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No. 14552

THE LAW SOCIETY OF THE TRANSVAAL

AMENDMENT OF RULES

It is hereby notified that the following amendments to the Rules framed in terms of section 74 (1) of Act No. 53 of 1979 and which have been approved by the Chief Justice of South Africa in consultation with the Judge President of the Transvaal in terms of section 74 (2) of Act No. 53 of 1979, are promulgated by the Council of the Law Society of the Transvaal:

1. *Delete rule 1.2 substitute the following in its place*

1.2 "Accounting records" means the records which a firm is required to keep in terms of rule 68.1.

2. *New rule 1.3A*

1.3A "Business account transactions" means transactions in regard to which records are required to be kept in terms of rule 68.1.2.

3. *New rule 1.22A*

1.22A "Trust account transactions" means transactions in regard to which records are required to be kept in terms of rule 68.1.3.

4. *Delete rule 1.23 and substitute the following in its place*

1.23 "Trust banking account" means and includes all trust accounts kept by a firm in terms of section 78 (1) of the Act.

5. *Delete rule 1.24 and substitute the following in its place*

1.24 "Trust cash" means any cash held in trust by a firm other than in a trust banking account or a trust investment account.

6. *Delete rule 1.25 and substitute the following in its place*

1.25 "Trust creditor" means a person on whose account money is held or received as contemplated by section 78 (1) or invested as contemplated by section 78 (2) or section 78 (2A) of the Act.

DIE PROKUREURSORDE VAN TRANSVAAL

WYSIGING VAN REËLS

Hiermee word kennis gegee dat die volgende wysiging in die Reëls opgestel kragtens artikel 74 (1) van Wet No. 53 van 1979 en wat deur die Hoofregter van Suid-Afrika in oorleg met die Regter-president van Transvaal goedgekeur is ingevolge artikel 74 (2) van Wet No. 53 van 1979, deur die Raad van die Prokureursorde van Transvaal uitgevaardig word:

7. *Delete rule 1.26 and substitute the following in its place*
- 1.26 "Trust investment account" means and includes all accounts kept by a firm in terms of section 78 (2) or section 78 (2A) of the Act.
8. *Delete rule 1.27 and substitute the following in its place*
- 1.27 "Trust money" means money held or received on account of any person as contemplated by section 78 (1) or invested as contemplated by section 78 (2) or section 78 (2A) of the Act.
- The commencement date of the amendments of the rules referred to from paragraph 1 to paragraph 8 above and 11, 13 and 14 below of which concern accounting matters shall be 1 March 1993. That is the date on which the financial years of almost all attorneys commences. It has been decided to give attorneys as much notice as possible of the commencement date of the amendments.
9. *Amendment of rule 31.3*
- Delete the figure "28" and substitute in its place the figure "42"
10. *Amendment of rule 31.5*
- Delete the figure "28" and substitute in its place the figure "42".
11. *Delete Part IX (rules 68, 69 and 70) and substitute the following Part IX in its place:*

PART IX

ACCOUNTING

68. Accounting requirements—general

68.1 Accounting records

A firm shall keep in an official language of the Republic such accounting records as are necessary to represent fully and accurately in accordance with generally accepted accounting practice the state of affairs and business of the firm and to explain the transactions and financial position of the firm including and without derogation from the generality of this rule—

68.1.1 records showing its assets and liabilities;

68.1.2 records containing entries from day to day of all moneys received and paid by it on its own account;

68.1.3 records containing particulars and information of all moneys received, held and paid by it for and on account of any person as well as of all moneys invested by it in terms of section 78 (2) or section 78 (2A) of the Act and of any interest referred to in section 78 (3) of the Act which is paid over or credited to it, as well as any interest credited to or on any separate trust savings or other interest-bearing account referred to in section 78 (2A).

68.2 Generally accepted accounting practice

In determining what is meant by "generally accepted accounting practice" regard shall be had, *inter alia*, to any rulings of the council published to members.

68.3 Distinguishing between trust account and business account transactions

The accounting records shall distinguish in readily discernible form between business account transactions and trust account transactions.

