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KANTOOR VAN DIE STAATSPRESIDENT

No. 1069.

15 April 1992

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

No. 41 van 1992: Wysigingswet op die Raad op Finansiële Dienste, 1992.

STATE PRESIDENT'S OFFICE

No. 1069.

15 April 1992

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

No. 41 of 1992: Financial Services Board Amendment Act, 1992.

ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

WET

Tot wysiging van die Wet op die Raad op Finansiële Dienste, 1990, ten einde voorsiening te maak vir die aanstelling van meer as een adjunk- uitvoerende beamppte om die Raad op Finansiële Dienste by die verrigting van sy werksaamhede by te staan; weg te doen met Parlementêre bewilligings as 'n bron van finansiering van die raad; die uitvoerende beamppte te magtig om sekere inligting aan 'n buitelandse regulerende owerheid vir finansiële dienste te openbaar; en voorsiening te maak vir die aanstelling van 'n sekretaris vir die appèlraad; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 7 April 1992.)*

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

Wysiging van artikel 1 van Wet 97 van 1990

1. Artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (hieronder die Hoofwet genoem), word hierby gewysig deur die omskrywing van "adjunk- uitvoerende beamppte" deur die volgende omskrywing te vervang:

"adjunk- uitvoerende beamppte" **[die]** 'n persoon wat as sodanig ingevolge artikel 13 aangestel is;".

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Wysiging van artikel 9 van Wet 97 van 1990

2. Artikel 9 van die Hoofwet word hierby gewysig deur subartikels (4) en (5) 10 deur onderskeidelik die volgende subartikels te vervang:

"(4) Die uitvoerende bestuur bestaan uit die uitvoerende beamppte, die adjunk- uitvoerende **[beamppte]** beamptes en die hoofaktuaris.

(5) Die beslissing van **[twee]** 'n meerderheid van die lede van die uitvoerende bestuur maak 'n besluit van die uitvoerende bestuur uit, en by 'n staking van stemme het die uitvoerende beamppte benewens sy beraadslagende stem 'n beslissende stem.".

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Wysiging van artikel 13 van Wet 97 van 1990

3. Artikel 13 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:

"(a) 'n uitvoerende beamppte, **[n]** een of meer adjunk- uitvoerende **[beamppte]** beamptes en 'n hoofaktuaris wat deur die Minister na oorlegpleging met die raad aangestel word en in bedoelde rangorde die mees senior beamptes van die raad is;".

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GENERAL EXPLANATORY NOTE:

- []** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with a solid line indicate insertions in existing enactments.
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ACT

To amend the Financial Services Board Act, 1990, so as to provide for the appointment of more than one deputy executive officer to assist the Financial Services Board in the performance of its functions; to do away with Parliamentary appropriations as a source of funding of the board; to authorize the executive officer to disclose certain information to a foreign financial services regulatory authority; and to provide for the appointment of a secretary to the board of appeal; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)
(Assented to 7 April 1992.)*

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

Amendment of section 1 of Act 97 of 1990

1. Section 1 of the Financial Services Board Act, 1990 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "deputy executive officer" of the following definition:
- "deputy executive officer" means **[the]** a person appointed as such in terms of section 13;".

Amendment of section 9 of Act 97 of 1990

- 10 2. Section 9 of the principal Act is hereby amended by the substitution for subsections (4) and (5) of the following subsections, respectively:
- "(4) The executive shall consist of the executive officer, the deputy executive **[officer]** officers and the chief actuary.
- (5) The decision of **[two]** a majority of the members of the executive shall constitute a decision of the executive, and in the event of an equality of votes the executive officer shall have a casting vote in addition to his deliberative vote.".

Amendment of section 13 of Act 97 of 1990

3. Section 13 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- "(a) an executive officer, **[a]** one or more deputy executive **[officer]** officers and a chief actuary appointed by the Minister after consultation with the board and who in that order of rank shall be the most senior officers of the board;".

Wysiging van artikel 16 van Wet 97 van 1990

4. Artikel 16 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) te skrap.

Vervanging van artikel 18 van Wet 97 van 1990

5. Artikel 18 van die Hoofwet word hierby deur die volgende artikel vervang: 5

“Oorlegpleging met Minister

18. Die raad en die uitvoerende beampete, adjunk- uitvoerende [beampete] beampetes en hoofaktuaris moet met die Minister oorleg pleeg by die uitoefening van die bevoegdhede en die uitvoering van die pligte kragtens hierdie Wet of 'n ander wet wat die Minister van tyd tot tyd bepaal, en die raad en die uitvoerende beampete pleeg regstreeks oorleg met die Minister in verband met enige ander aangeleentheid wat [hy] enigeen van hulle onder die aandag van die Minister wil bring.”. 10

Wysiging van artikel 20 van Wet 97 van 1990

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6. Artikel 20 van die Hoofwet word hierby gewysig deur subartikel (5) deur die volgende subartikel te vervang:

“(5) Iets wat gedoen of nagelaat is deur 'n beampete of werknemer van die raad by die uitoefening van 'n bevoegdheid of die uitvoering van 'n plig kragtens subartikel (3) aan hom gedelegeer of opgedra, of deur die adjunk- uitvoerende [beampete] beampetes kragtens 'n ander wet, word geag deur die uitvoerende beampete gedoen of nagelaat te wees.”. 20

Wysiging van artikel 22 van Wet 97 van 1990

7. Artikel 22 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg, terwyl die bestaande artikel subartikel (1) word: 25

“(2) Ondanks die bepalings van subartikel (1) kan die uitvoerende beampete aan enige buitelandse regulerende owerheid vir finansiële dienste inligting openbaar met betrekking tot 'n bepaalde finansiële instelling of 'n bepaalde individu wat by 'n bepaalde finansiële instelling of finansiële diens betrokke is of was indien die uitvoerende beampete van oordeel is dat, met inagneming van die openbare belang, sodanige inligting vir die betrokke buitelandse regulerende owerheid vir finansiële dienste van belang sal wees.”. 30

Wysiging van artikel 26 van Wet 97 van 1990

8. Artikel 26 van die Hoofwet word hierby gewysig— 35

(a) deur na subartikel (1) die volgende subartikel in te voeg:

“(1A) Die uitvoerende beampete wys 'n beampete van die raad aan om as sekretaris van die appèlraad op te tree.”; en

(b) deur subartikel (7) deur die volgende subartikel te vervang:

“(7) Vir die doeleindeste van 'n appèl is die Kommissiewet, 1947 (Wet No. 8 van 1947), van toepassing op die appèlraad en getuies en hul getuenis asof die appèlraad 'n kommissie was waarop genoemde Wet van toepassing is en die [voorsitter] sekretaris van dié raad die sekretaris daarvan was.”. 40

Wysiging van wette

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9. Die wette in die Bylae genoem, word hierby gewysig in die mate in die derde kolom daarvan aangedui.

Kort titel en inwerkingtreding

10. (1) Hierdie Wet heet die Wysigingswet op die Raad op Finansiële Dienste,

Amendment of section 16 of Act 97 of 1990

4. Section 16 of the principal Act is hereby amended by the deletion of paragraph (a) of subsection (1).

Substitution of section 18 of Act 97 of 1990

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

"Consultation with Minister"

10 18. The board and the executive officer, deputy executive [officer] officers and chief actuary shall consult with the Minister in the exercise of such powers and the performance of such duties under this Act or any other law as the Minister may determine from time to time, and the board and the executive officer shall directly consult with the Minister in connection with any other matter it or he wishes to bring to the attention of the Minister.”.

15 Amendment of section 20 of Act 97 of 1990

6. Section 20 of the principal Act is hereby amended by the substitution for subsection (5) of the following subsection:

20 “(5) Anything done or omitted to be done by an officer or employee of the board in the exercise of any power or the performance of any duty delegated or assigned to him under subsection (3), or by the deputy executive [officer] officers under any other law, shall be deemed to have been done or omitted by the executive officer.”.

Amendment of section 22 of Act 97 of 1990

7. Section 22 of the principal Act is hereby amended by the addition of the 25 following subsection, the existing section becoming subsection (1):

30 “(2) Notwithstanding the provisions of subsection (1) the executive officer may disclose to any foreign financial services regulatory authority information relating to a particular financial institution or a particular individual who is or was involved in a particular financial institution or financial service if the executive officer is of the opinion that taking into consideration the public interest, such information will be of importance to the relevant foreign financial services regulatory authority.”.

Amendment of section 26 of Act 97 of 1990

8. Section 26 of the principal Act is hereby amended—

35 (a) by the insertion after subsection (1) of the following subsection: “(1A) The executive officer shall designate an officer of the board to act as secretary of the board of appeal.”; and

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

40 “(7) For the purposes of an appeal the Commissions Act, 1947 (Act No. 8 of 1947), shall apply to the board of appeal and witnesses and their evidence as if the board of appeal were a commission to which the said Act applied and the [chairman] secretary of such board were the secretary thereof.”.

Amendment of laws

45 9. The laws mentioned in the Schedule are hereby amended to the extent indicated in the third column thereof.

Short title and commencement

10. (1) This Act shall be called the Financial Services Board Amendment Act,

Wet No. 41, 1992 WYSIGINGSWET OP DIE RAAD OP FINANSIELE DIENSTE, 1992

1992, en tree, behoudens subartikel (3), in werking op 'n datum wat die Staatspresident by proklamasie in die *Staatskoerant* bepaal.

(2) Verskillende datums kan aldus ten opsigte van verskillende bepalings van hierdie Wet bepaal word.

(3) Artikels 1, 2, 3, 6, 7 en 10 word geag op 16 Julie 1991 in werking te getree 5 het.

FINANCIAL SERVICES BOARD AMENDMENT ACT, 1992

Act No. 41, 1992

1992, and shall, subject to subsection (3), come into operation on a date fixed by the State President by proclamation in the *Gazette*.

(2) Different dates may be so fixed in respect of different provisions of this Act.

