n lening maak aan of 'n deposito maak by 'n filiaalmaatskappy wat 'n bankinstelling is, om die bedoelde filiaalmaatskappy in staat te stel om op 'n bepaalde datum aan die voor-skrifte van die Wet met betrekking tot likwiede bates te voldoen.”.

Vervanging van artikel 16 van Wet 23 van 1965.

13. Artikel 16 van die Bankwet, 1965, word hierby deur die volgende artikel vervang:

„Minimum reserwebalans moet by die Reserwebank 'n reserwesaldo in stand hou gelyk aan minstens agt persent van sy korttermynverpligtigs teenoor die publiek in die Republiek, behalwe verpligtigs uit hoofde van aksepte, soos aangegee in die jongste maandopgawe wat hy ingevolge artikel 13 (1) (a) aan die Registrateur verstrek het.

(2) By die toepassing van die bepalings van subartikel (1) kan—

- (a) 'n Handelsbank (soos omskryf in artikel 17 (3))—
 (i) die bedrag in voorbehoudsbepaling (ii) by artikel 14 (1) bedoel; en
 (ii) die bedrag van 'n verrekeningsverpligtig wat voortvloeи uit 'n saldo in voorbehoudsbepaling (i) by artikel 17 (1) bedoel; en
(b) 'n Bankinstelling die bedrae wat ingevolge voorbehoudsbepaling (iii) by artikel 17 (1) van die verpligtinge in paragraaf (a) van daardie artikel bedoel, afgetrek kan word, van sy korttermynverpligtigs aftrek.”.

Vervanging van artikel 17 van Wet 23 van 1965, soos gewysig deur artikel 4 van Wet 23 van 1970.

14. Artikel 17 van die Bankwet, 1965, word hierby deur die volgende artikel vervang:

„Minimum likwiedebates moet in die Republiek likwiede bates in stand hou tot 'n bedrag minstens gelyk aan die som van—

- (a) dertig persent van sy korttermynverpligtigs teenoor die publiek in die Republiek, behalwe verpligtigs uit hoofde van aksepte;
 (b) twintig persent van sy middeltermynverpligtigs teenoor die publiek in die Republiek, behalwe verpligtigs uit hoofde van aksepte;
 (c) vyf persent van sy langtermynverpligtigs teenoor die publiek in die Republiek; en
 (d) tien persent van sy verpligtigs uit hoofde van aksepte,

soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van subartikel (1) van artikel dertien aan die Registrateur verstrek het: Met dien verstaande dat by die toepassing van hierdie subartikel—

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- (d) by the addition to subsection (6) of the following paragraphs:
- "(f) after the commencement of the Financial Institutions Amendment Act, 1972, the institution, directly or indirectly undertakes to guarantee the repayment of a loan or a deposit which a person in the Republic (other than a banking institution) makes to or with another person in the Republic (other than a banking institution) or to sell a loan, made by the institution, on a condition in terms of which the loan is to be repurchased by the institution on a future date;
- (g) an institution makes a loan to or a deposit with a subsidiary company which is a banking institution to enable the said subsidiary company to comply on a certain date with the provisions of the Act in respect of liquid assets.".

13. The following section is hereby substituted for section 16 of the Banks Act, 1965: Substitution of section 16 of Act 23 of 1965.

"Minimum reserve balance.

16. (1) A banking institution (other than a discount house) shall maintain a reserve balance with the Reserve Bank amounting to not less than eight per cent of its short-term liabilities to the public in the Republic, other than liabilities under acceptances, as shown in the last preceding monthly return furnished by it to the Registrar in terms of section 13 (1) (a).

(2) For the purposes of the provisions of subsection (1)—

- (a) a commercial bank (as defined in section (3)) may deduct from its short-term liabilities—
 - (i) the amount referred to in proviso (ii) to section 14 (1); and
 - (ii) the amount of a clearance liability resulting from a balance referred to in proviso (i) to section 17 (1); and
- (b) a banking institution may deduct from its short-term liabilities the amounts which may in terms of proviso (iii) to section 17 (1) be deducted from the liabilities referred to in paragraph (a) of that section.”.

