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GOVERNMENT GAZETTE

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GENERAL NOTICE

DEPARTMENT OF FINANCE

DRAFT FINANCIAL INSTITUTIONS AMENDMENT
BILL

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

ALGEMENE KENNISGEWING

DEPARTEMENT VAN FINANSIES

KONSEPWYSIGINGSWETSONTWERP OP
FINANSIELE INSTELLINGS

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

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui aan skrappings deur Minister by indiening voorgestel.
-
- Woorde met 'n volstreep daaronder, dui aan invoegings deur Minister by indiening voorgestel.
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WETSONTWERP

Tot wysiging van die Versekeringswet, 1943, ten einde sekere uitdrukings te omskryf of nader te omskryf; voorsiening te maak vir die omskepping van buitelandse versekeraars tot binnelandse versekeraars; en die besit van bates in die Republiek verder te reël; tot wysiging van die Wet op Beheer van Effektetrustskemas, 1947, ten einde ook 'n binnelandse versekeraar toe te laat om as trustee vir 'n effektetrustskema op te tree; tot wysiging van die Wet op Pensioenfondse, 1956, ten einde die besit van bates vir die doeleindes van artikel 19 (1) van genoemde Wet verder te reël; tot wysiging van die Wet op Onderlinge Hulpverenigings, 1956, ten einde sekere bevoegdhede wat nou by die Minister berus, aan die registrateur oor te dra; tot wysiging van die Wet op Deelnemingsverbande, 1964, ten einde voorsiening te maak vir die samesmelting van deelnemingsverbandskemas; tot wysiging van die Bankwet, 1965, ten einde sekere uitdrukings te omskryf of nader te omskryf; voorsiening te maak vir die registrasie van bankbeheermaatskappye en die voorlegging deur hulle van opgawes aan die registrateur te vereis; aandebesit in banksinstellings te beperk; aandebesit deur buitelanders in banksinstellings en bankbeheermaatskappye te beperk; voorsiening te maak vir die vermindering onder sekere omstandighede van die aandebesit van buitelanders in banksinstellings en bankbeheermaatskappye; beperkings te plaas op sekere transaksies deur banksinstellings; die stigting of verkryging van 'n filiaal deur 'n banksinstelling aan die goedkeuring van die registrateur onderworpe te stel; die voorlegging van sekere besonderhede deur 'n banksinstelling aan die registrateur te vereis; die getal banksinstellings wat deur 'n beherende banksinstelling of 'n bankbeheermaatskappy beheer mag word, te beperk; verteenwoordiging in die Republiek van buitelandse banke aan die goedkeuring van die registrateur onderworpe te stel; die uitreiking van sekere soorte aandele asook die registrasie van aandele op die naam van 'n genomineerde te verbied; en die uitoefening van stemreg ten opsigte van aandele in 'n banksinstelling te reël; en tot wysiging van die Bouverenigingswet, 1965, ten einde die uitdrukking „voorgeskrewe beleggings” nader te omskryf; en om vir bykomstige aangeleenthede voorsiening te maak.

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

1. Artikel 1 van die Versekeringswet, 1943, word hierby gewysig—
 - (a) deur in subartikel (1) die omskrywing van „binnelandse versekeraar” deur die volgende omskrywing te vervang:
„binnelandse versekeraar” beteken 'n geregistreerde versekeraar wie se hoofkantoor in die Republiek is, en ook enige ander geregistreerde versekeraar

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,

GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions proposed by Minister on introduction.
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- _____** Words underlined with solid line indicate insertions proposed by Minister on introduction.
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BILL

To amend the Insurance Act, 1943; so as to define or further define certain expressions; to provide for the conversion of foreign insurers into domestic insurers; and to further regulate the holding of assets in the Republic; to amend the Unit Trusts Control Act, 1947, so as to allow also a domestic insurer to act as trustee to a unit trust scheme; to amend the Pension Funds Act, 1956, so as to further regulate the holding of assets for purposes of section 19 (1) of the said Act; to amend the Friendly Societies Act, 1956, so as to transfer to the registrar certain powers now vested in the Minister; to amend the Participation Bonds Act, 1964, so as to provide for the amalgamation of participation bond schemes; to amend the Banks Act, 1965, so as to define or further define certain expressions; to provide for the registration of bank controlling companies and to require the submission by them of returns to the registrar; to limit shareholding in banking institutions; to limit shareholding by foreigners in banking institutions and in bank controlling companies; to provide for the reduction in certain circumstances of the shareholdings of foreigners in banking institutions and bank controlling companies; to restrict certain transactions by banking institutions; to subject the establishment or acquisition of a subsidiary by a banking institution to the approval of the registrar; to require the submission by banking institutions of certain particulars to the registrar; to restrict the number of banking institutions which may be controlled by a controlling banking institution or a bank controlling company; to subject representation in the Republic of foreign banks to the approval of the registrar; to prohibit the issue of certain types of shares as well as the registration of shares in the name of a nominee; and to regulate the exercising of voting rights in respect of shares in a banking institution; to amend the Building Societies Act, 1965, so as to further define the expression "prescribed investments"; and to provide for incidental matters.

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

1. Section 1 of the Insurance Act, 1943, is hereby amended— Amendment of section 1 of Act 27
 (a) by the substitution in subsection (1) for the definition of "domestic insurer" of the following definition:
 "domestic insurer" means a registered insurer whose head office is in the Republic and includes any _____

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,
artikel 1 van
Wet 39 van 1969
en artikel 1 van
Wet 91 van 1972.

wat ingevolge subartikels (2) en (3) van artikel
3quat geag word 'n binnelandse versekeraar te
wees.”; en

- (b) deur in genoemde subartikel (1) na die omskrywing van „motorbesigheid” die volgende omskrywing in te voeg:
„onderlinge versekeraar” beteken 'n versekeraar—
(a) van wie al die lede—
(i) hulle lidmaatskap verwerf slegs uit hoofde daarvan dat hulle eienaars van polisse is wat deur die versekeraar uitgereik is; en
(ii) geregtig is om deel te hê in die uitoefening van beheer deur 'n algemene vergadering van daardie versekeraar; en
(b) wie se winste slegs aan eienaars van polisse, uitgereik deur die versekeraar, uitkeerbaar is, ooreenkomsdig die aktes ingevolge waarvan hy opgerig is en besigheid dryf.”

Invoeging van
artikel 3quat in
Wet 27 van 1943.

2. Die volgende artikel word hierby in die Versekeringswet, 1943, na artikel 3ter ingevoeg:

„Omskeping van buitelandse versekeraars tot binnelandse versekeraars. (1) Enige buitelandse versekeraar wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, een of meer soorte versekeringsbesigheid wettig in die Republiek gedryf het, moet binne 'n tydperk van twee jaar na sodanige inwerkingtreding—

- (a) indien hy nie 'n onderlinge versekeraar is nie, 'n plan aan die registrateur voorlê vir die oordrag, binne die tydperk wat in die voorbehoudsbepaling by artikel 4 (3)ter vermeld word, van sy versekeringsbesigheid wat hy in die Republiek dryf aan een of meer binnelandse versekeraars; of
(b) indien hy 'n onderlinge versekeraar is—
(i) 'n plan voorlê ooreenkomsdig die bepalings van paragraaf (a); of
(ii) 'n aansoek aan die registrateur voorlê vir die uitreiking van 'n sertifikaat ingevolge subartikel (3).

(2) Met 'n plan bedoel in paragraaf (a) of (b) (i) van subartikel (1) word gehandel asof dit 'n regshandeling is waarop subartikel (1) (b) van artikel 25 van toepassing is, ondanks andersluidende bepalings van daardie artikel.

(3) Op aansoek van 'n buitelandse versekeraar kan die registrateur 'n sertifikaat uitrek dat sodanige versekeraar 'n binnelandse versekeraar geag word, mits sodanige buitelandse versekeraar—

- (a) onmiddellik voor die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, wettig versekeringsbesigheid in die Republiek gedryf het;
(b) 'n onderlinge versekeraar is;
(c) sy versekeringsbesigheid in die Republiek dryf onder die bestuur van 'n plaaslike raad, waarvan—
(i) die samestelling aan die registrateur openbaar is;
(ii) die lidmaatskap nie minder as vier persone is nie;
(iii) die bevoegdhede deur die registrateur goedgekeur is; en

other registered insurer who is deemed to be a domestic insurer in terms of subsections (2) and (3) of section 3^{quat.}"; and

- (b) by the insertion in the said subsection (1) after the definition of "motor business" of the following definition:

"'mutual insurer' means an insurer—

- (a) of whom all members—

(i) qualify as such by virtue only of their being owners of policies issued by the insurer; and

(ii) are entitled to participate in the exercise of control in general meeting of that insurer; and

(b) whose profits are distributable only to owners of policies issued by the insurer, in accordance with the instruments under which he is constituted and carries on business.".

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, section 1 of Act 39 of 1969 and section 1 of Act 91 of 1972.

2. The following section is hereby inserted in the Insurance Act, 1943, after section 3^{ter}:

Insertion of section 3^{quat.} in Act 27 of 1943.

"Conversion of foreign insurers into domestic insurers. 3^{quat.} (1) Any foreign insurer who immediately before the commencement of the Financial Institutions Amendment Act, 1974, was lawfully carrying on one or more classes of insurance business in the Republic, shall within a period of two years after such commencement—

- (a) if he is not a mutual insurer, submit a scheme to the registrar for the transfer of his insurance business which he carries on in the Republic to one or more domestic insurers within the period mentioned in the proviso to section 4 (3)^{ter}; or

- (b) if he is a mutual insurer—

(i) submit a scheme in accordance with the provisions of paragraph (a); or

(ii) submit an application to the registrar for the issue of a certificate in terms of subsection (3).

(2) A scheme mentioned in paragraph (a) or (b) (i) of subsection (1) shall be dealt with as if it were a transaction to which subsection (1) (b) of section 25 applies, notwithstanding anything to the contrary contained in that section.

(3) On application by a foreign insurer the registrar may issue a certificate that such insurer is deemed to be a domestic insurer, if such foreign insurer—

(a) immediately before the commencement of the Financial Institutions Amendment Act, 1974, was lawfully carrying on insurance business in the Republic;

(b) is a mutual insurer;

(c) carries on his insurance business in the Republic under the management of a local board, of which—

(i) the constitution has been disclosed to the registrar;

(ii) the membership is not less than four persons;

(iii) the powers have been approved by the registrar; and

- (iv) die bevoegdhede die bevoegdheid insluit om te bepaal, behoudens die bepaling van artikel 17, op watter wyse die bates wat deur die versekeraar in die Republiek besit word ten opsigte van die besigheid wat hy in die Republiek dryf, belê moet word; en
- (d) die registrator oortuig het dat—
 - (i) hy aan die bepaling van artikel 17 voldoen;
 - (ii) die verhouding waarin die waarde van die bates wat hy in die Republiek besit ten opsigte van die besigheid wat hy in die Republiek dryf tot die waarde van die verbintenis ten opsigte van sodanige besigheid staan, nie kleiner is nie as die waarin die waarde van die bates wat hy besit ten opsigte van die besigheid wat hy buite die Republiek dryf tot die waarde van die verbintenis ten opsigte van laasgenoemde besigheid staan, en die waarde van al die betrokke bates en al die betrokke verbintenis bepaal is op 'n basis wat vir die registrator aanneembaar is; en
 - (iii) geen eienaars van polisse, behalwe eienaars van polisse wat 'n deel uitmaak van die besigheid wat hy in die Republiek dryf, en geen skuldeisers, behalwe skuldeisers ten opsigte van sodanige besigheid, enige aanspraak het op die bates wat hy ten opsigte van sodanige besigheid besit nie.
- (4) Wanneer die registrator 'n sertifikaat ingevolge subartikel (3) ten opsigte van 'n buitelandse versekeraar uitgereik het, dan, ondanks andersluidende bepaling van hierdie Wet of 'n ander wet—
 - (a) word sodanige buitelandse versekeraar by die toepassing van hierdie Wet en vanaf 'n datum wat in dié sertifikaat genoem moet word, geag 'n binnelandse versekeraar te wees ten opsigte van die versekeringsbesigheid wat hy in die Republiek dryf;
 - (b) mag hy geen besigheid, behalwe versekeringsbesigheid, in die Republiek dryf nie;
 - (c) word hy wat betrekking tot besigheid in die Republiek by die toepassing van hierdie Wet geag 'n regspersoon te wees;
 - (d) het hy dieselfde bevoegdheid om onroerende goed in die Republiek te verkry en te besit asof hy 'n maatskappy is wat in die Republiek geïnkorporeer is; en
 - (e) kan dié versekeraar, behoudens—
 - (i) die bepaling van artikel 17;
 - (ii) die vereistes van subartikel (3) (d) (ii); en
 - (iii) die skriftelike goedkeuring van die waarderder, die plaaslike raad vermeld in subartikel (3) (c), en die registrator, van die bates wat hy in die Republiek besit ten opsigte van die besigheid wat hy in die Republiek dryf, aan besigheid wat hy buite die Republiek dryf, oordra.”.