68.4 Retention of accounting records

A firm shall retain accounting records—

68.4.1 for at least five years from the date of the last entry recorded in each particular book or other document of record;

- 68.4.2 save with the prior written consent of the council, or when removed therefrom under other lawful authority, at no place other than its main office or a branch office but, in the latter case, only in so far as they relate to any part of its practice conducted at that branch office.
- 68.5 **Updating of accounting records**
- A firm shall regularly and promptly update its accounting records and shall be deemed not to have complied with this rule, *inter alia*, if its accounting records have not been written up for more than one month and have not been balanced within two months after each date on which the trust creditor's lists referred to in rule 69.7 are to be extracted.
- 68.6.1 **Trust money to be kept separate from other money**
- Trust money shall in no circumstances be deposited in or credited to a business banking account, while money other than trust money at any time found in a trust banking account shall be transferred to a business account without undue delay; provided that a firm which—
- 68.6.1.1 makes transfers from its trust banking account to its business banking account at least once a month; and
- 68.6.1.2 ensures that each such transfer covers the total amount due to it and debited as at a date not earlier than one week prior to the date of transfer
- shall be deemed to have complied with this rule.
- 68.6.2 **Transfers from trust banking account**
- When making a transfer from its trust banking account to its business banking account, a firm shall ensure that—
- 68.6.2.1 the amount transferred is identifiable with and does not exceed the amount due to it; and
- 68.6.2.2 the balance of any amount due to it remaining in its trust banking account is capable of identification with corresponding entries appearing in its trust ledger.
- 68.7 **Accounting to clients**
- Every firm shall within a reasonable time after the performance or earlier termination of any mandate account to its client in writing. Each account shall contain—
- 68.7.1 details of all amounts received by it in connection with the matter concerned, appropriately explained;
- 68.7.2 particulars of all disbursements and other payments made by it in connection with the matter;
- 68.7.3 fees and other charges charged to or raised against the client and, where any fee represents an agreed fee, a statement that such fee was agreed upon and the amount so agreed;
- 68.7.4 the amount due to or by the client;
- and the firm shall retain a copy of each such account for not less than five years.
- 68.8 **Payment of amounts due to clients**
- A firm, unless otherwise instructed, shall pay any amount due to a client within a reasonable time.
- 68.9 **Payment to other practitioners and to medical and other experts**
- 68.9.1 A firm shall, within a reasonable time, pay the reasonable fees and disbursements of another legal practitioner practising anywhere within or outside the Republic in respect of work entrusted to such practitioner by the firm unless—
- 68.9.1.1 at the time of giving initial instructions in regard to such work it advised such practitioner that it did not hold itself responsible for the payment of such fees and disbursements; or
- 68.9.1.2 payment is being withheld for a reason which the council deems good and sufficient.

68.9.2 The provisions of rule 68.9.1 shall apply *mutatis mutandis* in respect of any medical practitioner or other expert engaged or consulted by a firm.

69. Accounting requirements—trust account transactions

69.1 Prompt deposits of trust money

A firm shall promptly on the date of its receipt, or the first banking day following its receipt on which it might reasonably be expected that it would be banked, deposit in its trust banking account all money received by it on account of any person.

69.2 Transfers from trust investment account to trust banking account

Any amount withdrawn by a firm from a trust investment account shall promptly be deposited by it in its trust banking account.

69.3 Trust balances not to exceed trust moneys and trust accounts not to be in debit

A firm shall—

69.3.1 ensure that the total amount of money in its trust banking account, trust investment account and trust cash at any date shall not be less than the total amount of the credit balances of its trust creditors;

69.3.2 ensure that no account of any trust creditor is in debit;

69.3.3 employ and maintain a system to ensure that the requirements of subrules 69.3.1 and 69.3.2 are not infringed when amounts are transferred from its trust banking account to its business banking account.

69.4 Amounts received in advance to be deposited in trust banking account

A firm shall ensure that amounts received in advance to cover a prospective liability for services rendered or to be rendered or disbursements (including counsel's fees) to be made are deposited forthwith to the credit of its trust banking account.

69.5 Withdrawals from trust banking account

A firm shall ensure that withdrawals from its trust banking account are made only—

69.5.1 to or for or on behalf of a trust creditor;

69.5.2 as transfers to its business banking account, provided that such transfers shall be made only in respect of money claimed to be due to the firm.

69.6 Trust cheques to be made payable to or to order of designated payee and no transfers to be made to business banking account until disbursements made or fee debited

69.6.1 Any cheque drawn on a firm's trust banking account shall be made payable to or to the order of a payee specifically designated;

69.6.2 no transfer from its trust banking account to its business banking account is made in respect of any disbursement (including counsel's fees) or fees of the firm until—

69.6.2.1 the disbursement has actually been made by the firm;

69.6.2.2 the fee or disbursement has been correctly debited in its accounting records.

69.7 Extracts of lists of trust creditors

69.7.1 Every firm shall extract at intervals of not more than three calendar months in clearly legible manner a list of amounts then standing to the credit of any person, who shall be identified therein by name, in respect of all money held or received by it on account of such person and shall total such list and compare the said total with the total of the balance standing to the credit of the firm's trust banking account, trust investment account and amounts held by it as trust cash, in order to ensure compliance with rule 69.3.

69.7.2 The balance listed in respect of each such account shall also be noted in some permanent, prominent and clear manner in the ledger account from which that balance was extracted.