14. The following section is hereby substituted for section 17 of the Banks Act, 1965: Substitution of section 17 of Act 23 of 1965, as amended by section 4 of Act 23 of 1970.

"Minimum liquid assets.

17. (1) A banking institution (other than a discount house) shall maintain in the Republic liquid assets amounting to not less than the aggregate of—

- (a) thirty per cent of its short-term liabilities to the public in the Republic, other than liabilities under acceptances;
- (b) twenty per cent of its medium-term liabilities to the public in the Republic, other than liabilities under acceptances;
- (c) five per cent of its long-term liabilities to the public in the Republic; and
- (d) ten per cent of its liabilities under acceptances, as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of subsection (1) of section thirteen: Provided that for the purposes of this subsection—

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- (i) die kredietsaldo wat in die geval van 'n handelsbank (soos in subartikel (3) omskryf) uit 'n verrekeningshuisvereffening of 'n soortgelyke vereffening tussen handelsbanke ontstaan, geag word nie 'n verpligting teenoor die publiek te wees nie en 'n debetsaldo van daardie bank wat uit 'n verrekeningshuisvereffening of 'n soortgelyke transaksie tussen handelsbanke ontstaan, geag word nie 'n likwiede bate te wees nie.
- (ii) 'n handelsbank die bedrag in voorbehoudsbepligting (ii) by subartikel (1) van artikel *veertien* bedoel, van die in paragraaf (a) hiervan vermelde verpligtigs kan aftrek;
- (iii) 'n bankinstelling van die in paragrawe (a), (b) en (c) bedoelde verpligtigs, die bedrae kan aftrek wat aan hom verskuldig is ten opsigte van lenings deur hom toegestaan teen sekerheid van vaste deposito's wat onder daardie paragrawe val; en
- (iv) die totaalbedrag aan—
 (aa) aksepte; en
 (bb) self-likwiderende wissels of promesses wat uit die beweging van goedere ontstaan, deur die Reserwebank verdiskonterbaar is en binne hoogstens honderd-en-twintig dae of, in die geval van landbouwissels, ses maande verval,
 wat as likwiede bates geld, nie twintig persent van die totale bedrag van likwiede bates wat ingevolge hierdie subartikel na aftrekking van die in artikel 16 bedoelde reserwesaldo deur 'n bankinstelling in stand gehou moet word, te bove mag gaan nie, sonder dat die voorafgaande bepligtings van hierdie paragraaf 'n bankinstelling egter belet om, vir ander doelendes as likwiede bates, 'n groter totaalbedrag aan sodanige aksepte, wissels of promesses te hou as wat ingevolge die bedoelde voorafgaande bepligtings by likwiede bates ingesluit mag wees.
- (2) (a) Wanneer die Reserwebank dit in die nasionale ekonomiese belang wenslik ag dat aanvullende likwiede bates deur bankinstellings in stand gehou moet word, kan hy met die toestemming van die Tesourie van tyd tot tyd bepaal—
 (i) dat ten opsigte van die instellings van 'n bepaalde klas die in paragrawe (a), (b) en (c) van subartikel (1) vermelde persentasies onderskeidelik tot hoogstens sestig, veertig en tien verhoog word; of
 (ii) dat elke instelling van 'n besondere klas, benewens die likwiede bates deur subartikel (1) vereis, aanvullende likwiede bates in die Republiek in stand moet hou wat minstens gelyk is aan—
 (aa) 'n persentasie deur die Reserwebank voorgeskryf, maar nie meer nie as—
 (i) sewentig persent van die bedrag waarmee die korttermynverpligtigs teenoor die publiek;
 (ii) vyftig persent van die bedrag waarmee die middeltermynverpligtigs teenoor die publiek; of
 (iii) twintig persent van die bedrag waarmee die langtermynverpligtigs teenoor die publiek, wat deur die instelling in die Republiek betaalbaar is (soos aangegee in die