Wysiging van artikel 4 van Wet 27 van 1943, soos gewysig deur artikel 1 van Wet 19 van 1945, artikel 3 van

3. Artikel 4 van die Versekeringswet, 1943, word hierby gewysig deur subartikel (3)*ter* deur die volgende subartikel te vervang:

,,(3)*ter* Ondanks die bepaling van paragraaf (a) of (b) van subartikel (3)*bis*, word 'n geregistreerde versekeraar wat 'n buitelandse versekeraar is binne die bedoeling van

- (iv) the powers include the power to determine, subject to the provisions of section 17, in what manner the assets held by the insurer in the Republic in respect of the business which he carries on in the Republic shall be invested; and
- (d) has satisfied the registrar that—
 - (i) he complies with the provisions of section 17;
 - (ii) the proportion which the value of the assets which he holds in the Republic in respect of the business which he carries on in the Republic bears to the value of the liabilities in respect of such business, is not less than that which the value of the assets which he holds in respect of his business which he carries on outside the Republic bears to the value of the liabilities in respect of the last-mentioned business, and the value of all the assets and all the liabilities in question has been determined on a basis which is acceptable to the registrar; and
 - (iii) no owners of policies other than owners of policies forming part of the business carried on by him in the Republic, and no creditors other than creditors in respect of such business have any claim to the assets held by him in respect of such business.
- (4) When the registrar has issued a certificate in terms of subsection (3) in respect of any foreign insurer, then, notwithstanding anything to the contrary contained in this Act or any other law, such foreign insurer—
 - (a) shall for the purposes of this Act and from a date to be stated in such certificate, be deemed to be a domestic insurer in respect of the insurance business carried on by him in the Republic;
 - (b) may not carry on any business in the Republic other than insurance business;
 - (c) shall as regards his business in the Republic be deemed to be a juristic person for the purposes of this Act;
 - (d) shall have the same power to acquire and to own immovable property in the Republic as if he were a company incorporated in the Republic; and
 - (e) may, subject to—
 - (i) the provisions of section 17;
 - (ii) the requirements of subsection (3) (d) (ii); and
 - (iii) the approval in writing of the valuator, the local board mentioned in subsection (3) (c), and the registrar,
 transfer any of the assets which he holds in the Republic in respect of the business which he carries on in the Republic to business which he carries on outside the Republic.”.

3. Section 4 of the Insurance Act, 1943, is hereby amended by the substitution for subsection (3)*ter* of the following subsection:

“(3)*ter* Notwithstanding the provisions of paragraph (a) or (b) of subsection (3)*bis*, any registered insurer who is a foreign insurer within the meaning of that term

Amendment of section 40 of Act 27 of 1943, as amended by section 1 of Act 19 of 1945, section 3 of Act 73 of 1951,

Wet 73 van 1951,
artikel 4 van
Wet 79 van 1959,
artikel 10 van
Wet 64 van 1960,
artikel 3 van
Wet 10 van 1965
en artikel 2 van
Wet 39 van 1969.

daardie uitdrukking soos in artikel 1 (1) omskryf, en wat onmiddellik voor die inwerkingtreding van die Wysigingswet op Versekeringswet, 1965, enige soort versekeringsbesigheid in die Republiek gedryf het ten opsigte waarvan hy geregistreer was, geag behoorlik ingevolge hierdie Wet geregistreer te wees as 'n buitelandse versekeraar wat gemagtig is om die besigheid te dryf ten opsigte waarvan hy aldus geregistreer is: Met dien verstande dat na verloop van 'n tydperk van drie jaar na die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, of die langer tydperk wat die registrator in die geval van 'n bepaalde versekeraar mag bepaal, so 'n versekeraar nie langer geag word aldus geregistreer te wees nie."

Wysiging van
artikel 21 van
Wet 27 van 1943,
soos vervang deur
artikel 19 van
Wet 73 van 1951
en gewysig deur
artikel 13 van
Wet 79 van 1959,
artikel 18 van
Wet 10 van 1965
en artikel 1 van
Wet 75 van 1970.

4. Artikel 21 van die Versekeringswet, 1943, word hierby gewysig deur paragraaf (f) van subartikel (1) deur die volgende paragraaf te vervang:

,,(f) 'n bate bestaande uit wissels, skuldbriewe of effekte uitgereik deur die regering van 'n ander gebied as die Republiek en wat deur die registrator goedgekeur is ingevolge paragraaf 6 van die Derde Bylae by hierdie Wet, of uit wissels, skuldbriewe of effekte uitgereik deur so 'n regering wat insgelyks deur die registrator goedgekeur is, indien die betrokke wissels, skuldbriewe of effekte in die Republiek is."

5. Die Derde Bylae by die Versekeringswet, 1943, word hierby gewysig deur paragraaf 6 deur die volgende paragraaf te vervang:

,,6. Wissels, skuldbriewe of effekte wat die registrator onderworpe aan die voorwaardes wat hy stel, goedgekeur het en ook dié uitgereik deur 'n instelling, of deur die regering van 'n ander gebied as die Republiek, wat hy insgelyks goedgekeur het."

Wysiging van
Derde Bylae by
Wet 27 van 1943,
soos vervang deur
artikel 46 van
Wet 73 van 1951
en gewysig deur
artikel 24 van
Wet 79 van 1959,
artikel 36 van
Wet 10 van 1965,
artikel 10 van
Wet 41 van 1966,
artikel 27 van
Wet 39 van 1969
en artikel 1
van Wet 23 van
1970.

Wysiging van
artikel 20 van
Wet 18 van 1947,
soos gewysig
deur artikel 18 van
Wet 11 van 1962.

6. Artikel 20 van die Wet op Beheer van Effektetrustskemas, 1947, word hierby gewysig—

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

,,(c) 'n instelling wat die reg het om kragtens die Bankwet, [1942] 1965 (Wet No. [38] 23 van [1942] 1965), as 'n bankinstelling sake te doen; of"; en

(b) deur na genoemde paragraaf (c) die volgende paragraaf in te voeg:

,,(d) 'n instelling wat kragtens die Versekeringswet, 1943 (Wet No. 27 van 1943), as 'n binnelandse versekeraar geregistreer is;"

7. Artikel 3 van die Wet op Pensioenfondse, 1956, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

,,(2) Die Minister stel insgelyks 'n amptenaar genoem die [Assistent] adjunk-registrator van Pensioenfondse, aan om die registrator by die verrigting van sy pligte soos voormeld behulpsaam te wees."

Wysiging van
artikel 3 van
Wet 24 van 1956.

as defined in section 1 (1), and who immediately before the commencement of the Insurance Amendment Act, 1965, was carrying on in the Republic any class of insurance business in respect of which he was registered, shall be deemed to be duly registered in terms of this Act as a foreign insurer authorized to carry on the business in respect of which he was so registered: Provided that after the expiry of a period of three years after the commencement of the Financial Institutions Amendment Act, 1974, or such longer period as the registrar may in respect of a particular insurer determine, such insurer shall no longer be deemed to be so registered.".

4. Section 21 of the Insurance Act, 1943, is hereby amended by the substitution for paragraph (f) of subsection (1) of the following paragraph:

"(f) an asset consisting of bills, bonds or securities issued by the government of a territory other than the Republic and which have been approved by the registrar in terms of paragraph 6 of the Third Schedule to this Act, or of bills, bonds or securities issued by such a government which has been likewise approved by the registrar, if the bills, bonds or securities in question are in the Republic.".

5. The Third Schedule to the Insurance Act, 1943, is hereby amended by the substitution for paragraph 6 of the following paragraph:

"6. Bills, bonds or securities which the registrar has approved subject to such conditions as he may impose and also those issued by an institution, or by the government of a territory other than the Republic, which he has likewise approved.".

Amendment of section 21 of Act 27 of 1943, as substituted by section 19 of Act 73 of 1951 and amended by section 13 of Act 79 of 1959, section 18 of Act 10 of 1965 and section 1 of Act 75 of 1970.

6. Section 20 of the Unit Trusts Control Act, 1947, is hereby amended—

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

"(c) an institution which is entitled to carry on business as a banking institution under the [Banking] Banks Act, [1942] 1965 (Act No. [38] 23 of [1942] 1965; or"; and

(b) by the insertion after the said paragraph (c) of the following paragraph:

"(d) an institution which is registered as a domestic insurer under the Insurance Act, 1943 (Act No. 27 of 1943).".

Amendment of section 20 of Act 18 of 1947, as amended by section 18 of Act 11 of 1962.

7. Section 3 of the Pension Funds Act, 1956, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Minister shall similarly appoint an officer to be styled the [Assistant] deputy registrar of Pension Funds to assist the registrar in carrying out his duties as aforesaid.".

Amendment of section 3 of Act 24 of 1956.

Wysiging van artikel 19 van Wet 24 van 1956, soos gewysig deur artikel 13 van Wet 80 van 1959, artikel 9 van Wet 58 van 1966, artikel 1 van Wet 80 van 1969, artikel 2 van Wet 23 van 1970 en artikel 7 van Wet 91 van 1972.

Wysiging van artikel 4 van Wet 25 van 1956.

Wysiging van artikel 20 van Wet 25 van 1956, soos gewysig deur artikel 15 van Wet 80 van 1959.

Invoeging van artikel 8A in Wet 48 van 1964.

8. Artikel 19 van die Wet op Pensioenfondse, 1956, word hierby gewysig deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:

„(h) wissels, skuldbrieve of effekte wat die registrator, onderworpe aan die voorwaardes wat hy stel, goedgekeur het en ook dié uitgereik deur 'n instelling, of deur die regering van 'n ander gebied as die Republiek, wat die registrator insgelyks goedgekeur het.”.

9. Artikel 4 van die Wet op Onderlinge Hulpverenigings, 1956, word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Die Minister stel insgelyks 'n amptenaar, genoem die **[Assistent]** adjunk-registrator van Onderlinge Hulpverenigings, aan om die registrator by die verrigting van sy pligte soos voormeld behulpsaam te wees.”.

10. Artikel 20 van die Wet op Onderlinge Hulpverenigings, 1956, word hierby gewysig deur subartikel (6) deur die volgende subartikel te vervang:

„(6) Die Minister kan enige vereniging opgerig of gedryf deur 'n godsdienstige inrigting algeheel of gedeeltelik vrystel van voldoening aan die bepalings van subartikel (2), en die registrator kan, onder buitengewone omstandighede, en op die voorwaardes en vir die tydperke wat hy mag bepaal, enige vereniging tydelik vrystel van voldoening **[aan daardie bepalings of]** aan enige bepaling van subartikel (2) of (5).”.

11. Die volgende artikel word hierby in die Wet op Deelnemingsverbande, 1964, na artikel 8 ingevoeg:

„Same-smelting van benoemde maatskappye, en sessie of oordrag van deelnemingsverbande.