69.7.3 Each such list shall be part of the accounting records of the firm to be retained for the five year period referred to in rule 68.4.1.

69.8 Notification of trust banking accounts and furnishing of details

Every firm shall—

69.8.1 immediately notify the council in writing of the name and address of the bank or banks at which are kept its trust banking account or accounts and shall thereafter notify the council immediately of any change in the name and address of such bank or banks;

69.8.2 whenever so required by the council, furnish to the council within 10 days or such longer period as the council may stipulate a signed statement issued by the bank or banks with which it keeps its trust banking account or accounts and a signed statement issued by the financial institution with which the firm keeps any trust investment account setting out the balance at such date or dates as may be specified by the council.

69.9 Trust account investments in terms of section 78 (2A)

A member who invests funds on behalf of any person without that person's prior written instructions (specific or general) shall—

69.9.1 not invest such funds otherwise than in a trust savings or other interest bearing trust account with a banking institution or building society;

69.9.2 obtain that person's written confirmation of the investment as soon as is reasonably possible or notify him forthwith thereof in writing; and

69.9.3 forthwith cause the relative trust savings or other interest bearing trust account to be endorsed in terms of section 78 (2A) of the Act.

70. Reports by accountants**70.1 Appointment of accountant**

A firm shall at its expense once in each calendar year or at such other times as the council may require, appoint an accountant approved by the council to act on behalf of and as the representative of the fund to discharge the duties assigned to him in terms of rule 70.4.

70.2 Accountant's access to accounting records and firm's duty to assist

A firm shall allow an accountant appointed under rule 70.1 access to such of its records as he may deem it necessary to examine for the purposes of discharging his duties under rule 70.4 and shall furnish the accountant with any authority which may be required to enable him to obtain such information, certificates or other evidence as he may reasonably require for such purposes.

70.3 Firm's duty to ensure report issued

A firm shall ensure that the report to be furnished by an accountant in terms of rule 70.4 is so furnished within or at the required time; provided that the council may in its discretion and on such conditions as it may stipulate, on written application by a firm relating to a particular report, condone a failure by that firm to comply with this requirement.

70.4 Duties of accountant

Every accountant who has accepted an appointment in terms of rule 70.1 shall—

70.4.1 within six months of the annual closing of the accounting records of the firm concerned, or at such other times as the Council may require, furnish the council with a report which shall be in the form of the Third Schedule to these rules;

70.4.2 without delay report in writing directly to the council if, at any time during the discharge of his function and duties under this rule—

70.4.2.1 it comes to his notice that at any date the total of the balances shown on trust accounts in the accounting records of the firm exceeded the total amount of the funds in its trust banking account, its trust investment account and its trust cash;

70.4.2.2 any material queries regarding its accounting records which he has raised with the firm have not been dealt with to his satisfaction;

70.4.2.3 any reasonable request made by him for access to its accounting records and supporting documents or for any authority referred to in rule 70.2 has not been met to his satisfaction.

70.5 Copy of report to be sent to firm

A copy of the report on the prescribed form required under rule 70.4.1 and any report made in terms of rule 70.4.2 shall be sent by the accountant to the firm concerned.

70.6 Form to be obtained from secretary

The form as prescribed under rule 70.4.1 shall be obtained only from the secretary who shall issue it on request to any firm or to any accountant appointed in terms of this rule.

70.7 Council may dispense with report by accountant

In any case where the council is satisfied that it is not practicable to obtain the services of an accountant for the issuing of a report as prescribed under rule 70.4, it may in lieu thereof accept as compliance with the requirements of rule 70.4 such other evidence as it may deem sufficient.

The effective commencement date of the amendments of the rules referred to in paragraph 11 above, shall be **1 March 1993**.

12. Amendment of rule 76.3

Add the following sentence at the end of the rule:

"Where the secretary himself intervenes or assists a practitioner for the purpose of winding up the practice of the practitioner concerned, he will also be entitled to recover from the practitioner or from his estate, on behalf of the society, the reasonable expenses incurred by him and reasonable compensation for the work done by him in connection with his assistance or intervention."

13. Amendment of rule 77

The heading to the rule should be amended as follows (the underlined portion is new):

Investment of funds by members on behalf of persons, otherwise than in terms of rule 77A.

14. New Rule 77A: Investment Practice Rules

77A. Investment practices

77A.1 Definitions

77A.1.1 A firm shall for the purpose of the rule be deemed to be carrying on the business of an investment practice if it invests funds on behalf of a client or clients or if it controls or manages, whether directly or indirectly, such investments by the collection of interest or capital redemption payments on behalf of the investing clients.