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- (i) the credit balance which in the case of a commercial bank (as defined in subsection (3)) originates from a clearing house settlement or a similar settlement between commercial banks shall be deemed not to be a liability to the public and a debit balance of such bank which originates from a clearing house settlement or a similar transaction between commercial banks shall be deemed not to be a liquid asset;
- (ii) a commercial bank may effect the deduction referred to in proviso (ii) to subsection (1) of section fourteen from the liabilities referred to in paragraph (a) hereof;
- (iii) a banking institution may deduct from the liabilities referred to in paragraphs (a), (b) and (c) the amounts owing to it in respect of loans made by it against the security of fixed deposits included under the said paragraphs; and
- (iv) the aggregate amount of—
 (aa) acceptances; and
 (bb) self-liquidating bills or promissory notes arising out of the movement of goods and discountable by the Reserve Bank, with a maturity not exceeding one hundred and twenty days or, in the case of agricultural bills, six months, which rank as liquid assets, shall not exceed twenty per cent of the total amount of liquid assets to be maintained by a banking institution in terms of this subsection after deduction of the reserve balance referred to in section 16, without, however, any of the foregoing provisions of this paragraph prohibiting a banking institution from holding, for purposes other than liquid assets, any such acceptances, bills or promissory notes in excess of the aggregate amount which may, in terms of the said foregoing provisions, be included in liquid assets.
- (2) (a) Whenever the Reserve Bank deems it desirable in the national economic interest that supplementary liquid assets be maintained by banking institutions, it may with the consent of the Treasury from time to time determine—
 (i) that in respect of the institutions of a particular class the percentages mentioned in paragraphs (a), (b) and (c) of subsection (1) shall be increased to not more than sixty, forty and ten respectively; or
 (ii) that every institution of a particular class shall maintain, in addition to the liquid assets required by subsection (1), supplementary liquid assets in the Republic at least equal to—
 (aa) a percentage prescribed by the Reserve Bank, but not exceeding—
 (i) seventy per cent of the amount by which the short-term liabilities to the public;
 (ii) fifty per cent of the amount by which the medium-term liabilities to the public; or
 (iii) twenty per cent of the amount by which the long-term liabilities to the public,
 payable by the institution in the Republic (as shown in the last pre-

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- jongste maandopgawe wat hy ingevolge paragraaf (a) van subartikel (1) van artikel *dertien* aan die Registrateur verstrek het) die bedrag van sodanige verpligtings oorskry op 'n datum deur die Reserwebank bepaal en deur die Registrateur in die *Staatskoerant* vermeld; of
- (bb) die som van twee of meer bedrae wat ooreenkomsdig die bepalings van sub-items (aa) (i), (ii) en (iii) bereken is; of
- (iii) dat elke instelling van 'n besondere klas, benewens die aanvullende likwiede bates wat ingevolge subparagraph (i) in stand gehou moet word, aanvullende likwiede bates ingevolge subparagraph (ii) in stand moet hou: Met dien verstande dat by die toepassing van hierdie subparagraph die maksimum persentasie wat die Reserwebank ingevolge subparagraph (ii) met betrekking tot 'n bepaalde soort verpligting kan bepaal, verminder met die persentasie waarmee die in subartikel (1) vermelde persentasie met betrekking tot die betrokke soort verpligting ingevolge subparagraph (i) verhoog is; en
- (iv) dat elke instelling van 'n besondere klas met betrekking tot aanvullende likwiede bates 'n bedrag wat minstens gelyk is aan 'n persentasie, deur die Reserwebank voorgeskryf, van die korttermynverpligtings of van die middeltermynverpligtings of van die korttermynverpligtings sowel as van die middeltermynverpligtings van die instelling teenoor die publiek in die Republiek, by die Reserwebank in kontant of by die Nasionale Finansiekorporasie in stand moet hou: Met dien verstande dat die perke in subparagraphs (i), (ii) en (iii), na gelang van die geval, uiteengesit, nie deur 'n bepaling ingevolge hierdie subparagraph oorskry mag word nie.
- (b) (i) Wanneer aanvullende likwiede bates ingevolge 'n bepaling deur die Reserwebank kragtens hierdie subartikel gemaak, in stand gehou moet word, mag die totaalbedrag aan aksepte, wissels en promesses van die soort bedoel in voorbehoudsbepaling(iv) by subartikel (1) nie twintig persent van die bedoelde aanvullende likwiede bates, na aftrekking van aanvullende likwiede bates wat ooreenkomsdig die bepalings van subparagraph (iv) van paragraaf (a) van hierdie subartikel in stand gehou moet word, te bowe gaan nie;
- (ii) Ondanks enigets in hierdie artikel vervat, kan die Reserwebank, wanneer aanvullende likwiede bates ingevolge 'n bepaling kragtens hierdie subartikel in stand gehou moet word, verder bepaal dat aksepte, wissels of promesses van die soort bedoel in subparagraph (i) nie vir die doeleindeste van daardie bepaling as aanvullende likwiede bates geld nie.
- (c) Wanneer die Reserwebank kragtens paragraaf (a) of paragrawe (a) en (b) 'n bepaling gemaak