8A. (1) Twee of meer benoemde maatskappye mag nie saamsmel nie, en geen regte van so 'n maatskappy ingevolge 'n deelnemingsverband wat op sy naam geregistreer is, mag aan 'n ander benoemde maatskappy gesedeer of oorgedra word of deur 'n ander benoemde maatskappy oorgeneem word nie, behalwe met die voorafverkree skriftelike toestemming van en op die voorwaardes voorgeskryf deur die Registratur, en geen sodanige toestemming word deur die Registratur verleen nie, tensy hy oortuig is dat die betrokke transaksie nie die deelnemers in die betrokke verbande nadelig sal raak nie.

(2) Wanneer 'n in subartikel (1) bedoelde transaksie van krag word—

(a) gaan, in die geval van 'n samesmelting, al die regte en verpligtings van 'n samesmeltende benoemde maatskappy ingevolge die deelnemingsverbande op sy naam geregistreer, of, in die geval van 'n sessie of oordrag van regte ingevolge deelnemingsverbande, al die regte en verpligttings van die benoemde maatskappy wat die sessie of oordrag verleen, oor op en word dit bindend vir die nuwe benoemde maatskappy of, na gelang van die geval, die benoemde maatskappy wat bedoelde regte en verpligtings ingevolge sulke verbande oorneem;

(b) het, in die geval van 'n samesmelting, die nuwe benoemde maatskappy of, in die geval van 'n sessie of oordrag van regte ingevolge deelnemingsverbande, die benoemde maatskappy wat bedoelde regte en verpligtings oorneem, die-

8. Section 19 of the Pension Funds Act, 1956, is hereby amended by the substitution for paragraph (h) of subsection (1) of the following paragraph:

"(h) bills, bonds or securities approved by the registrar subject to such conditions as he may impose and also those issued by an institution, or by the government of a territory other than the Republic, which the registrar has likewise approved."

Amendment of section 19 of Act 24 of 1956, as amended by section 13 of Act 80 of 1959, section 9 of Act 58 of 1966, section 1 of Act 80 of 1969, section 2 of Act 23 of 1970 and section 7 of Act 91 of 1972.

9. Section 4 of the Friendly Societies Act, 1956, is hereby amended by the substitution for subsection (2) of the following subsection:

"(2) The Minister shall similarly appoint an officer to be styled the Assistant deputy registrar of Friendly Societies to assist the registrar in carrying out his duties as aforesaid."

10. Section 20 of the Friendly Societies Act, 1956, is hereby amended by the substitution for subsection (6) of the following subsection:

"(6) The Minister may exempt either wholly or in part any society established or conducted by a religious institution from compliance with the provisions of subsection (2), and the registrar may, under exceptional circumstances, and on such conditions and for such periods as he may determine, temporarily exempt any society from compliance [with those provisions or] with any provision of subsection (2) or (5)."

11. The following section is hereby inserted in the Participation Bonds Act, 1964, after section 8:

"Amalgamation of nominee companies, and cession or transfer of participation bonds."

Insertion of section 8A in Act 48 of 1964.

8A. (1) Two or more nominee companies shall not amalgamate, nor shall any rights of any such company under any participation bond registered in its name be ceded or transferred to or taken over by any other nominee company, except with the prior written consent of and on the conditions prescribed by the Registrar, and no such consent shall be given by the Registrar unless he is satisfied that the transaction in question will not be detrimental to the participants in the bond in question.

(2) Upon the coming into effect of a transaction such as is referred to in subsection (1)—

(a) in the case of an amalgamation, all the rights and obligations of an amalgamating nominee company in terms of the participation bonds registered in its name, or, in the case of a cession or transfer of rights in terms of any participation bond, all the rights and obligations of the nominee company by which the cession or transfer is given, shall vest in and become binding upon the new nominee company or, as the case may be, the nominee company taking over such rights and obligations in terms of such bonds;

(b) in the case of an amalgamation, the new nominee company or, in the case of a cession or transfer of rights and obligations in terms of any participation bonds, the nominee company taking over such rights and obligations,

selfde regte en is hy onderworpe aan dieselfde verpligtings as wat onmiddellik voor die same-smelting, sessie of oordrag by die samesmeltende benoemde maatskapye of, na gelang van die geval, die benoemde maatskappy wat die sessie of oordrag verleen het, berus het of vir hom bindend was;

- (c) bly alle ooreenkomste, transaksies en stukke aangegaan, opgestel of verly ten opsigte van 'n skema deur, met of ten gunste van 'n same-smeltende benoemde maatskappy, of, na gelang van die geval, die benoemde maatskappy wat die sessie of oordrag verleen het en wat van krag was onmiddellik voor die samesmelting, sessie of oordrag, ten volle van krag en word dit vir alle doeleindes uitgelê asof dit aangegaan, opgestel of verly was deur, met of ten gunste van die nuwe benoemde maatskappy of, na gelang van die geval, die benoemde maatskappy wat die regte onder die deelnemingsverband oorgeneem het.

(3) Die bepalings van subartikel (2) is *mutatis mutandis* van toepassing op—

- (a) enige kollaterale sekuriteit wat deur 'n be-stuurder aanvaar word vir 'n skuld gesekureer ingevolge 'n deelnemingsverband geregistreer op naam van 'n samesmeltende benoemde maatskappy of, na gelang van die geval, op naam van die benoemde maatskappy wat sy regte ingevolge 'n deelnemingsverband sedeer of oordra en wat van krag was onmiddellik voor die samesmelting, sessie of oordrag;
- (b) kontant wat onmiddellik voor die samesmelting, sessie of oordrag ingevolge artikel 9 (4A) op deposito gehou was op naam van 'n samesmeltende benoemde maatskappy of, na gelang van die geval, op naam van die benoemde maatskappy wat sy regte ingevolge 'n deelnemingsverband sedeer of cordra; en
- (c) die ooreenkoms bedoel in paragraaf (c) van die omskrywing van benoemde maatskappy in artikel 1.

(4) Die beampte in beheer van 'n registrasiekantoor van aktes waarin 'n deelnemingsverband geregistreer is ten gunste van 'n benoemde maatskappy wat met 'n ander benoemde maatskappy saamgesmelt het of, na gelang van die geval, wat al sy regte ingevolge daardie deelnemingsverband aan 'n ander benoemde maatskappy gesedeer of oorgedra het, moet, by oorlegging van die skriftelike toestemming van die Registrateur tot die registrasie van die samesmelting, sessie of oordrag, en by oorlegging aan hom deur die betrokke benoemde maatskappy van daardie verband, en sonder betaling van here- of seëlregte of registrasiegeld of -koste, die endossemente op daardie verband aanbring en die inskrywings in sy registers doen wat nodig is om die sessie of oordrag van bedoelde verband en van enige regte daarkragtens aan die nuwe benoemde maatskappy of, na gelang van die geval, die benoemde maatskappy wat bedoelde regte aldus oorgeneem het, te boekstaaf.

(5) 'n Samesmelting van benoemde maatskappe of 'n sessie of oordrag van regte kragtens 'n deelnemingsverband ingevolge hierdie artikel raak nie die regte nie van 'n deelnemer in 'n deelnemingsverband geregistreer op naam van enige van die be-

shall have the same rights and be subject to the same obligations as were immediately before the amalgamation, cession or transfer vested in or binding upon the amalgamating nominee companies or, as the case may be, the nominee company by which such cession or transfer has been effected;

- (c) all agreements, transactions and documents made, entered into, drawn up or executed in respect of a scheme by, with or in favour of an amalgamating nominee company or, as the case may be, the nominee company by which the cession or transfer has been given, and in force immediately prior to the amalgamation, cession or transfer, shall remain of full force and effect and shall be construed for all purposes as if they had been made, entered into, drawn up or executed by, with or in favour of the new nominee company or, as the case may be, the nominee company taking over the rights under a participation bond.

(3) The provisions of subsection (2) shall apply *mutatis mutandis* to—

- (a) any collateral security accepted by a manager for a debt secured in terms of a participation bond registered in the name of an amalgamating nominee company or, as the case may be, in the name of the nominee company ceding or transferring its rights in terms of a participation bond and which was in force immediately prior to the amalgamation, cession or transfer;
- (b) any cash which immediately prior to the amalgamation, cession or transfer was held on deposit in terms of section 9 (4A) in the name of an amalgamating nominee company or, as the case may be, in the name of the nominee company ceding or transferring its rights in terms of a participation bond; and
- (c) the agreement referred to in paragraph (c) of the definition of nominee company in section 1.

(4) The officer in charge of a deeds registry in which is registered any participation bond in favour of any nominee company which has amalgamated with any other nominee company or, as the case may be, which has ceded or transferred all its rights in terms of that participation bond to any other nominee company shall, upon production of the written consent of the Registrar to the registration of the amalgamation, cession or transfer, and upon production to him by the nominee company concerned of such bond, and without payment of transfer duty or stamp duty or registration fees or charges, make such endorsements upon such bond and such entries in his registers as are necessary to record the cession or transfer thereof, and of any rights thereunder to the new nominee company or, as the case may be, the nominee company which has so taken over the said rights.

(5) An amalgamation of nominee companies or a cession or transfer of rights under a participation bond in terms of this section shall not affect the rights of a participant in a participation bond registered in the name of any of the nominee

trokke benoemde maatskappye en verander nie die voorwaardes nie waarop 'n deelneming toegestaan is: Met dien verstande dat die bepalings van hierdie subartikel nie 'n bestuurder verbied om die reëls van die skema, soos van toepassing op enige bepaalde deelnemingsverband, met die skriftelike toestemming van al die deelnemers daarin en van die Registrateur te wysig nie.”.

Wysiging van artikel 1 van Wet 23 van 1965, soos gewysig deur artikel 12 van Wet 91 van 1972.

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

(a) deur in subartikel (1)—

- (i) na die omskrywing van „algemene bank” die volgende omskrywing in te voeg:
„bankbeheermaatskappy”, behoudens die be-

palings van subartikel (2B), ‘n maatskappy, behalwe ‘n bankinstelling wat kragtens hierdie Wet geregistreer is, wat regstreeks of onregstreeks in staat is om ‘n bankinstelling te beheer, en het ‘beheerde’ en ‘beherende’ ooreenstemmende betekenis;”;

- (ii) na die omskrywing van „bankinstelling” die volgende omskrywings in te voeg:
„beherende maatskappy”, met betrekking tot ‘n bankinstelling, ‘n bankbeheermaatskappy en ‘n beherende bankinstelling:

,binnelandse aandeelhouer”—

- (a) ‘n inwoner van die Republiek;
- (b) ‘n binnelandse maatskappy;
- (c) ‘n pensioenfonds wat ingevolge die Wet op Pensioenfondse, 1956 (Wet No. 24 van 1956), geregistreer is, uitgesonderd ‘n pensioenfonds waar die hoofkantoor van die vereniging wat die besigheid van daardie fonds dryf, of van elke werkewer wat ‘n party by daardie fonds is, buite die Republiek is;

- (d) ‘n onderlinge hulpvereniging wat ingevolge die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), geregistreer is;

- (e) ‘n vereniging wat in die Republiek geïnkorporeer is en wat ‘n onderlinge versekeraar is soos in die Versekeringswet, 1943 (Wet No. 27 van 1943), omskryf;

- (f) ‘n persoon wat deur die registrateur as binnelandse aandeelhouer goedgekeur is; en het ‘binnelandse aandeelhouding’ ‘n ooreenstemmende betekenis;

,binnelandse maatskappy’ ‘n maatskappy wat in die Republiek geïnkorporeer is, waarin inwoners van die Republiek regstreeks of onregstreeks aandele hou wat in totaal gelyk is aan minstens vyftig persent van al die uitgereikte aandele in die maatskappy en wat nie beheer word nie deur persone wat nie inwoners van die Republiek is nie;

,buitelandse aandeelhouer’ ‘n ander aandeelhouer as ‘n binnelandse aandeelhouer, en het ‘buitelandse aandeelhouding’ ‘n ooreenstemmende betekenis;”;

- (iii) na die omskrywing van „diskontohuis” die volgende omskrywings in te voeg:

companies concerned, or alter the conditions on which a participation was granted: Provided that nothing in this subsection contained shall prohibit a manager from altering the rules of the scheme, as applicable to any particular participation bond, with the consent in writing of all the participants therein and of the Registrar.”.