5 (3) Sections 1, 2, 3, 6, 7 and 10 shall be deemed to have come into operation on 16 July 1991.

BYLAE

No. en jaar van wet	Kort titel	In hoeverre gewysig
Wet No. 27 van 1943	Versekeringswet, 1943	Die vervanging van artikel 2 deur die volgende artikel: "Registrateur en Adjunk-registrateur van Versekeringswese 2. Die uitvoerende beampete en [die] 'n adjunk- uitvoerende beampete vermeld in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (<u>Wet No. 97 van 1990</u>), is ook die Registrateur en die Adjunk-registrateur van Versekeringswese onderskeidelik.”.
Wet No. 24 van 1956	Wet op Pensioenfondse, 1956	Die vervanging van artikel 3 deur die volgende artikel: "Registrateur en Adjunk-registrateur van Pensioenfondse 3. Die uitvoerende beampete en [die] 'n adjunk- uitvoerende beampete vermeld in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (<u>Wet No. 97 van 1990</u>), is ook die Registrateur en die Adjunk-registrateur van Pensioenfondse onderskeidelik.”.
Wet No. 25 van 1956	Wet op Onderlinge Hulpverenigings, 1956	Die vervanging van artikel 4 deur die volgende artikel: "Registrateur en Adjunk-registrateur van Onderlinge Hulpverenigings 4. Die uitvoerende beampete en [die] 'n adjunk- uitvoerende beampete vermeld in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (<u>Wet No. 97 van 1990</u>), is ook die Registrateur en die Adjunk-registrateur van Onderlinge Hulpverenigings onderskeidelik.”.
Wet No. 54 van 1981	Wet op Beheer van Effekte-trustskemas, 1981	Die vervanging van artikel 2 deur die volgende artikel: "Registrateur en Adjunk-registrateur van Effekte-trustmaatskappye 2. Die uitvoerende beampete en [die] 'n adjunk- uitvoerende beampete vermeld in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (<u>Wet No. 97 van 1990</u>), is ook die Registrateur en die Adjunk-registrateur van Effekte-trustmaatskappye onderskeidelik.”.
Wet No. 1 van 1985	Wet op Beheer van Effekte-beurse, 1985	Die vervanging van artikel 2 deur die volgende artikel: "Registrateur en Adjunk-registrateur van Effektebeurse 2. Die uitvoerende beampete en [die] 'n adjunk- uitvoerende beampete vermeld in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (<u>Wet No. 97 van 1990</u>), is ook die Registrateur en die Adjunk-registrateur van Effektebeurse onderskeidelik.”.
Wet No. 55 van 1989	Wet op Beheer van Finansiële Markte, 1989	Die vervanging van artikel 2 deur die volgende artikel: "Registrateur en Adjunk-registrateur van Finansiële Markte 2. Die uitvoerende beampete en [die] 'n adjunk- uitvoerende beampete vermeld in artikel 1 van die Wet op die Raad op Finansiële Dienste, 1990 (<u>Wet No. 97 van 1990</u>), is ook die Registrateur en die Adjunk-registrateur van Finansiële Markte onderskeidelik.”.

SCHEDULE

No. and year of law	Short title	Extent of amendment
Act No. 27 of 1943	Insurance Act, 1943	The substitution for section 2 of the following section: "Registrar and Deputy Registrar of Insurance" 2. The executive officer and [the] a deputy executive officer mentioned in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), shall also be the Registrar and the Deputy Registrar of Insurance, respectively.”.
Act No. 24 of 1956	Pension Funds Act, 1956	The substitution for section 3 of the following section: "Registrar and Deputy Registrar of Pension Funds" 3. The executive officer and [the] a deputy executive officer mentioned in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), shall also be the Registrar and the Deputy Registrar of Pension Funds, respectively.”.
Act No. 25 of 1956	Friendly Societies Act, 1956	The substitution for section 4 of the following section: "Registrar and Deputy Registrar of Friendly Societies" 4. The executive officer and [the] a deputy executive officer mentioned in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), shall also be the Registrar and the Deputy Registrar of Friendly Societies, respectively.”.
Act No. 54 of 1981	Unit Trusts Control Act, 1981	The substitution for section 2 of the following section: "Registrar and Deputy Registrar of Unit Trust Companies" 2. The executive officer and [the] a deputy executive officer mentioned in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), shall also be the Registrar and the Deputy Registrar of Unit Trust Companies, respectively.”.
Act No. 1 of 1985	Stock Exchanges Control Act, 1985	The substitution for section 2 of the following section: "Registrar and Deputy Registrar of Stock Exchanges" 2. The executive officer and [the] a deputy executive officer mentioned in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), shall also be the Registrar and the Deputy Registrar of Stock Exchanges, respectively.”.
Act No. 55 of 1989	Financial Markets Control Act, 1989	The substitution for section 2 of the following section: "Registrar and Deputy Registrar of Financial Markets" 2. The executive officer and [the] a deputy executive officer mentioned in section 1 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), shall also be the Registrar and the Deputy Registrar of Financial Markets, respectively.”.