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- ceding monthly return furnished by it to the Registrar in terms of paragraph (a) of subsection (1) of section *thirteen*) exceed the amount of such liabilities as at a date determined by the Reserve Bank and stated by the Registrar in a notice in the *Gazette*; or
- (bb) the sum of two or more amounts calculated in accordance with the provisions of subitems (aa) (i), (ii) and (iii); or
- (iii) that every institution of a particular class shall maintain, in addition to the supplementary liquid assets required to be maintained in terms of subparagraph (i), supplementary liquid assets in terms of subparagraph (ii): Provided that for the purposes of this subparagraph the maximum percentage which the Reserve Bank may determine in terms of subparagraph (ii) in respect of a particular kind of liability, is reduced by the percentage by which the percentage referred to in subsection (1), in respect of the kind of liability concerned, has been increased in terms of subparagraph (i); and
- (iv) that every institution of a particular class shall, in respect of supplementary liquid assets, maintain with the Reserve Bank in cash, or with the National Finance Corporation, an amount which is at least equal to a percentage, prescribed by the Reserve Bank, of the short-term liabilities or of the medium-term liabilities or of the short-term liabilities as well as of the medium-term liabilities of the institution to the public in the Republic: Provided that the limits set forth in subparagraphs (i), (ii) and (iii) as the case may be, shall not be exceeded by a determination in terms of this subparagraph.
- (b) (i) Whenever supplementary liquid assets are, in terms of a determination by the Reserve Bank under this subsection, required to be maintained, the aggregate amount of acceptances, bills and promissory notes of the kind referred to in proviso (iv) to subsection (1) shall not exceed twenty per cent of the said supplementary liquid assets after deduction of supplementary liquid assets which are to be maintained in accordance with the provisions of subparagraph (iv) of paragraph (a) of this subsection;
- (ii) Notwithstanding anything contained in this section the Reserve Bank may, whenever supplementary liquid assets are required to be maintained in terms of a determination under this subsection, further determine that acceptances, bills or promissory notes of the kind referred to in subparagraph (i), shall not rank as supplementary liquid assets for the purposes of such determination.
- (c) Whenever the Reserve Bank has made a determination in terms of paragraph (a) or para-

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het, stel hy die Registrateur skriftelik daarvan in kennis, en die Registrateur moet so gou doenlik elke instelling van die klas waarop die bepaling betrekking het, skriftelik van die bepaling in kennis stel en die bepaling in die *Staatskoerant* laat afkondig.

- (d) So 'n bepaling word van krag op 'n datum in die kennisgewing in die *Staatskoerant* vermeld.
 - (e) Die Reserwebank kan te eniger tyd met die toestemming van die Tesourie 'n bestaande bepaling wysig deur 'n persentasie wat hy ingevolge paragraaf (a) bepaal het, te verminder of te verminder.
 - (f) Die bepaling van paragrawe (c) en (d) is *mutatis mutandis* op 'n wysiging in paragraaf (e) bedoel van toepassing.
 - (g) Ondanks enigets in paragraaf (a) vervat, is geen bankinstelling verplig om gedurende enige maand van die jaar sy likwiede bates met 'n bedrag van meer as tien persent van onderskeidelik sy korttermyn- en sy middeltermynverpligtings en vyf persent van sy langtermynverpligtings soos aan die einde van die laaste werkdag van die vorige maand aan te vul nie.
- (3) By die toepassing van artikel 16 (2) en voorbeholdsbepalings (i) en (ii) by subartikel (1) word 'n handelsbank geag 'n bankinstelling in te sluit wat 'n takstelsel het, wat geld op deposito neem wat deur middel van tjeeks opvraagbaar is en wat tot die verrekeningshuis van banke toegelaat is.”.