12. Section 1 of the Banks Act, 1965, is hereby amended— Amendment of section 1 of

- (a) by the insertion in subsection (1)—
 (i) before the definition of “banking institution” of
 the following definitions:

“‘associate’, in connection with a person, means the controlling company (if any) or a subsidiary company of that person, a subsidiary company of any of the said companies, a controlling shareholder of that person or such a shareholder of his controlling company, a partner of that person, any person on whose affairs that person can exercise substantial influence, and any person who can exercise substantial influence on the affairs of that person and, in connection with a company, includes any director or officer of such company;

‘bank controlling company’ means, subject to the provisions of subsection (2B), a company excluding a banking institution registered under this Act, which can directly or indirectly control a banking institution, and ‘controlled’ and ‘controlling’ shall have corresponding meanings.”;

- (ii) after the definition of “commercial bank” of the following definition:

“‘controlling company’, in relation to a banking institution, means a bank controlling company and a controlling banking institution;”;

- (iii) after the definition of “discount house” of the following definitions:

“‘domestic company’ means a company which has been incorporated in the Republic, in which residents of the Republic directly or indirectly hold shares which in the aggregate are equal to at least fifty per cent of all the issued shares in the company and which is not controlled by persons who are not residents of the Republic;

‘domestic shareholder’ means—

- (a) a resident of the Republic;
- (b) a domestic company;
- (c) a pension fund registered in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956), excluding a pension fund where the head office of the association which carries on the business of such fund or of every employer who is a party to such fund, is outside the Republic;
- (d) a friendly society registered in terms of the Friendly Societies Act, 1956, (Act No. 25 of 1956);

„filiaalmaatskappy” ’n maatskappy ten opsigte waarvan ’n ander regspersoon regstreeks of onregstreeks in staat is om beheer uit te oefen op die wyse in die woordomskrywing van „bankbeheermaatskappy” beoog;

,finansiële maatskappy” ’n binnelandse maatskappy wat volgens die oordeel van die registrateur ’n bevredigende aandelevferspreiding het en bevredigend beheer word en waarvan die besigheid hoofsaaklik uit die maak van beleggings bestaan, en ook ’n deur die registrateur goedgekeurde versekeraar wat anders as ingevolge die Maatskappywet, 1973 (Wet No. 61 van 1973), ingelyf is en wat ingevolge die Versekeringswet, 1943 (Wet No. 27 van 1943), geregistreer is ten opsigte van lewensbesigheid;

,geassosieerde”, in verband met ’n persoon, die beherende maatskappy (indien daar een is) of ’n filiaalmaatskappy van daardie persoon, ’n filiaalmaatskappy van enige van genoemde maatskappye, ’n beherende aandeelhouer van daardie persoon of so ’n aandeelhouer van sy beherende maatskappy, ’n vennoot van daardie persoon, ’n persoon wie se sake daardie persoon wesenlik kan beïnvloed, en ’n persoon wat die sake van daardie persoon wesenlik kan beïnvloed en, in verband met ’n maatskappy, ook ’n direkteur of amptenaar van daardie maatskappy;”;

(iv) na die omskrywing van „huurkoopbank” die volgende omskrywing in te voeg:

„inwoner van die Republiek” iemand wat minstens agtien maande in die Republiek woonagtig is en wat ’n Suid-Afrikaanse burger is of in besit is van ’n permit vir blywende vestiging in die Republiek, uitgereik kragtens die Wet op Vreemdelinge, 1937 (Wet No. 1 van 1937);”;

(b) deur in genoemde subartikel (1)—

(i) paragraaf (j) van die omskrywing van „likwiedebates” deur die volgende paragraaf te vervang:

„(j) obligasies of notas uitgereik deur die Nywerheids-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];”;

(ii) die omskrywing van „onaangetaste reserwfondse” deur die volgende omskrywing te vervang:

„onaangetaste reserwfondse” alle fondse (afgesien van ’n fonds in artikel 45 vermeld, en ’n fonds wat volgens ander wetsbepalings in stand gehou moet word) wat uit werklike verdienstes, invorderings, premies op aandele, of winste voortspruitende uit die tegeldemaak van kapitaalbates, opgebou is, en as ’n algemene of besondere reserwe afgesonder is en as sodanig in die instelling se rekeninge geopenbaar word, en vir die nakoming van verpligtings teenoor die publiek volgens hierdie Wet beskikbaar is;”;

(e) a society incorporated in the Republic and which is a mutual insurer as defined in the Insurance Act, 1943 (Act No. 27 of 1943);

(f) any person approved by the registrar as a domestic shareholder;

and 'domestic shareholding' shall have a corresponding meaning;

'financial company' means a domestic company which, in the opinion of the registrar, has a satisfactory spread of shares and is satisfactorily controlled and whose business consists mainly of the making of investments, and includes an insurer which has been approved by the registrar and has been incorporated otherwise than in terms of the Companies Act, 1973 (Act No. 61 of 1973), and has been registered in terms of the Insurance Act, 1943 (Act No. 27 of 1943), in respect of life business;

'foreign shareholder' means any shareholder other than a domestic shareholder, and 'foreign shareholding' shall have a corresponding meaning;";

(iv) after the definition of "Reserve Bank" of the following definition:

"resident of the Republic" means a person who has been resident in the Republic for not less than eighteen months and who is a South African citizen or is in possession of a permit for permanent residence in the Republic, issued in terms of the Aliens Act, 1937 (Act No. 1 of 1937);";

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

"subsidiary company" means a company in respect of which any other juristic person can directly or indirectly exercise control in the manner contemplated in the definition of 'bank controlling company';";

(b) by the substitution in the said subsection (1)—

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

"(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];";

(ii) for paragraph (f) of the definition of "prescribed investments" of the following paragraph:

"(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, or by the government of a territory other than the Republic, which he has likewise approved by such notice;";

- (iii) paragraaf (f) van die omskrywing van „voorgeskrewe beleggings” deur die volgende paragraaf te vervang:
- „(f) die wissels, skuldbriewe 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, of deur die regering van 'n ander gebied as die Republiek, wat hy insgelyks by sodanige kennisgewing goedgekeur het.”;
- (c) deur na subartikel (2A) die volgende subartikel in te voeg:
- „(2B) In die besonder en sonder om afbreuk te doen aan die algemene betekenis van 'beheer' in die omskrywing van 'bankbeheermaatskappy' in subartikel (1), word 'n maatskappy geag 'n bankinstelling te beheer indien—
- (a) hy tesame met sy geassosieerde aandele in die bankinstelling hou waarvan die totale nominale waarde meer as vyftig persent van die nominale waarde van al die uitgereikte aandele van die bankinstelling verteenwoordig; of
- (b) hy geregtig is om regstreeks of onregstreeks meer as vyftig persent van die stemreg ten opsigte van die uitgereikte aandele van daardie bankinstelling uit te oefen; of
- (c) hy geregtig is of die bevoegdheid het om regstreeks of onregstreeks die aanstelling van die meerderheid van die direkteure van daardie bankinstelling te bepaal, met inbegrip van—
- (i) die bevoegdheid om sonder die toestemming of instemming van 'n ander persoon al of die meerderheid van sodanige direkteure aan te stel of af te dank;
 - (ii) die bevoegdheid om te verhinder dat iemand sonder sy toestemming as direkteur aangestel word,
- en indien iemand se aanstelling as direkteur van die bankinstelling noodwendig volg uit sy aanstelling as direktuer van bedoelde maatskappy, word eersgenoemde aanstelling vir die doeleindes van hierdie subartikel geag 'n aanstelling uit hoofde van 'n bevoegdheid van daardie maatskappy te wees.”;
- (d) deur paragraaf (f) van subartikel (6) deur die volgende paragraaf te vervang:
- „(f) die instelling, na die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1972, regstreeks of onregstreeks onderneem of onderneem het om die terugbetaling te waarborg van 'n lening of 'n deposito wat 'n persoon in die Republiek (behalwe 'n bankinstelling, die regering van die Republiek, 'n provinsiale administrasie, 'n plaaslike bestuur, 'n raad wat by of kragtens 'n Wet van die Parlement ingestel is, 'n korporasie wat kragtens so 'n wet geïnkorporeer is met die oogmerk om funksies in die openbare belang te verrig, en 'n filiaal van so 'n korporasie) 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]; en

(iii) for the definition of "unimpaired reserve funds" of the following definition:

"unimpaired reserve funds' means all funds (other than a fund mentioned in section 45 and any fund required to be maintained in terms of any other law) which have been built up out of actual earnings, recoveries, premiums on shares or profits resulting from the realization of capital assets and have been set aside as a general or special reserve and are disclosed as such in the accounts of the institution, and are available for the purpose of meeting liabilities to the public under this Act.”;

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

"(2B) In particular and without prejudice to the generality of the meaning of 'control', a company shall be deemed to control a banking institution if—

- (a) it, together with its associates, holds shares in the banking institution of which the total nominal value represents more than fifty per cent of the nominal value of all the issued shares of the banking institution; or
- (b) it is entitled to exercise directly or indirectly more than fifty per cent of the voting rights in respect of the issued shares of that banking institution; or
- (c) it is entitled or has the power directly or indirectly to determine the appointment of the majority of the directors of that banking institution, including—
 - (i) the power to appoint or remove, without the consent or concurrence of any other person, all or the majority of such directors;
 - (ii) the power to prevent any person from being appointed a director without its consent,and if a person's appointment as a director of the banking institution follows necessarily from his appointment as a director of that company, the first-mentioned appointment shall for the purposes of this subsection be deemed to be an appointment by virtue of a power of that company.”;
- (d) by the substitution for paragraph (f) of subsection (6) of the following subsection:

"(f) after the commencement of the Financial Institutions Amendment Act, 1972, the institution directly or indirectly undertakes or undertook to guarantee the repayment of a loan or a deposit which a person in the Republic (other than a banking institution, the Government of the Republic, a provincial administration, a local authority, a board established by or under an Act of Parliament, a corporation which has been incorporated in terms of such an Act with the object of performing any functions in the public interest, and a subsidiary of any such corporation) 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];”;

- (e) deur na subartikel (6) die volgende subartikel in te voeg:

,,(7) Die registrator kan 'n bankinstelling skriftelik in kennis stel dat 'n bepaalde praktyk of metode van besigheid doen 'n ,onreëlmatige of ongewenste praktyk' of 'n ,ongewenste metode van besigheid doen' is, en kan by kennisgewing in die *Staatskoerant* 'n bepaalde praktyk of metode van besigheid doen as 'n ,onreëlmatige of ongewenste praktyk' of 'n ,ongewenste metode van besigheid doen' vir 'n bepaalde klas of bepaalde klasse bankinstelling of vir alle bankinstellings verklaar, en 'n bankinstelling wat so 'n praktyk of metode van besigheid doen wat uit hoofde van so 'n kennisgewing vir hom onreëlmatig of ongewens is, toepas na verloop van een-en-twintig dae vanaf die datum van genoemde skriftelike kennisgewing of die datum van genoemde kennisgewing in die *Staatskoerant*, na gelang van die geval, is aan 'n misdryf skuldig.''

Invoeging van artikels 12A en 12B in Wet 23 van 1965.

13. Die volgende artikels word hierby in die Bankwet, 1965, na artikel 12 ingevoeg:

,,Registrasie van bankbeheermaatskappy. **12A.** (1) 'n Ander persoon as 'n geregistreerde bankinstelling mag nie beheer oor 'n bankinstelling verkry nie, tensy hy as 'n bankbeheermaatskappy geregistreer is.