77A.1.2 A "client" shall for the purpose of this rule include any person on whose behalf a firm invests funds or manages or controls investments whether or not such person is otherwise a client of the firm concerned.

77A.1.3 This rule shall not apply to—

77A.1.3.1 investments made pursuant to section 78 (2A) of the Attorneys' Act, No. 53 of 1979;

77A.1.3.2 any other investment of a temporary nature that is made in the course of and incidental to a conveyancing or other matter, including litigation, to which the investing client is a party; or

77A.1.3.3 investments made by members in their capacity as executors, trustees, curators or in any similar capacity in so far as such investment is governed by any other statutory enactment or regulation.

77A.1.4 A firm shall not be deemed to be carrying on the business of an investment practice in terms of rule 77A.1.1 as long as investments under its control, exclusive of investments referred to in rule 77A.1.3.3, do not amount in the aggregate to more than R100 000 and are held on behalf of not more than 10 clients.

77A.2 Accountant's report

77A.2.1 Every firm shall not later than six months after the end of its financial year furnish the secretary of the Society with a report by the auditor referred to in rule 70.1 stating that to the best of the accountant's knowledge and belief—

77A.2.1.1 the firm had not, during the period under review, carried on the business of an investment practice; or

77A.2.1.2 the firm had carried on the business of an investment practice and had complied with this rule 77A.

77A.3 Mandates

A firm carrying on an investment practice shall obtain an investment mandate from each client before investing funds for that client. The form of the investment mandate should be substantially in the form referred to in the Fourth Schedule to these rules.

77A.4 Annual reports to clients

Every firm carrying on an investment practice shall, not later than six months after the financial year end of such firm, supply every client from whom it is required to hold a mandate in terms of rule 77A with a report reflecting all relevant details of such client's investments. The firm shall send such report by pre-paid registered post or shall deliver it by hand, in which latter case it shall obtain a written acknowledgement of receipt. A copy of such report shall also be made available at any other time upon the reasonable request of a client.

77A.5 Accounting records

77A.5.1 Every firm carrying on an investment practice shall, in addition to its normal accounting records, also keep proper accounting records and supporting documents in respect of the investments made by it or under its control:

77A.5.2 The accounting records and other supporting documents referred to in rule 77A.5.1 shall be retained by the firm in such manner as to enable it to furnish each client upon request with all current details of the client's investments. Such accounting records and other supporting documents shall be maintained in sufficient detail and be cross-referenced to the trust account records retained in respect of each client, in such a way as to provide an adequate and clear audit trail which will enable a particular transaction to be identified to any time and traced through the accounting records to the client. The system shall collect the information in an orderly manner and the accounting records and other supporting documents shall be properly arranged, filed and indexed so that access may be gained promptly to any particular record. Where accounting records are maintained by means other than on paper, facilities shall exist for such records to be reproduced in printed form.

77A.5.3 All accounting records required to be retained in terms of this sub-rule and copies of all reports despatched in terms of rule 77A.4 shall be retained for at least five years from the date of the last entry recorded in each particular book or other document of record, unless there is statutory provision to the contrary; and shall be held at the same office as the firm's other accounting records.

77A.6 Investment register

Every firm carrying on an investment practice shall, in addition to its normal accounting records also maintain an investment register containing at least the following information:

77A.6.1 The names and addresses of the investors and the amounts invested;

77A.6.2 the names and addresses of the borrowers (where applicable) and the amounts borrowed (where applicable);

77A.6.3 the dates on which the loans are granted (where applicable) or investments made;

77A.6.4 the period of the loan (where applicable);

77A.6.5 the applicable interest rate;

77A.6.6 the security and particulars of where the authority, the document denoting the debt and bonds or other documents are filed;

77A.6.7 a list of the total amounts received from investors;

77A.6.8 a list of the total amounts invested with borrowers (where applicable);

- 77A.6.9 a list of moneys invested with a financial institution in the interim with identification of whom the money belongs to, the interest rate and where and how it was invested together with all other particulars;
- 77A.6.10 a list of the moneys in the trust banking account pending registration of bonds or investment in any other medium;
- 77A.6.11 an annual reconciliation of the lists mentioned in rules 77A.6.7 to 77A.6.10;
- 77A.6.12 a statement of whether the firm or any partner, director or employee of the firm, or any company, close corporation or other entity in which such partner, director or employee has an interest, has borrowed any moneys of the investors.

77A.7 Money market transactions

- 77A.7.1 No firm may syndicate deposits or other money market investments in any manner otherwise than by accepting funds as agent for each participating client and placing such funds with a deposit taking institution on the money market in the name of the client. The deposit-taking institution shall acknowledge receipt of each deposit or money market investment and such written receipts shall be retained by the member as part of his accounting records.
- 77A.7.2 All moneys received by a firm for investment with a deposit-taking institution, shall be paid to such institution as soon as reasonable possible after receipt by the firm, having regard to matters such as whether a payment by cheque has been cleared with the drawee bank.
- 77A.7.3 For the purpose of this rule "deposit-taking institution" shall mean any institution registered in terms of the Deposit-Taking Institutions Act, No. 94 of 1990.