Vervanging van artikel 18 van Wet 23 van 1965.

15. Artikel 18 van die Bankwet, 1965, word hierby deur die volgende artikel vervang:

„Minimum voorgeskrewe beleggings.

18. 'n Bankinstelling (behalwe 'n diskontohuis) moet voorgeskrewe beleggings in die Republiek in stand hou van 'n bedrag gelyk aan minstens tien persent van sy langtermynverpligtings teenoor die publiek in die Republiek soos aangegee in die jongste maandopgawe wat hy ingevolge paragraaf (a) van subartikel (1) van artikel *dertien* aan die Registrateur verstrek het; Met dien verstande dat van gemelde voorgeskrewe beleggings 'n bedrag gelyk aan minstens vyf persent van die bedoelde langtermynverpligtings effekte moet wees wat deur die Regering van die Republiek uitgereik is en wat as 'n voorgeskrewe belegging geld.”.

Wysiging van artikel 21 van Wet 23 van 1965 soos gewysig deur artikel 5 van Wet 23 van 1970.

16. (1) Artikel 21 van die Bankwet, 1965, word hierby gewysig—

(a) deur subartikel (4) deur die volgende subartikel te vervang:

„(4) (a) 'n Bankinstelling laat nie 'n enkele persoon toe om 'n kreditsaldo van meer as vyftienduisend rand op spaarrekening by hom te hou nie: Met dien verstande dat die bepaling van hierdie subartikel 'n instelling nie belet om 'n spaarrekening met rente te krediteer nie.

(b) Waar die kreditsaldo op 'n spaarrekening op die negentiende dag van Augustus 1971 vyftienduisend rand wettiglik oorskry het, hoef die saldo nie op grond van die bepaling van paragraaf (a) tot genoemde bedrag verminder te word nie: Met dien verstande dat—

(i) geen verdere bedrag, behalwe rente, op so 'n rekening gekrediteer mag word solank sy kreditsaldo genoemde bedrag oorskry nie; en

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graphs (a) and (b), it shall inform the Registrar thereof in writing, and the Registrar shall as soon as practicable give written notice of the determination to every institution of the class to which the determination applies, and cause the determination to be published in the *Gazette*.

- (d) Any such determination shall take effect on a date mentioned in the notice in the *Gazette*.
- (e) With the consent of the Treasury, the Reserve Bank may at any time vary an existing determination by increasing or decreasing any percentage determined by it in terms of paragraph (a).
- (f) The provisions of paragraphs (c) and (d) shall apply *mutatis mutandis* to a variation referred to in paragraph (e).
- (g) Notwithstanding anything contained in paragraph (a), no banking institution shall be required to augment its liquid assets during any month of the year by an amount in excess of ten per cent of its short-term and its medium-term liabilities respectively, and five per cent of its long-term liabilities as at the close of the last working day of the preceding month.

(3) For the purposes of section 16 (2) and provisos (i) and (ii) to subsection (1) a commercial bank shall be deemed to include any banking institution which has a branch system, which accepts money on deposit withdrawable by cheque and which has been admitted to the clearing house of banks.”.

15. The following section is hereby substituted for section 18 of the Banks Act, 1965:

Substitution of
section 18 of Act 23
of 1965.

“Minimum prescribed investments.

18. A banking institution (other than a discount house) shall maintain in the Republic prescribed investments of an amount not less than ten per cent of its long-term liabilities to the public in the Republic, as shown in the last preceding monthly return furnished by it to the Registrar in terms of paragraph (a) of subsection (1) of section thirteen: Provided that of such prescribed investments an amount equal to not less than five per cent of the said long-term liabilities, shall consist of securities issued by the Government of the Republic and which rank as a prescribed investment.”.