(2) 'n Persoon, uitgesonderd 'n geregistreerde bankinstelling, wat by inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, beheer oor 'n bankinstelling het of wat tesame met sy geassosieerde by genoemde inwerkingtreding aandele in 'n bankinstelling hou waarvan die totale nominale waarde meer as dertig persent van die nominale waarde van al die uitgereikte aandele van die bankinstelling verteenwoordig, moet op die wyse en binne die tydperk by regulasie voorgeskryf by die registrator aansoek doen om registrasie as 'n bankbeheermaatskappy.

(3) Elke bankinstelling moet binne sestig dae na die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, besonderhede aan die registrator voorlê ten opsigte van 'n persoon wat hom beheer en van elke persoon wat, tesame met sy geassosieerde, by genoemde inwerkingtreding aandele in hom hou waarvan die totale nominale waarde meer as dertig persent van die nominale waarde van al sy uitgereikte aandele verteenwoordig.

(4) Indien 'n in subartikel (2) bedoelde applikant aan die vereistes in subartikel (7) genoem voldoen, moet die registrator hom as 'n bankbeheermaatskappy registreer, en indien hy nie aan daardie vereistes voldoen nie maar moontlik op 'n later tydstip daaraan sal kan voldoen en voorname is om die nodige stappe te doen om op so 'n tydstip daaraan te kan voldoen, moet die registrator hom uitstel verleen vir die tydperk en op die voorwaardes wat die registrator bepaal, en wanneer hy aan genoemde vereistes voldoen, moet die registrator hom as 'n bankbeheermaatskappy registreer.

(5) Waar 'n in subartikel (2) bedoelde persoon by die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, nie aan die vereistes van subartikel (7) voldoen nie, mag geen verdere aandele in die bankinstelling in sy naam of dié van sy geassosieerde geregistreer word nie, tensy die registrator oortuig is dat daardie persoon binne 'n

- (e) by the insertion after subsection (6) of the following subsection:

"(7) The registrar may in writing notify a banking institution that a specified practice or method of conducting business is an 'irregular or undesirable practice' or an 'undesirable method of conducting business' and may by notice in the *Gazette* declare a specified practice or method of conducting business an 'irregular or undesirable practice' or an 'undesirable method of conducting business' for a specified class or specified classes of banking institution or for all banking institutions, and a banking institution which employs such a practice or method of conducting business which by virtue of any such notice is irregular or undesirable for him after the expiry of twenty-one days from the date of the said written notice or the date of the said notice in the *Gazette*, as the case may be, shall be guilty of an offence."

13. The following sections are hereby inserted in the Banks Act, 1965, after section 12:

Insertion of
sections 12A and
12B in Act 23

"Registration of bank controlling company. 12A. (1) A person, other than a registered

banking institution shall not acquire control over a banking institution unless he is registered as a bank controlling company.

(2) A person, other than a registered banking institution, who at the commencement of the Financial Institutions Amendment Act, 1974, controls a banking institution, or who, together with his associates at the said commencement, holds shares in a banking institution of which the total nominal value represents more than thirty per cent of the nominal value of all the issued shares of the banking institution, shall in the manner and within the period prescribed by regulation apply to the registrar for registration as a bank controlling company.

(3) Every banking institution shall within sixty days after the commencement of the Financial Institutions Amendment Act, 1974, submit to the registrar particulars in respect of any person controlling it and of every person who, together with his associates, at the said commencement holds shares in it of which the total nominal value represents more than thirty per cent of the nominal value of all its issued shares.

(4) If an applicant referred to in subsection (2) complies with the requirements mentioned in subsection (7), the registrar shall register him as a bank controlling company, and if he does not comply with those requirements but will possibly be able to comply and intends taking the necessary steps to be able to comply therewith at a later stage, the registrar shall grant him an extension of time for the period and on the conditions determined by the registrar, and when he complies with the said requirements the registrar shall register him as a bank controlling company.

(5) Where a person referred to in subsection (2) does not comply with the requirements of subsection (7) at the commencement of the Financial Institutions Amendment Act, 1974, no further shares in the banking institution may be registered in his name or that of his associates unless the registrar is satisfied that such person will be able to comply with the requirements of subsection (7) within a

vir die registrator aanneemlike tydperk aan die vereistes van subartikel (7) sal kan voldoen en die registrator skriftelik goedkeur het dat aandele aan genoemde persoon uitgereik mag word of tensy die beperkings beoog in artikel 20A (1) of 20A (3), na gelang van die geval, nie oorskry sal word nie.

(6) 'n Persoon wat beoog om beheer oor 'n bankinstelling te verkry, moet vooraf die skriftelike goedkeuring van die registrator verkry, en tensy so 'n persoon 'n geregistreerde bankbehermaatskappy of bankinstelling is, moet hy op die wyse by regulasie voorgeskryf by die registrator aansoek doen om as 'n bankbehermaatskappy geregistreer te word en saam met sy aansoek die inligting en stukke voorlê wat by regulasie voorgeskryf is.

(7) Indien die registrator, by oorweging van 'n aansoek om registrasie as 'n bankbehermaatskappy, oortuig is—

- (a) dat die aansoeker beheer het of in staat is om beheer uit te oefen of te verkry oor een of meer bepaalde bankinstellings;
- (b) dat die aansoeker 'n maatskappy is wat kragtens die Maatskappwyet, 1973 (Wet No. 61 van 1973), geregistreer is of geag word daarkragtens geregistreer te wees;
- (c) dat die akte van oprigting en statute van die aansoeker nie met hierdie Wet onbestaanbaar is nie en nie om die een of ander rede ongewens is nie;
- (d) dat die aansoeker nie van voorneme is om by die dryf van sy besigheid ongewenste metodes en praktyke toe te pas nie;
- (e) dat die finansiële posisie van die aansoeker gesond is;
- (f) dat die totale bedrag van die beleggings van die aansoeker in—
 - (i) ander ondernemings as geregistreerde Suid-Afrikaanse bankinstellings, bankbehermaatskappye en eiendomsmaatskappye waarvan die eiendom hoofsaaklik vir bankdoeleindes gebruik word; en
 - (ii) vaste eiendom wat nie hoofsaaklik vir bankdoeleindes gebruik word nie, gesamentlik nie meer as dertig persent van die aansoeker se uitgereikte kapitaal en reserwes bedra nie;
- (g) dat, uitgesonderd in die geval waar die aansoeker deur 'n buitelandse bank of banke beheer word, die aandeelhouding in die aansoeker voldoen aan die beperkings in hierdie Wet voorgeskryf ten opsigte van die aandeelhouding in ander bankinstellings as diskontohuise;
- (h) dat die applikant nie regstreeks of onregstreeks beheer oor meer as een bankinstelling in enige in artikel 1 (1) vermelde klas bankinstelling het of sal verkry nie; en
- (i) dat in die geval van 'n bankbehermaatskappy wat 'n diskontohuis beheer, die aansoeker—
 - (i) geen ander bankinstelling beheer nie;
 - (ii) voldoen aan die aandeelhoudingbeperking ten opsigte van diskontohuise soos bepaal in artikel 20A (3);
 - (iii) slegs dié ander besigheid doen wat die registrator goedkeur en in die mate wat die registrator goedkeur,

period acceptable to the registrar and the registrar has in writing approved the issue of shares to the said person or unless the limitations contemplated in section 20A (1) or 20A (3), as the case may be, will not be exceeded.

(6) A person who intends to acquire control of a banking institution must obtain the prior written approval of the registrar, and unless such a person is a registered bank controlling company or banking institution he must apply to the registrar, in the manner prescribed by regulation, to be registered as a bank controlling company and submit with his application the information and documents prescribed by regulation.

(7) If the registrar, when considering an application for registration as a bank controlling company, is satisfied—

- (a) that the applicant has control of or is in a position to exercise or acquire control over one or more particular banking institutions;
- (b) that the applicant is a company registered or deemed to have been registered under the Companies Act, 1973 (Act No. 61 of 1973);
- (c) that the memorandum and articles of association of the applicant are not inconsistent with this Act and are not undesirable for any reason;
- (d) that the applicant does not propose to adopt undesirable methods and practices in conducting his business;
- (e) that the financial position of the applicant is sound;
- (f) that the total amount of the applicant's investments in—
 - (i) undertakings other than registered South African banking institutions, bank controlling companies and property companies of which the property is used mainly for bank purposes; and
 - (ii) fixed property which is not used mainly for bank purposes, does not together amount to more than thirty per cent of the applicant's capital and reserves;
- (g) that, except in the case where the applicant is controlled by a foreign bank or banks, the shareholding in the applicant complies with the limitations prescribed in this Act in respect of the shareholding in banking institutions other than discount houses;
- (h) that the applicant neither directly nor indirectly has or will acquire control over more than one banking institution in any class of banking institution mentioned in section 1 (1); and
- (i) that in the case of a bank controlling company which controls a discount house, the applicant—
 - (i) controls no other banking institution;
 - (ii) complies with the limitation on shareholding in respect of discount houses as laid down in section 20A (3);
 - (iii) conducts only such other business as the registrar approves and to the extent which the registrar approves,

moet hy teen betaling deur die aansoeker van 'n registrasie geld van tien rand die aansoeker regstreer as 'n bankbeheermaatskappy.

Intrekking van registrasie van bankbeheermaatskappy.

12B. Indien die registrateur oortuig is dat 'n maatskappy wat as 'n bankbeheermaatskappy ge-regstreer is, nie meer enige bankinstelling beheer nie, moet hy die registrasie van die maatskappy as 'n bankbeheermaatskappy intrek en die maatskappy skriftelik in kennis stel van die intrekking van sy registrasie."

Invoeging van artikel 13A in Wet 23 van 1965.

14. Die volgende artikel word hierby in die Bankwet, 1965, na artikel 13 ingevoeg.

„Opgawes wat bankbeheermaatskappy aan registrateur moet voorlê.

13A. 'n Geregistreerde bankbeheermaatskappy moet aan die registrateur verstrek—

- (a) binne 'n tydperk van een-en-twintig dae na sy jaarlikse algemene vergadering, 'n kopie van sy jaarlikse rekeninge en die verslag van sy ouditeure wat deur sy hoof-uitvoerende beampete gesertifiseer is;
- (b) binne 'n tydperk wat die registrateur bepaal, die verdere opgawes of inligting wat die registrateur die bankbeheermaatskappy skriftelik versoek om te verstrek ten einde hom in staat te stel om te kan bepaal of die maatskappy aan die bepalings van hierdie Wet voldoen.”

Wysiging van artikel 17 van Wet 23 van 1965, soos vervang deur artikel 14 van Wet 91 van 1972.

15. Artikel 17 van die Bankwet, 1965, word hierby gewysig deur paragraaf (iv) van die voorbehoudsbepaling by subartikel (1) deur die volgende paragraaf te vervang:

„(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 bepalings van hierdie paragraaf 'n bankinstelling egter belet om, vir ander doeleindes as minimum likwiede bates, 'n groter totaalbedrag aan sodanige aksepte, wissels of promesses te hou as wat ingevolge die bedoelde voorafgaande bepalings by die vereiste minimum likwiede bates ingesluit mag wees.”

Invoeging van artikels 20A en 20B in Wet 23 van 1965.

16. Die volgende artikels word hierby in die Bankwet, 1965, na artikel 20 ingevoeg:

„Beperking op aandelenbesit in 'n bankinstelling.

20A. (1) Behoudens die bepalings van subartikels

(2) en (4) van hierdie artikel en van artikel 20B mag 'n bankinstelling (uitgesonderd 'n diskontohuis) nie aandele in hom regstreer nie in die naam van 'n ander persoon as 'n geregistreerde bankinstelling of 'n geregistreerde bankbeheermaatskappy of 'n maatskappy wat ingevolge artikel 12A (5) deur die registrateur goedgekeur is, behalwe in soverre die totale nominale waarde van die aandele wat geregistreer word tesame met dié wat reeds geregistreer is in die naam van—

- (i) 'n finansiële maatskappy en sy geassosieerde, nie dertig persent; en

he shall, on payment by the applicant of a registration fee of ten rand, register the applicant as a bank controlling company.

Cancellation of registration of bank controlling company.