77A.8 Restrictions applicable to certain investments

A firm may not invest on behalf of a client—

- 77A.8.1 in shares or debentures in any company which is not listed on the Johannesburg Stock Exchange, unless it is a subsidiary of a listed company; or
 - 77A.8.2 in money market type investments, other than in the client's name in a deposit-taking institution; or
 - 77A.8.3 in loans in respect of which, in the firm's opinion, there is not adequate security;
- unless the client's specific written authorization for each such investment has first been obtained.

77A.9 Existing investment practices

- 77A.9.1 Notwithstanding the terms of this rule, a firm which has an existing investment practice on the date of which this rule comes into effect shall—
 - 77A.9.1.1 not accept new funds for investment without complying with this rule;
 - 77A.9.1.2 in respect of all existing investments, secure compliance with this rule within six months from the date of which it comes into effect;
 - 77A.9.1.3 not be required to commence compliance with rule 77A.5 until the end of February of the calendar year following the year in which the period of grace stipulated in rule 77A.9.1.2 expires;
 - 77A.9.1.4 not be required to lodge its first annual auditor's report in terms of rule 77A.4 until the expiry of three months after the end of the financial period in which the period of grace stipulated in rule 77A.9.1.2 expires.
- 77A.9.2 Any firm which, as part of its investment practice, already holds or manages an investment which does not comply with rule 77A.8, shall not later than six months after the date on which this rule comes into effect either obtain the client's written consent to such investment or relinquish the management of such investment.

77A.10 Unprofessional conduct

Failure to comply with the provisions of this rule shall constitute unprofessional conduct on the part of the partners or directors of the firm.

The effective commencement date of the amendments of the rules referred to in paragraph 14 above, shall be **1 March 1993**.

15. New rule 89.12.3

"nothing in rule 89.12 shall be construed as prohibiting a practitioner, in relation to any business in which he has an interest, from advertising or canvassing in any manner which would be permissible if he were doing so in relation to his practice".

16. Amendment of rule 89.24

The rule should be amended as follows (the underlined portion is new):

"Overreaching a client or overreaching the debtor of a client; or ..."

17. Amendment of rule 91.1.4.1.2

Paragraph (a) of the second proviso should be amended as follows (the underlined portion is new):

"(a) subject to rule 75, claim any special expertise or specialisation; or"

18. Amendment of rule 91.1.6

Delete the word "sworn".

19. Amendment of Third Schedule to the rules

Delete the Third Schedule to the rules and substitute the following in its place:

THIRD SCHEDULE**FORM OF REPORT BY INDEPENDENT ACCOUNTANT**

(To be submitted under cover of the independent accountant/s letterhead)

The Council

(Name and address of the relevant provincial society)

REPORT OF AN INDEPENDENT ACCOUNTANT IN TERMS OF RULE 70.3.1 OF THE RULES OF THE LAW SOCIETY IN RESPECT OF (NAME OF FIRM)

1. I/We have performed certain procedures described below on the accounting records and system of book-keeping employed by the above firm for the year ended on 19..... The firm's compliance with the provisions of Act No. 53 of 1979 (the Act) and the rules of your Law Society is the responsibility of the partners/practitioners/directors. It is my/our responsibility to carry out the procedures described below and to report on the results thereof. This report is furnished solely for your own use and information and should be used by you solely for this purpose.

2. I/We examined (*on a test basis), the trust accounting records and trust account transactions of the firm with specific reference to the following provisions of the Act and the following rules of your Society:

2.1 subsections (1), (2) (a), (2A), (3) and (4) of section 78 of the Act;

2.2 rules 68.1, 68.6, 69.7, 70.2, 77 and 77A.2.

I/We report that (*except for the qualification/s set out in the schedule following this report) the firm complied with the above-mentioned provisions of the Act and the rules of your society in respect of the year ended on 19.....

3. I/We have inspected the books on 19..... being the date of my/our last inspection, and report that—

3.1 the books have been written up to 19.....; and

3.2 the trial balance was last balanced at 19.....