16. (1) Section 21 of the Banks Act, 1965, is hereby amended—

Amendment of
section 21 of Act
23 of 1965, as
amended by sec-
tion 5 of Act
23 of 1970.

(a) by the substitution for subsection (4) of the following subsection:

“(4) (a) A banking institution shall not allow any one person to maintain with it a credit balance on savings account in excess of fifteen thousand rand: Provided that nothing in this subsection contained shall preclude an institution from crediting interest to a savings account.

(b) Where on the nineteenth day of August, 1971, the credit balance on a savings account lawfully exceeded fifteen thousand rand, such balance shall not by reason of the provisions of paragraph (a) be required to be reduced to the said amount: Provided that—

(i) no further amount other than interest shall be credited to such account so long as it shows a credit balance exceeding the said amount; and

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- (ii) indien die saldo op so 'n rekening te eniger tyd tot vyftienduisend rand of minder daal, die perk by paragraaf (a) voorgeskryf ook daarop van toepassing is.”; en
- (b) deur subartikel (7) deur die volgende subartikel te vervang:
- „(7) Waar die perk by paragraaf (a) van subartikel (4) voorgeskryf, oorskry word as gevolg van die samesmelting van twee of meer instellings, of die oordrag van bates en laste van een instelling aan 'n ander, is die bepalings van paragraaf (b) van subartikel (4) *mutatis mutandis* van toepassing asof die betrokke spaarrekening op die negentiende dag van Augustus 1971 bestaan het.”.
- (2) Subartikel (1) word geag op 20 Augustus 1971 in werking te getree het.

Invoeging van artikel 46A in Wet 23 van 1965.**17. Die volgende artikel word hierby in die Bankwet, 1965, na artikel 46 ingevoeg:****„Versium om voor- geskrewe verhouding of minimum bedrag in stand te hou.****46A. 'n Bankinstelling wat te eniger tyd versuim om 'n by of kragtens hierdie Wet voorgeskrewe verhouding of minimum bedrag in stand te hou, moet onverwyld die versuim aan die Registrateur rapporteer, en indien die tekort of oorskryding nie dadelik goed gemaak word nie, kan die bankinstelling skriftelik by die Registrateur om 'n verlenging van tyd waarin daardie tekort of oorskryding goed gemaak kan word, aansoek doen en die Registrateur kan, indien hy die redes vir die versuim aanneemlik vind, 'n tydperk bepaal waarin die bankinstelling daardie tekort of oorskryding moet goedmaak en kan daardie tydperk van tyd tot tyd verleng waar grondige redes daarvoor aangevoer word.”.****Wysiging van artikel 26 van Wet 24 van 1965, soos gewysig deur artikel 6 van Wet 64 van 1968 en artikel 7 van Wet 23 van 1970.****18. (1) Artikel 26 van die Bouverenigingswet, 1965, word hierby gewysig—**

- (a) deur subartikel (2) deur die volgende subartikel te vervang:
- „(2) 'n Vereniging neem nie spaardeposito's van 'n maatskappy met beperkte aanspreeklikheid aan nie, behalwe in die geval van 'n vereniging wat kragtens artikel 21 van die Maatskappylwet, 1926 (Wet No. 46 van 1926), gelicensieer is: Met dien verstande dat 'n vereniging spaardeposito's van 'n maatskappy met beperkte aanspreeklikheid kan aanneem in soverre die gelde aldus by die vereniging belê, deposito's bedoel in paragrawe (a) en (b) van die voorbehoudsbepaling by artikel 25 (2) van die Wet op Huurgelde, 1950 (Wet No. 43 van 1950), verteenwoordig.”;
- (b) deur subartikel (4) deur die volgende subartikel te vervang:
- „(4) 'n Vereniging laat niemand toe nie om by hom 'n kreditsaldo op spaarrekening te hou van meer as—
- (a) vyfduisend rand indien die vereniging se totale bates aan die einde van die jongste voorafgaande boekjaar nie meer as vyfhonderdduisend rand bedra het nie; of
- (b) vyftienduisend rand indien bedoelde bates aan die einde van daardie boekjaar meer as vyfhonderdduisend rand bedra het:
- Met dien verstande dat die bepalings van hierdie subartikel 'n vereniging nie belet om 'n spaarrekening met rente te krediteer nie.”;
- (c) deur subartikel (5) deur die volgende subartikel te vervang:

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- (ii) if the balance in such account is at any time reduced to fifteen thousand rand or less, the limit prescribed by paragraph (a) shall also apply to it.”; and
- (b) by the substitution for subsection (7) of the following subsection:

“(7) Where the limit prescribed by paragraph (a) of subsection (4) is exceeded as a result of the amalgamation of two or more institutions or the transfer of the assets and liabilities of any institution to another, the provisions of paragraph (b) of subsection (4) shall *mutatis mutandis* apply as if the savings account in question had been in existence on the nineteenth day of August, 1971.”.

(2) Subsection (1) shall be deemed to have come into operation on 20 August, 1971.

17. The following section is hereby inserted in the Banks Act, 1965, after section 46:

Insertion of
section 46A in Act
23 of 1965.**“Default in maintaining prescribed ratio or minimum amount.**

46A. A banking institution which at any time fails to maintain a ratio prescribed or minimum amount prescribed by or under this Act shall forthwith report the failure to the Registrar, and if the deficiency or excess is not corrected immediately, the banking institution may in writing apply to the Registrar for an extension of time within which to correct such deficiency or excess and the Registrar may, if the reasons for the failure are acceptable to him, fix a period within which the banking institution shall correct such deficiency or excess and may on good cause shown from time to time extend such period.”.

18. (1) Section 26 of the Building Societies Act, 1965, is hereby amended—

Amendment of
section 26 of Act
24 of 1965, as
amended by sec-
tion 6 of Act 64
of 1968 and sec-
tion 7 of Act 23
of 1970.

- (a) by the substitution for subsection (2) of the following subsection:

“(2) A society shall not accept savings deposits from any company with limited liability, except in the case of an association licensed in terms of section 21 of the Companies Act, 1926 (Act No. 46 of 1926): Provided that a society may accept savings deposits from any company with limited liability in so far as the moneys so invested with the society represent deposits referred to in paragraphs (a) and (b) of the proviso to section 25 (2) of the Rents Act, 1950 (Act No. 43 of 1950).”;
- (b) by the substitution for subsection (4) of the following subsection:

“(4) A society shall not allow any one person to maintain with it a credit balance on savings account in excess of—

 - (a) five thousand rand if the society's total assets as at the close of the last preceding financial year did not exceed five hundred thousand rand; or
 - (b) fifteen thousand rand if the said assets at the close of such financial year exceeded five hundred thousand rand:

Provided that nothing in this subsection contained shall preclude a society from crediting interest to a savings account.”;
- (c) by the substitution for subsection (5) of the following subsection:

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„(5) Waar die kreditsaldo op 'n spaarrekening op die negentiende dag van Augustus 1971 die by subartikel (4) voorgeskrewe perk wettiglik oorskry het, hoef dit nie op grond van die bepalings van vermelde subartikel verminder te word nie: Met dien verstande dat—

- (a) geen verdere bedrag behalwe rente aan so 'n rekening gekrediteer mag word solank sy kreditsaldo genoemde perk oorskry nie; en
- (b) indien die saldo van so 'n rekening te eniger tyd benede vermelde perk daal, dié perk ook daarop van toepassing is.”;
- (d) deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Waar die perk voorgeskryf by subartikel (4) oorskry word as gevolg van die samesmelting van twee of meer verenigings of die oordrag van bates en laste van een vereniging aan 'n ander, is die bepalings van subartikel (5) *mutatis mutandis* van toepassing asof die betrokke spaarrekening op die negentiende dag van Augustus 1971 bestaan het en daardie perk op daardie datum oorskry het.”; en

- (e) deur subartikel (9) deur die volgende subartikel te vervang:

„(9) 'n Vereniging moet 'n vaste deposito op die vervaldag terugbetaal en nie vroeër nie, maar hoef dit nie op die vervaldag terug te betaal waar die betrokke deposant hom vooraf skriftelik opdrag gegee het betreffende die wyse waarop die deposito of enige gedeelte daarvan by die vereniging herbelê moet word nie: Met dien verstande dat 'n vaste deposito wat herbelê word vir 'n korter tydperk as twaalf maande herbelê kan word maar slegs eenmaal vir so 'n korter tydperk herbelê kan word.”.