12B. If the registrar is satisfied that a company which is registered as a bank controlling company has ceased to control any banking institution, he shall cancel the registration of the company as a bank controlling company and notify the company in writing of the cancellation of its registration.”.

14. The following section is hereby inserted in the Banks Act, 1965, after section 13:

Insertion of section 13A in Act 23 of 1965.

“Returns which bank controlling company must render to registrar.

13A. A registered bank controlling company shall submit to the registrar—

- (a) within a period of twenty-one days after its annual general meeting a copy of its annual accounts and the report by its auditors certified by its chief executive officer;
- (b) within such period as the registrar may determine, any additional returns or information which the registrar may in writing request the bank controlling company to furnish in order to enable him to determine whether the company is complying with the provisions of this Act.”.

15. Section 17 of the Banks Act, 1965, is hereby amended by the substitution for paragraph (iv) of the proviso to subsection (1) of the following paragraph:

Amendment of section 17 of Act 23 of 1965, as substituted by section 14 of Act 91 of 1972.

“(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 minimum 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 the required minimum liquid assets.”.

16. The following sections are hereby inserted in the Banks Act, 1965, after section 20:

Insertion of sections 20A and 20B in Act 23 of 1965.

“Limitation of shareholding in a banking institution.

20A. (1) Subject to the provisions of subsections

(2) and (4) of this section and of section 20B a banking institution (other than a discount house) shall not register shares in it in the name of a person other than a registered banking institution or a registered bank controlling company or a company approved by the registrar in terms of section 12A (5), except in so far as the total nominal value of the shares which are to be registered together with those which are already registered in the name of—

(i) a financial company and its associates, does not exceed thirty per cent; and

(ii) enige ander persoon en sy geassosieerde, nie tien persent,

van die totale nominale waarde van al die uitgereikte aandele in die bankinstelling oorskry nie.

(2) Die Minister kan in besondere gevalle waar hy oortuig is dat dit in die openbare belang wenslik is, 'n bankinstelling (uitgesonderd 'n diskontohuis) skriftelik magtig om op die voorwaardes en in die mate wat die Minister bepaal die persentasies in subartikel (1) vermeld te oorskry ten opsigte van binnelandse aandeelhouers.

(3) 'n Diskontohuis mag nie aandele in hom regstreer nie in die naam van 'n persoon (uitgesonderd 'n geregistreerde bankbeheermaatskappy) en sy geassosieerde waarvan die totale nominale waarde tien persent van die totale nominale waarde van al die uitgereikte aandele in die diskontohuis oorskry nie.

(4) Aandele wat oorgedra is aan die eksekuteur, administrateur, kurator of voog ten opsigte van die boedel van 'n oorlede aandeelhouer van die bankinstelling of van 'n aandeelhouer wie se boedel gesekwestreer is of van 'n aandeelhouer wat andersins handelingsbevoeg is, of die likwidateur van 'n regspersoon in die proses van likwidasie wat aandeelhouer van die bankinstelling is, word nie geag geregistreer te wees op naam van die aandeelhouer *nomine officii* nie maar word geag afsonderlik op naam van die onderskeie begunstigdes geregistreer te wees: Met dien verstande dat in die geval waar so 'n aandeelhouer *nomine officii* vanweë die stemkrag verbonde aan die aandele op sy naam geregistreer, in staat is om die bankinstelling te beheer, die stemkrag wat hy ten opsigte van alle aandele onder sy beheer kan uitoefen, ondanks enige andersluidende bepalings van 'n ander wet, beperk is tot tien persent van die stemme verbonde aan al die uitgereikte aandele van die bankinstelling.

(5) Waar by die inwerkingtreding van die Wysingswet op Finansiële Instellings, 1974, die totale nominale waarde van aandele in 'n bankinstelling (uitgesonderd 'n diskontohuis) wat op naam van 'n finansiële maatskappy en sy geassosieerde of 'n ander persoon en sy geassosieerde geregistreer is, die betrokke persentasie vermeld in subartikel (1) oorskry, mag, behoudens die bepalings van artikel 20B, die aandele aldus geregistreer bly, maar geen ander aandele in die bankinstelling mag in die naam van daardie aandeelhouer of sy geassosieerde geregistreer word nie, solank die betrokke persentasie oorskry word.

(6) Indien by die inwerkingtreding van die Wysingswet op Finansiële Instellings, 1974, die totale nominale waarde van aandele in 'n diskontohuis wat op naam van 'n persoon en sy geassosieerde geregistreer is, die verhouding bedoel in subartikel (3) oorskry, mag geen verdere aandele op naam van sodanige persoon of dié van sy geassosieerde geregistreer word nie en moet die diskontohuis binne ses maande vanaf die datum van genoemde inwerkingtreding 'n skema aan die registrateur voorlê waarvolgens die aandeelhoudings wat die perk genoem in subartikel (3) oorskry, binne 'n vir die registrateur aanneemlike tydperk verminder sal word sodat aan die vereiste verhouding voldoen sal word.

(ii) any other person and his associates does not exceed ten per cent,

of the total nominal value of all the issued shares in the banking institution.

(2) The Minister may, in special cases where he is satisfied that it is desirable in the public interest, authorize a banking institution (other than a discount house) in writing to exceed the percentages mentioned in subsection (1) in respect of domestic shareholders on the conditions and to the extent determined by the Minister.

(3) A discount house shall not register shares in it in the name of a person (other than a registered bank controlling company) and his associates of which the total nominal value exceeds ten per cent of the total nominal value of all the issued shares in the discount house.

(4) Shares which are transferred to the executor, administrator, curator or guardian in respect of the estate of a deceased shareholder of the banking institution or of a shareholder whose estate has been sequestrated or of a shareholder who is otherwise incapable of contracting or the liquidator of a corporate body in the process of liquidation, which is a shareholder of the banking institution, shall not be deemed to be registered in the name of the shareholder *nomine officii* but shall be deemed to be registered separately in the name of the various beneficiaries: Provided that in the case where such a shareholder *nomine officii*, owing to the voting power attached to shares registered in his name, is able to control the banking institution, the voting power which he can exercise in respect of all the shares under his control shall, notwithstanding anything to the contrary contained in any other law, be limited to ten per cent of the votes attached to all the issued shares of the banking institution.

(5) Where at the commencement of the Financial Institutions Amendment Act, 1974, the total nominal value of shares in a banking institution (other than a discount house) registered in the name of a financial company and its associates or another person and his associates, exceeds the relative percentage mentioned in subsection (1), the shares may, subject to the provisions of section 20B, remain so registered but no further shares in the banking institution shall be registered in the name of that shareholder or his associates as long as the relative percentage is exceeded.

(6) If at the commencement of the Financial Institutions Amendment Act, 1974, the total nominal value of shares in a discount house, which is registered in the name of a person and his associates, exceeds the ratio referred to in subsection (3), no further shares shall be registered in the name of such person or that of his associates, and the discount house shall within six months from the date of the said commencement submit a scheme to the registrar whereby the shareholdings which exceed the limit mentioned in subsection (3) will be reduced within a period acceptable to the registrar to the extent that the required ratio will be complied with.

(7) Die bepalings van subartikels (5) en (6) word nie so vertolk dat solank daar 'n oorskryding van die betrokke verhouding is, aandele nie binne 'n geassosieerde groep oorgedra mag word nie.

Beperking op aandelebesit van buitelanders in 'n bankinstelling en bankbeheermaatskappy.

20B. (1) Behoudens die bepalings van subartikels (2) en (7) mag 'n bankinstelling of 'n bankbeheermaatskappy nie aandele in hom regstreer nie op naam van 'n buitenlandse aandeelhouer—

- (a) indien die totale nominale waarde van aandele op naam van bedoelde buitenlandse aandeelhouer geregistreer, tesame met aandele geregistreer in naam van sy geassosieerde, tien persent van die totale nominale waarde van al die uitgereikte aandele in die bankinstelling of die bankbeheermaatskappy oorskry;
- (b) indien die gesamentlike nominale waarde van alle aandele in die bankinstelling of bankbeheermaatskappy wat op naam van buitenlandse aandeelhouers en hulle geassosieerde geregistreer is, vyftien persent van die totale nominale waarde van die uitgereikte aandele in die bankinstelling of bankbeheermaatskappy oorskry.

(2) Die Minister kan in 'n bepaalde geval, waar die aandele in 'n bankinstelling geregistreer word op naam van 'n buitenlandse bank of buitenlandse banke, goedkeur, op die voorwaardes wat hy wenslik ag, dat die persentasies in subartikels (1) (a) en (1) (b) vermeld, verhoog word in die mate wat hy bepaal, maar hoogstens tot dertig en vyf-en-dertig persent onderskeidelik, indien die Minister oortuig is dat dit in die openbare belang wenslik is en dat dit nie daartoe kan lei dat die binnelandse aandeelhouers die beheer oor die bankinstelling verloor nie.

(3) Indien by die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, in 'n bepaalde geval die persentasieverhouding in subartikel (1) (a) of in subartikel (1) (b) genoem, oorskry word, mag die aandele, behoudens die bepalings van subartikels (5), (6) en (7), op naam van die betrokke aandeelhouers geregistreer bly, maar in die geval van 'n oorskryding van die verhouding bedoel in subartikel (1) (a) mag die bankinstelling of bankbeheermaatskappy geen ander aandele op naam van die betrokke aandeelhouer of sy geassosieerde registreer nie solank die vermelde persentasie van tien persent of die hoër persentasie wat die Minister ingevolge subartikel (2) goedgekeur het, oorskry word, en in die geval van 'n oorskryding van die verhouding bedoel in subartikel (1) (b) mag die bankinstelling of bankbeheermaatskappy geen aandele op naam van enige buitenlandse aandeelhouer of sy geassosieerde registreer nie solank die vermelde persentasie van vyftien persent of die hoër persentasie wat die Minister ingevolge subartikel (2) goedgekeur het, oorskry word.

(4) Die bepalings van subartikel (3) word nie so vertolk dat solank daar 'n oorskryding van die betrokke verhouding is, aandele nie binne 'n geassosieerde groep oorgedra mag word nie.

(5) Indien by die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, aandele in 'n bankinstelling of 'n bankbeheermaatskappy op naam van 'n buitenlandse bank of banke geregistreer is waarvan die totale nominale waarde, tesame met dié van aandele wat op naam van bedoelde bank of banke se geassosieerde geregistreer is, vyftig persent van die totale nominale waarde van die

(7) The provisions of subsections (5) and (6) shall not be construed as meaning that as long as the relative ratio is exceeded, shares may not be transferred within an associated group.

Limitation
of share-
holding by
foreigners
in a banking
institution
and bank
controlling
company.

20B. (1) Subject to the provisions of subsections (2) and (7), a banking institution or a bank controlling company shall not register shares in it in the name of a foreign shareholder—

- (a) if the total nominal value of shares registered in the name of the said foreign shareholder, together with shares registered in the name of his associates exceeds ten per cent of the total nominal value of all the issued shares in the banking institution or the bank controlling company;
- (b) if the aggregate nominal value of all the shares in the banking institution or bank controlling company which are registered in the names of foreign shareholders and their associates exceeds fifteen per cent of the total nominal value of the issued shares in the banking institution or bank controlling company.

(2) The Minister may in a particular case, where the shares in a banking institution are registered in the name of a foreign bank or foreign banks, approve, on the conditions which he deems desirable, the increase of the percentages mentioned in subsections (1) (a) and (1) (b) to the extent determined by him, but not exceeding thirty and thirty-five per cent respectively, if the Minister is satisfied that it is desirable in the public interest and that it cannot lead to the domestic shareholders' losing control of the banking institution.

(3) If at the commencement of the Financial Institutions Amendment Act, 1974, in any particular case the percentage ratio mentioned in subsection (1) (a) or in subsection (1) (b) is exceeded, the shares may, subject to the provisions of subsections (5), (6) and (7), remain registered in the names of the relative shareholders, but in the case of the ratio mentioned in subsection (1) (a) being exceeded, the banking institution or bank controlling company shall not register any other shares in the name of the shareholder concerned or his associates as long as the said percentage of ten per cent or such higher percentage as may have been approved by the Minister in terms of subsection (2) is exceeded, and in the case of the ratio mentioned in subsection (1) (b) being exceeded, the banking institution or bank controlling company shall not register any shares in the name of any foreign shareholder or his associates as long as the said percentage of fifteen per cent or such higher percentage as may have been approved by the Minister in terms of subsection (2), is exceeded.