4. I/We have compared (*on a test basis) the list of trust balances shown on the trust accounts in the ledgers of the firm with the respective ledger account at the year end and on 19.... and—
- 4.1 on each of such dates the firm was in compliance with the provisions of rule 69.3;
 - 4.2 after examining the bank statement of the firm for such period as I/We deemed it necessary (being not less than one week) in the light of the circumstances following each of such dates we report that where negotiable instruments which had been deposited in the trust banking account and which had not been met, the circumstances were considered satisfactory.
5. We have extracted the following information from the accounting records of the firm and report that the amount during the period under review which the firm—
- 5.1 has brought forward in respect of interest earned on moneys deposited in terms of section 78 (1) and moneys invested in terms of section 78 (2) of the Act from the previous financial year is: R.....;
 - 5.2 has earned on moneys deposited in trust banking accounts in terms of section 78 (1) and moneys invested in trust investments accounts in terms of section 78 (2) of the Act is: R.....;
 - 5.3 has deducted in respect of refundable bank charges is: R.....;
 - 5.4 has paid over to the Fund in terms of section 78 (3) of the Act is: R.....;
 - 5.5 has carried over in respect of interest earned on moneys deposited in terms of section 78 (1) and moneys invested in terms of section 78 (2) of the Act to the next financial year is: R.....;
6. *I/We have been informed that a separate system of accounting for deceased and insolvent estates and trusts is maintained, but have not examined any record or document relating thereto (other than.....) (If no examination made, state NIL.)
7. *On enquiry made I/we was/we were informed that the following changes in the composition of the firm occurred during the period covered by this report, namely:
-
-
-
8. A copy of this report is today being sent to the firm.
- Accountant:
- Date:
- Address:
- * Delete if not applicable.

SCHEDULE OF QUALIFICATIONS

(If space is insufficient, this schedule may be continued in a schedule on the accountant/s letterhead to be attached and signed by the independent accountant/s)

(If none state NIL)

Firm's principle place of practice (full street address):

.....

.....

.....

Firm's branch offices are at (full street addresses of branch offices):

.....

.....

.....

The commencement date of the amendment of the rules referred to in paragraph 19 above shall be **1 March 1993.**

20. Addition of Fourth Schedule to the rules

The "Fourth Schedule" following hereafter should be added at the end of the rules:

FOURTH SCHEDULE**CLIENT INVESTMENT MANDATE**

I, the undersigned,

of

do hereby authorise and empower

.....
(firm's name)

to make the following investments as my agent and on my behalf. (Kindly tick the appropriate boxes):

1. TYPE OF INVESTMENTS:

1.1 Money lending and/or

1.2 Money market and/or

1.3 Stock and shares on JSE

2. TYPE OF MANDATE GIVEN:

2.1 Discretionary

2.2 Non discretionary

3. IS FIRM TO KEEP ALL SECURITIES? Yes No**4. IS GENERAL OR SPECIAL POWER OF ATTORNEY ATTACHED?**

Gen Spec None

5. REPORTING

Nil Monthly Quarterly 6 monthly Annually

6. GENERAL

Any other instructions:

.....
.....
.....

SIGNED AT on this day of 199....

.....

ACCEPTED AT on this day of 199....

.....

On behalf of firm

The commencement date of the amendments of the rules referred to in paragraph 20 above shall be
1 March 1993.

2. Nuwe reël 1.1A

- 1.1A "Besigheidsrekeningtransaksies" transaksies met betrekking waartoe aantekeninge gehou moet word kragtens reël 68.1.2.

1. Skrap reël 1.14 en vervang met die volgende:

- 1.14 "Rekeningkundige aantekeninge" die aantekeninge wat 'n firma kragtens reël 68.1 verplig is om by te hou.

7. Skrap reël 1.21 en vervang met die volgende:

- 1.21 "Trustbeleggingsrekening" alle rekenings wat 'n firma kragtens artikel 78 (2) of artikel 78 (2A) van die Wet hou.

8. Skrap reël 1.22 en vervang met die volgende:

- 1.22 "Trustgeld" gelde wat gehou of ontvang word op rekening van enigiemand soos beoog in artikel 78 (1) of belê word soos beoog in artikel 78 (2) of artikel 78 (2A) van die Wet.

6. Skrap reël 1.24 en vervang met die volgende:

- 1.24 "Trustkrediteur" 'n persoon op wie se rekening geld gehou of ontvang word soos beoog in artikel 78 (1) of belê word soos beoog in artikel 78 (2) of artikel 78 (2A) van die Wet.

3. Nuwe reël 1.24A

- 1.24A "Trustrekeningtransaksies" transaksies met betrekking waartoe aantekeninge gehou moet word kragtens reël 68.1.3.

9. Wysiging van reël 31.3

Skrap die syfer "28" en vervang die met die syfer "42".

10. Wysiging van reël 31.5

Skrap die syfer "28" en vervang dit met die syfer "42".