(2) Subartikel (1) word geag op 20 Augustus 1971 in werking te getree het.

Wysiging van
artikel 32 van Wet
24 van 1965.

19. (1) Artikel 32 van die Bouverenigingswet, 1965, word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

„(1) 'n Permanente vereniging moet voorgeskrewe beleggings in stand hou ten bedrae van minstens tien persent van sy verpligtings teenoor die publiek, met inbegrip van alle soorte aandele deur hom uitgereik, maar uitgesonderd die bedrag van voorskotte toegestaan maar nog nie uitbetaal nie, soos aangegee in die jongste vorige maandopgawe wat hy ingevolge subartikel (1) van artikel 34 aan die registrator verstrek het: Met dien verstande dat die Minister permanente verenigings van die bepalings van hierdie subartikel kan vrystel vir die tydperke en op die voorwaardes wat hy bepaal.”.

(2) Subartikel (1) word geag op 20 Augustus 1971 in werking te getree het.

Kort titel en
inwerkintreding.

20. (1) Hierdie Wet heet die Wysigingswet op Finansiële Instellings, 1972, en die bepalings van artikels 12, 13, 14, 15 en 17 daarvan tree in werking op 'n datum wat die Staats-president by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan ingevolge subartikel (1) ten opsigte van die verskillende bepalings in daardie subartikel bedoel, bepaal word.

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"(5) Where on the nineteenth day of August, 1971, the credit balance on a savings account lawfully exceeded the limit prescribed by subsection (4), such balance shall not by reason of the provisions of the said subsection be required to be reduced: Provided that—

- (a) no further amount other than interest shall be credited to such account so long as it shows a credit balance exceeding the said limit; and
- (b) if the balance in such account is at any time reduced to below the said limit, such limit shall also apply to it.”;

(d) by the substitution for subsection (6) of the following subsection:

"(6) Where the limit prescribed by subsection (4) is exceeded as a result of an amalgamation of two or more societies or the transfer of assets and liabilities of any society to another society, the provisions of subsection (5) shall *mutatis mutandis* apply as if the savings account in question had been in existence on the nineteenth day of August, 1971, and had exceeded that limit on that date.”; and

(e) by the substitution for subsection (9) of the following subsection:

"(9) A society shall repay a fixed deposit on due date and not earlier, but shall not be required to repay it on due date where the depositor concerned has previously instructed it in writing as to the manner in which the deposit or any portion thereof is to be reinvested with the society: Provided that a fixed deposit which is being reinvested may be reinvested for a shorter period than twelve months but may be reinvested for such shorter period once only.”.

(2) Subsection (1) shall be deemed to have come into operation on 20 August, 1971.

19. (1) Section 32 of the Building Societies Act, 1965, is hereby amended by the substitution for subsection (1) of the following subsection:

Amendment of
section 32 of Act
24 of 1965.

"(1) A permanent society shall maintain prescribed investments to an amount not less than ten per cent of its liabilities to the public inclusive of all classes of shares issued by it but excluding the amount of advances granted but not yet paid out, as shown in the last preceding monthly return furnished by it to the registrar in terms of subsection (1) of section 34: Provided that the Minister may exempt permanent societies from the provisions of this subsection for such periods and on such conditions as he may determine.”.

(2) Subsection (1) shall be deemed to have come into operation on 20 August, 1971.

20. (1) This Act shall be called the Financial Institutions Short title and Amendment Act, 1972, and the provisions of sections 12, 13, 14, commencement. 15 and 17 thereof shall come into operation on a date to be 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 different provisions referred to in the said subsection.

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