(4) The provisions of subsection (3) shall not be construed as meaning that as long as the relative ratio is being exceeded, shares may not be transferred within an associated group.

(5) If at the commencement of the Financial Institutions Amendment Act, 1974, shares in a banking institution or bank controlling company are registered in the name of a foreign bank or banks the total nominal value of which, together with that of shares registered in the names of associates of such bank or banks, exceeds fifty per cent

uitgereikte aandele van die bankinstelling of bankbeheermaatskappy, na gelang van die geval, oorskry, moet die bankinstelling of bankbeheermaatskappy binne een jaar na genoemde inwerkingtreding aan die Minister—

- (a) 'n skema voorlê waarin die stappe uiteengesit word wat beoog word om binne 'n vir die Minister aanneemlike tydperk die aandeelhouding van die buitelandse bank of banke en sy of hulle geassosieerde in die bankinstelling of bankbeheermaatskappy te staan te bring op 'n totale nominale waarde gelyk aan nie meer nie as vyftig persent van die totale nominale waarde van al die uitgereikte aandele in die bankinstelling of bankbeheermaatskappy; en
- (b) 'n onderneming verstrek dat alle aandele wat uitgereik of oorgedra word met die oog op die bereiking van die aandeelhoudingsperk van vyftig persent vermeld in paragraaf (a), geregistreer sal word op naam van binnelandse aandeelhouers.

(6) Indien by die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1974, aandele in 'n bankinstelling of bankbeheermaatskappy op naam van 'n buitelandse bank of banke geregistreer is waarvan die totale nominale waarde, tesame met dié van aandele wat op naam van dié bank of banke se geassosieerde geregistreer is, die perk vermeld in subartikel (1) (a) oorskry maar minder as vyftig persent bedra van die totale nominale waarde van die uitgereikte aandele van die bankinstelling of bankbeheermaatskappy, na gelang van die geval, mag geen aandele op naam van daardie buitelandse bank of banke of op dié van sy of hulle geassosieerde geregistreer word nie, as dit ten gevolge sal hê dat die verhouding van die totale nominale waarde van die aandele op genoemde name geregistreer tot die totale nominale waarde van al die uitgereikte aandele van die bankinstelling of bankbeheermaatskappy groter sal wees as wat dié verhouding was op die datum van genoemde inwerkingtreding.

(7) Waar in die geval van 'n bankinstelling of bankbeheermaatskappy bedoel in subartikel (5), die gesamentlike aandeelhouding van die buitelandse bank of banke en sy of hulle geassosieerde tot die in daardie subartikel beoogde perk van vyftig persent verminder is en bedoelde aandeelhouers verdere aandele vervreem, en ook waar die buitelandse bank of banke bedoel in subartikel (6) of sy of hulle geassosieerde van hulle aandele in die bankinstelling of bankbeheermaatskappy vervreem, mag die bankinstelling of bankbeheermaatskappy nie daardie aandele oordra nie op naam van 'n ander persoon as 'n binnelandse aandeelhouer of 'n buitelandse bank deur die Minister goedgekeur, totdat die perke vermeld in subartikels (1) (a) en 1 (b) bereik word.

(8) Die bepalings van subartikel (5) is nie van toepassing nie op 'n bankinstelling of bankbeheermaatskappy bedoel in daardie subartikel, indien die totale bedrag van die uitgereikte aandelekapitaal tesame met die reserwes van die bankinstelling of bankbeheermaatskappy minder as tienmiljoen rand beloop, en in so 'n geval kan verdere aandele in die bankinstelling of bankbeheermaatskappy in die naam van die buitelandse bank of banke geregistreer word totdat die totale bedrag van die uitgereikte aandele en reserwes op die vermelde bedrag te staan

of the total nominal value of the issued shares of the banking institution or the bank controlling company, as the case may be, the banking institution or bank controlling company shall within one year after the said commencement furnish the Minister—

- (a) with a scheme setting out the steps which are contemplated to reduce within a period acceptable to the Minister, the shareholding of the foreign bank or banks and its or their associates in the banking institution or bank controlling company, to a total nominal value equal to not more than fifty per cent of the total nominal value of all the issued shares in the banking institution or bank controlling company; and
- (b) with an undertaking that all shares issued or transferred with a view to attaining the shareholding limit of fifty per cent mentioned in paragraph (a), shall be registered in the names of domestic shareholders.

(6) If at the commencement of the Financial Institutions Amendment Act, 1974, shares in a banking institution or bank controlling company are registered in the name of a foreign bank or banks of which the total nominal value together with that of shares registered in the names of the associates of the said bank or banks, exceeds the limit mentioned in subsection (1) (a) but is less than fifty per cent of the total nominal value of the issued shares of the banking institution or the bank controlling company, as the case may be, no shares shall be registered in the name of that foreign bank or banks or in that of its or their associates if such registration will result in the ratio of the total nominal value of the shares registered in the said names to the total nominal value of all the issued shares of the banking institution or the bank controlling company exceeding that ratio as at the date of the said commencement.

(7) Where in the case of a banking institution or bank controlling company contemplated in subsection (5) the aggregate shareholding of the foreign bank or banks and its or their associates has been reduced to the limit of fifty per cent envisaged in that subsection and those shareholders alienate further shares, and also where the foreign bank or banks mentioned in subsection (6) or its or their associates alienate any of their shares in the banking institution or bank controlling company, the banking institution or bank controlling company shall not transfer those shares into the name of any person other than a domestic shareholder or a foreign bank approved by the Minister, until the limits mentioned in subsections (1) (a) and (1) (b) are attained.

(8) The provisions of subsection (5) shall not apply to a banking institution or bank controlling company contemplated in that subsection if the total amount of the issued share capital together with the reserves of the banking institution or bank controlling company are less than ten million rand, and in such a case further shares in the banking institution or bank controlling company may be registered in the name of the foreign bank or banks until the total amount of the issued capital and reserves reach the amount mentioned, whereafter

kom, waarna geen verdere aandele op naam van 'n buitenlandse aandeelhouer geregistreer mag word nie, tensy binnelandse aandeelhouers minstens vyftig persent van die uitgereikte aandele hou.

(9) Ondanks die bepalings van subartikel (5) kan die Minister 'n bankinstelling of bankbeheermaatskappy wat ingevolge daardie subartikel 'n skema moet voorlê, van bedoelde verpligting vrystel indien die bankinstelling of bankbeheermaatskappy 'n skriftelike onderneming verstrek wat vir die Minister aanneemlik is, dat die bankinstelling of bankbeheermaatskappy en die betrokke aandeelhouer of aandeelhouers die beginsel van venootskap met binnelandse aandeelhouers aanvaar en die nodige stappe sal doen om te verseker dat binne 'n vir die Minister aanneemlike tydperk aan die verhouding van vyftig persent bedoel in subartikel (5) voldoen sal word.”.

Invoeging van artikel 21A in Wet 23 van 1965.

17. Die volgende artikel word hierby in die Bankwet, 1965, na artikel 21 ingevoeg:

„Beperking op sekere transaksies van bankinstellings.

21A. (1) Die totale bedrag van 'n bankinstelling se belegging in vaste eiendom en in aandele (uitgesonderd aflosbare voorkeuraandele maar nie voorkeuraandele wat in gewone aandele omskepbaar is nie), met inbegrip van aandele in filiaalmaatskappye van die bankinstelling, mag nie die bankinstelling se opbetaalde kapitaal en onaangetaste reserwes oorskry nie: Met dien verstande dat in die geval waar vaste eiendom of 'n onderneming deur die bankinstelling ingekoop word om 'n belegging te beskerm, die bedrag van sodanige belegging vir 'n tydperk van vyf jaar vanaf die datum van die inkoopt nie vir doeleindeste van hierdie subartikel in berekening gebring word nie.

(2) 'n Bankinstelling en sy geassosieerde mag nie aandele in 'n geregistreerde versekeraar hou nie waarvan die nominale waarde 'n bedrag gelykstaande met dertig persent van die nominale waarde van al die uitgereikte aandele van daardie versekeraar oorskry.

(3) Waar in 'n bepaalde geval by die inwerkintreding van die Wysigingswet op Finansiële Instellings, 1974, die verhouding bedoel in subartikel (2) oorskry word, moet die betrokke bankinstelling binne 'n tyd wat vir die registrateur aanneemlik is, stappe doen om die verhouding tussen die aandele vermeld in genoemde subartikel, te verminder tot die verhouding daarin bedoel.

(4) Die totale bedrag van 'n bankinstelling se belegging in aflosbare voorkeuraandele (uitgesonderd voorkeuraandele wat in gewone aandele omskepbaar is) plus die totale bedrag verskuldig aan die bankinstelling ten opsigte van voorskotte deur hom verleent aan sy beherende aandeelhouers en dié van sy beherende maatskappy, aan sy filiaalmaatskappye, sy beherende maatskappy, en genoemde maatskappye se filiaalmaatskappye en 'n maatskappy wat regstreeks of onregstreeks deur enige van genoemde persone of die bankinstelling beheer word, mag nie 'n bedrag gelykstaande met vyf persent van die bankinstelling se deposito's of dertigmiljoen rand, watter ook al die minste is, oorskry nie.

(5) 'n Bankinstelling moet die besonderhede wat by regulasie voorskryf is ten opsigte van die aflosbare voorkeuraandele en voorskotte bedoel in sub-

no further shares shall be registered in the name of a foreign shareholder unless domestic shareholders hold not less than fifty per cent of the issued shares.

(9) Notwithstanding the provisions of subsection (5) the Minister may exempt a banking institution or bank controlling company which in terms of that subsection is required to submit a scheme, from that requirement if the banking institution or bank controlling company furnishes a written undertaking, which is acceptable to the Minister, that the banking institution or the bank controlling company and the shareholder or shareholders concerned accept the principle of partnership with domestic shareholders and will take the necessary steps to ensure that the ratio of fifty per cent mentioned in subsection (5) will be complied with within a period which is acceptable to the Minister.”.

17. The following section is hereby inserted in the Banks Act, 1965, after section 21:

Insertion of
section 21A in
Act 23 of 1965.

“Limitation on certain transactions of banking institutions.

21A. (1) The total amount of a banking institution's investment in fixed property and in shares (excluding redeemable preference shares but not preference shares which can be converted into ordinary shares), including shares in subsidiary companies of the banking institution, shall not exceed the banking institution's paid-up capital and unimpaired reserves: Provided that in the case where fixed property or an undertaking is bought in by a banking institution to protect an investment, the amount of such an investment shall for a period of five years from the date of purchase not be taken into account for the purposes of this subsection.

(2) A banking institution and its associates shall not hold shares in a registered insurer of which the nominal value exceeds an amount equal to thirty per cent of the nominal value of all the issued shares of that insurer.

(3) Where in any particular case at the commencement of the Financial Institutions Amendment Act, 1974, the ratio contemplated in subsection (2) is exceeded, the banking institution concerned shall within a period which is acceptable to the registrar take steps to reduce the ratio between the shares mentioned in the said subsection, to the ratio contemplated therein.

(4) The total amount of a banking institution's investment in redeemable preference shares (excluding preference shares which can be converted into ordinary shares) plus the total amount owing to the banking institution in respect of advances granted by it to its controlling shareholders and those of its controlling company, to its subsidiary companies, its controlling company, and the said companies' subsidiary companies and a company which is directly or indirectly controlled by any of the said persons or the banking institution, shall not exceed an amount equal to five per cent of the banking institution's deposits or thirty million rand, whichever is the lesser.

(5) A banking institution shall furnish such particulars as may be prescribed by regulation, in respect of redeemable preference shares and advances

artikel (4), verstrek in die staat wat die bankinstelling ingevolge artikel 13 (1) (b) aan die registrator moet verstrek.”.