11. Skrap Deel IX (reëls 68, 69 en 70) en vervang met die volgende Deel IX:**DEEL IX****REKENINGHOUDING****68. Rekeninghouding: vereistes—algemeen****68.1 Rekeningkundige aantekeninge**

'n Firma hou in 'n amptelike taal van die Republiek sodanige rekeningkundige aantekeninge by wat nodig is om die volledige en juiste stand van sake en die besigheid van die firma weer te gee in terme van algemene aanvaarde rekeningkundige praktyk en om die transaksies en finansiële posisie van die firma uiteen te sit, insluitende, sonder om afbreuk te doen aan die algemeenheid van hierdie reël—

68.1.1 aantekeninge wat sy bates en laste toon;

68.1.2 aantekeninge bevattende dag tot dag beskrywings van alle geld deur hom ontvang en uitbetaal op sy eie rekening;

68.1.3 aantekeninge bevattende besonderhede en inligting van alle geld deur hom ontvang, gehou en uitbetaal vir en op rekening van enigiemand asook van alle geld deur hom belê in terme van artikel 78 (2) of artikel 78 (2A) van die Wet en van rente na verwys in artikel 78 (3) van die Wet wat oorbetal of gekrediteer is aan hom, asook rente gekrediteer aan of op 'n afsonderlike trustspaar- of ander rentegewende rekening na verwys in artikel 78 (2A).

68.2 Algemeen aanvaarde rekeningkundige praktyk

By bepaling van wat bedoel word met "algemeen aanvaarde rekeningkundige praktyk" word onder meer gelet op beslissings van die raad wat aan lede bekend gemaak is.

68.3 Onderskeiding tussen trustrekening- en besigheidsrekeningtransaksies

Die rekeningkundige aantekeninge moet op maklik waarneembare wyse tussen besigheidsrekeningtransaksies en trustrekeningtransaksies onderskei.

68.4 Bewaring van rekenkundige aantekeninge

'n Firma bewaar sy rekeningkundige aantekeninge—

68.4.1 vir ten minste vyf jaar van die datum van die laaste inskrywing in elke besondere boek of ander rekeningkundige dokument;

68.4.2 behalwe met die vooraf verkreeë skriftelik toestemming van die raad, of wanneer hulle daarvandaan kragtens wettige magtiging verwyder word, nêrens anders nie as in sy hoofkantoor of in 'n takkantoor, maar in laasgenoemde geval alleen vir sover hulle betrekking het op enige deel van sy praktyk wat by daardie takkantoor uitgeoefen word.

68.5 Opdatering van rekeningkundige aantekeninge

'n Firma moet sy rekeningkundige aantekeninge gereeld en stiptelik op datum bring en word onder meer geag nie aan hierdie reël te voldoen het nie, as sy rekeningkundige aantekeninge nie opgeskryf is vir meer as een maand nie en nie gebalanseer is nie binne twee maande na elke datum waarop lyste van trustkrediteure soos in reël 69.7 vermeld, opgestel moet word.

68.6.1 Trustgeld moet afsonderlik van ander geld gehou word

Trustgeld mag onder geen omstandighede gedeponeer word in of gekrediteer word teen 'n besigheidsbankrekening nie, terwyl ander geld as trustgeld, wat op enige stadium in 'n trustbankrekening gevind word, sonder onredelike vertraging oorgedra moet word na 'n besigheidsbankrekening; met dien verstande dat 'n firma wat—

68.6.1.1 ten minste een maal per maand oordragte van sy trustbankrekening na sy besigheidsbankrekening doen; en

68.6.1.2 sorg dra dat elke sodanige oordrag die totale bedrag dek wat aan hom verskuldig is op 'n datum nie vroeër nie as een week voor die datum van oordrag,

geag word hierdie reël te voldoen het.

68.6.2 Oordragte van trustbankrekening

Wanneer 'n firma 'n oordrag van sy trustbankrekening na sy besigheidsbankrekening doen, moet hy sorg dra dat—

68.6.2.1 die bedrag oorgedra identifiseerbaar is met die bedrag aan hom verskuldig en dit nie oorskry nie; en

68.6.2.2 die balans van enige bedrag aan hom verskuldig wat in sy trustbankrekening oorbly, identifiseerbaar is met ooreenstemmende inskrywings wat in sy trustgrootboek verskyn.

68.7 Verrekening aan kliënte

Elke firma verreken binne 'n redelike tyd na afhandeling of vroeër beëindiging van 'n mandaat skriftelik aan sy kliënt. Elke rekeningstaat bevat die volgende:

68.7.1 Besonderhede van alle bedrae deur hom in verband met die betrokke aangeleentheid ontvang, paslik verduidelik;

68.7.2 besonderhede van alle uitgawes en ander betalings deur hom in verband met die aangeleentheid aangegaan of gemaak;

68.7.3 gelde en ander vorderings wat teen die kliënt verreken of gehef is en, waar gelde ooreengekome gelde verteenwoordig, 'n verklaring dat op sodanige gelde ooreengekome is met vermelding van die ooreengekome bedrag;

68.7.4 die bedrag verskuldig aan of deur die kliënt;

en die firma bewaar 'n afskrif van elke sodanige rekeningstaat vir nie minder nie as vyf jaar.