Invoeging van artikels 27A, 27B, 27C en 27D in Wet 23 van 1965.

18. Die volgende artikels word hierby in die Bankwet, 1965, na artikel 27 ingevoeg:

„Filial van bankinstelling.

27A. ’n Bankinstelling mag nie ’n filiaalmaatskappy stig of verkry nie tensy die skriftelike goedkeuring van die registrator vooraf verkry is.

Openbaarmaking van bankinstelling se belang in sy filiaalmaatskappy, en dié van beherende maatskappy in bankinstelling.

27B. Die Minister kan by regulasie voorskryf dat ’n bankinstelling die besonderhede wat die Minister bepaal, ten opsigte van enige belegging van die bankinstelling in aandele van sy filiaalmaatskappye, en ten opsigte van enige belegging in sy aandele deur sy beherende maatskappy moet verstrek in die staat wat die bankinstelling ingevolge artikel 13 (1) (b) aan die registrator moet verstrek.

Beperking op banke onder beheer van ’n beherende maatskappy.

27C. ’n Bankinstelling of ’n geregistreerde bankbeheermaatskappy mag nie meer as een bankinstelling in enige klas bankinstelling vermeld in artikel 1 (1), regstreeks of onregstreeks beheer nie: Met dien verstande dat ’n bankinstelling of geregistreerde bankbeheermaatskappy wat ’n diskontohuis beheer, geen ander bankinstelling mag beheer nie: Met dien verstande voorts dat ’n bankinstelling nie ’n ander bankinstelling van dieselfde klas as eersgenoemde instelling mag beheer nie.

Verteenwoordiger van buitenlandse bank.

27D. ’n Buitelandse bank mag nie sonder die toestemming van die registrator ’n verteenwoordiger in die Republiek hê nie, en moet die naam van so ’n verteenwoordiger en die adres van sy verteenwoordiger se kantoor in die Republiek aan die registrator verstrek en die registrator van enige verandering van verteenwoordiger en van daardie adres in kennis stel.”.

Vervanging van artikel 28 van Wet 23 van 1965.

19. Artikel 28 van die Bankwet, 1965, word hierby deur die volgende artikel vervang:

„Bankinstellings mag nie sekere soorte aandele uitrek of regstreer nie.

28. ’n Bankinstelling reik nie toonderaandele of aandele sonder pari-waarde uit nie, en regstreer nie aandele in die naam van ’n genomineerde nie.”.

Invoeging van artikel 28A in Wet 23 van 1965.

20. Die volgende artikel word hierby in die Bankwet, 1965, na artikel 28 ingevoeg:

„Uitoefening van stemreg ten aansien van bankaandele.

28A. Die stemreg ten aansien van ’n aandeel in ’n bankinstelling moet deur die betrokke lid self uitgeoefen word of, indien hy iemand by spesiale volmag gemagtig het om op ’n bepaalde vergadering die stemreg namens hom uit te oefen, deur so iemand op daardie vergadering.”.

Wysiging van artikel 34 van Wet 23 van 1965.

21. Artikel 34 van die Bankwet, 1965, word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

„(5) ’n Bankinstelling (uitgesonderd ’n bankinstelling wat geen aandelekapitaal het nie) moet binne ’n tydperk van negentig dae [na] vanaf die datum van sy registrasie of voorlopige registrasie ingevolge hierdie Wet, en daarna

referred to in subsection (4), in the statement which the banking institution is required to furnish to the registrar in terms of section 13 (1) (b).".

18. The following sections are hereby inserted in the Banks Act, 1965, after section 27:

"Subsidiary of banking institution.

27A. A banking institution shall not establish or acquire a subsidiary company unless the prior written consent of the registrar has been obtained.

Disclosure of banking institution's interest in its subsidiary companies, and that of controlling company in banking institution.

27B. The Minister may by regulation prescribe that a banking institution shall furnish the particulars which the Minister determines, in respect of any investment of the banking institution in shares of its subsidiary companies and in respect of any investment in its shares by its controlling company, in the statement which the banking institution is required to furnish to the registrar in terms of section 13 (1) (b).

Limitation on banks under control of a controlling company.

27C. A banking institution or a registered bank controlling company shall not directly or indirectly control more than one banking institution in any class of banking institution mentioned in section 1 (1): Provided that a banking institution or a registered bank controlling company which controls a discount house shall not control any other banking institution: Provided further that a banking institution shall not control another banking institution of the same class as the first-mentioned institution.

Representative of foreign bank.

27D. A foreign bank shall not without the consent of the registrar have a representative in the Republic and shall furnish the registrar with the name of any such representative and the address of its representative's office in the Republic and shall notify the registrar of any change of representative and of that address."

19. The following section is hereby substituted for section 28 of the Banks Act, 1965:

"Banking institutions may not issue or register certain types of shares.

28. A banking institution shall not issue bearer shares or shares without par value, and shall not register shares in the name of a nominee."

20. The following section is hereby inserted in the Banks Act, 1965, after section 28:

"Exercise of voting right in respect of bank shares.

28A. The voting right in respect of a share in a banking institution shall be exercised by the member concerned himself or, if he has authorized any person by special power of attorney to exercise the voting right on his behalf at a particular meeting, by such person at that meeting."

21. Section 34 of the Banks Act, 1965, is hereby amended by the substitution for subsection (5) of the following sub-section:

"(5) A banking institution (other than a banking institution which has no share capital), shall, within a period of ninety days as from the date of its registration or provisional registration under this Act, and thereafter within a period

Insertion of sections 27A, 27B, 27C and 27D in Act 23 of 1965.

Substitution of section 28 of Act 23 of 1965.

Insertion of section 28A in Act 23 of 1965.

Amendment of section 34 of Act 23 of 1965.

binne 'n tydperk van negentig dae vanaf die eerste dag van iedere boekjaar van die instelling of vanaf 'n ander datum wat die registrator ingevolge paragraaf (a) vasstel, die registrator van 'n lys voorsien, wat deur die instelling se hoof- uitvoerende beampete in die Republiek as juis gesertifiseer is, waarin, onder afsonderlike afdelings vir binnekantse en buitelandse aandeelhouers, vermeld word—

- (a) die name, in alfabetiese volgorde (maar met samegroepering van aandeelhouers wat geassosieerdes van mekaar is) en die adresse van die aandeelhouers of lede van die instelling aan die einde van die instelling se jongste voorafgaande boekjaar of op 'n ander datum wat die registrator op versoek van die bankinstelling bepaal, of, as die instelling nog nie sy eerste boekjaar voltooi het op die datum waarop die lys soos vermeld voorsien word nie, op die dag van die instelling se registrasie of voorlopige registrasie ingevolge hierdie Wet;
- (b) die getal aandele, en die persentasie wat dit verteenwoordig van die totale getal uitgereikte aandele van die instelling, wat elke sodanige aandeelhouer of lid in die instelling besit of enige ander belang wat hy daarby het, en die bedrag wat hy daarop betaal het op die datum waarop die lys betrekking het;
- (c) in die geval van binnelandse aandeelhouers, of die aandeelhouer 'n geregistreerde bankinstelling, 'n geregistreerde bankbeheermaatskappy, 'n finansiële maatskappy of 'n ander persoon is, en, in die geval van buitelandse aandeelhouers, of die aandeelhouer 'n bank of 'n ander persoon is:

Met dien verstande dat 'n instelling geag word die bepalings van hierdie subartikel na te gekom het ten opsigte van 'n aandeelhouer of lid wat minder as een persent van die instelling se geplaaste kapitaal besit, indien die getal sodanige aandeelhouers of lede in die betrokke lys vermeld word.”.

Invoeging van artikel 34A in Wet 23 van 1965.

22. Die volgende artikel word hierby in die Bankwet, 1965, na artikel 34 ingevoeg:

,,Lyste van direkteure en aandeelhouers van bankbeheermaatskappy moet aan registrator verskaf word.

34A. (1) 'n Geregistreerde bankbeheermaatskappy moet binne negentig dae vanaf sy registrasie en daarna binne negentig dae vanaf die eerste dag van iedere boekjaar van die maatskappy die registrator voorsien van lyste soos in subartikels (1) en (5) van artikel 34 bedoel en gesertifiseer op die wyse in daardie subartikels beskryf.

(2) Die lys van aandeelhouers bedoel in subartikel (1) moet die vereiste besonderhede van die werklike voordeeltrekende aandeelhouers verstrek en nie dié van genomineerde in wie se name die aandele in die lederegister aangeteken mag wees nie.”.

Wysiging van artikel 1 van Wet 24 van 1965, sóos gewysig deur artikel 1 van Wet 64 van 1968 en artikel 5 van Wet 67 van 1973.

23. Artikel 1 van die Bouverenigingswet, 1965, word hierby gewysig deur paragraaf (j) van die omskrywing van „voorgeskrewe beleggings” deur die volgende paragraaf te vervang:

,,(j) die wissels, skuldbriewe of effekte wat die registrator by kennisgewing in die *Staatskoerant* en onderworpe aan die voorwaardes wat hy in die kennisgewing uit eensent, vir die doeleindes van hierdie omskrywing goedkeur, en wissels, skuldbriewe of effekte uitgereik deur 'n instelling, of deur die regering van 'n ander gebied as die Republiek, wat hy insgelyks goedkeur;”.

Kort titel en inwerkingtreding.

24. Hierdie Wet heet die Wysigingswet op Finansiële Instellings, 1974, en tree in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

of ninety days as from the first day of every financial year of the institution or as from such other date as the Registrar may in terms of paragraph (a) determine, furnish the Registrar with a list, certified as correct by the institution's chief executive officer in the Republic, wherein, under separate sections for domestic and foreign shareholders, are set forth—

- (a) the names in alphabetical order (but with shareholders which are associates of one another grouped together) and the addresses of the shareholders or members of the institution, as at the end of the institution's last preceding financial year or as on such other date as the Registrar may at the request of the banking institution determine, or as on the date of the institution's registration or provisional registration under this Act if on the day when the list is furnished as aforesaid the institution has not completed its first financial year;
- (b) the number of shares, and the percentage it represents of the total number of issued shares of the institution, or any other interest in the institution held by every such shareholder or member, and the amount which he has paid up thereon on the date to which the list relates;
- (c) in the case of domestic shareholders, whether the shareholder is a registered banking institution, a registered bank controlling company, a financial company or other person, and, in the case of foreign shareholders, whether the shareholder is a bank or other person:

Provided that an institution shall be deemed to have complied with the provisions of this subsection in respect of any shareholder or member holding less than one per cent of the institution's subscribed capital, if the number of such shareholders or members is set forth in the list in question.”.

22. The following section is hereby inserted in the Banks Act, 1965, after section 34:

Insertion of
section 34A in
Act 23 of 1965.

“Lists of directors and shareholders of bank controlling company to be furnished to registrar.

34A. (1) A registered bank controlling company shall within a period of ninety days as from its registration and thereafter within a period of ninety days as from the first day of every financial year of the company furnish the registrar with such lists as are referred to in subsections (1) and (5) of section 34, certified in the manner indicated in those subsections.

(2) The list of shareholders contemplated in subsection (1) shall show the required particulars of the actual beneficial shareholders and not those of nominees in whose names the shares may be entered in the register of members.”.

23. Section 1 of the Building Societies Act, 1965, is hereby amended by the substitution for paragraph (j) of the definition of “prescribed investments” of the following paragraph:

“(j) 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 bills, bonds or securities issued by an institution, or the government of a territory other than the Republic, which he may likewise approve;”.

24. This Act shall be called the Financial Institutions Amendment Act, 1974, and shall come into operation on a date fixed by the State President by proclamation in the *Gazette*.

Amendment of
section 1 of
Act 24 of 1965,
as amended by
section 1 of
Act 64 of 1968
and section 5 of
Act 67 of 1973.

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INHOUD.**Departement van Finansies.****ALGEMENE KENNISGEWING.****BLADSY**