68.8 *Betaling van bedrae aan kliënte verskuldig*

'n Firma betaal, tensy anders gelas, enige bedrag wat aan sy kliënt verskuldig is, binne 'n redelike tyd.

68.9 *Betaling aan ander praktisyns en aan mediese en ander deskundiges*

68.9.1 'n Firma betaal binne 'n redelike tyd die redelike gelde en uitgawes van 'n ander regspraktisyn wat te enige plek binne of buite die Republiek praktiseer, vir werk wat deur die firma aan sodanige regspraktisyn toevertrou is, tensy—

68.9.1.1 hy, toe hy die aanvanklike opdrag in verband met sodanige werk gegee het, sodanige praktisyn meegedeel het dat hy hom nie vir die betaling van sodanige gelde en uitgawes aanspreeklik hou nie; of

68.9.1.2 betaling teruggehou word om 'n rede wat die raad goed en voldoende ag.

68.9.2 Die bepalings van paragraaf 68.9.1 geld *mutatis mutandis* ten opsigte van 'n mediese praktisyn of ander deskundige wie se dienste deur 'n firma verkry of wat deur 'n firma geraadpleeg word.

69. *Rekeninghoudingvereistes—trustrekeningtransaksies***69.1 *Stiptelike deponering van trustgeld***

'n Firma deponeer alle geld wat hy op rekening van enigiemand ontvang, stiptelik in sy trustbankrekening op die datum van die ontvangs daarvan of op die eerste bankdag na die ontvangs daarvan waarop redelikerwys verwag kan word dat dit gebank sal word.

69.2 *Oordrag van trustbeleggingsrekening na trustbankrekening*

Enige bedrag deur 'n firma onttrek van 'n trustbeleggingsrekening word stiptelik in sy trustbankrekening gedeponeer.

69.3 *Trustsaldo's mag nie trustgeld oorskry nie en trustrekening mag nie in debiet wees nie*

'n Firma moet—

69.3.1 sorgdra dat die totale bedrag geld in sy trustbankrekening, trustbeleggingsrekening en trustkontant op geen tydstip minder is as die totale bedrag van die kredietbalanse van sy trustkrediteure nie;

69.3.2 sorgdra dat geen rekening van 'n trustkrediteur in debiet is nie;

69.3.3 'n stelsel gebruik en handhaaf om te verseker dat die vereistes van subreëls 69.3.1 en 69.3.2 nie oortree word nie wanneer bedrae van sy trustbankrekening na sy besigheidsbankrekening oorgedra word.

69.4 *Vooruitbetalings moet in die trustbankrekening gedeponeer word*

'n Firma moet sorg dra dat vooruitbetalings ter dekking van toekomstige aanspreeklikheid vir dienste gelewer of gelewer te word of van uitgawes (insluitende advokaatsgelde) aangegaan te word, onverwyld tot die krediet van sy trustbankrekening gedeponeer word.

69.5 *Onttrekkings uit die trustbankrekening*

'n Firma dra sorg dat onttrekkings uit sy trustbankrekening slegs gemaak word—

69.5.1 aan of vir of ten behoeve van 'n trustkrediteur;

69.5.2 as oordragte na sy besigheidsbankrekening, met die voorbehoud dat sodanige oordragte slegs gemaak word met betrekking tot geld verskuldig aan die firma.

69.6 *Trusttjeks moet betaalbaar gemaak word aan of aan order van 'n bepaalde begunstigde en geen oordragte moet gemaak word na die besigheidsbankrekening totdat uitgawes aangegaan of gelde gedebiteer nie*

69.6.1 'n Tjek getrek op 'n firma se trustbankrekening moet betaalbaar gemaak word aan, of aan die order van, 'n begunstigde wat uitdruklik aangewys word;

- 69.6.2 geen oordrag van sy trustbankrekening na sy besigheidsbankrekening word gemaak ten opsigte van enige uitgawe (insluitende advokaatsgelde) of gelde van die firma nie totdat—
- 69.6.2.1 die uitgawe werklik deur die firma aangegaan is;
- 69.6.2.2 die gelde of uitgawe korrek in sy rekeningkundige aantekeninge gedebiteer is.
- 69.7 ***Uittreksels van lys van trustkrediteure***
- 69.7.1 Elke firma stel met tussenposes van hoogstens drie kalendermaande, in duidelik leesbare vorm, 'n lys op van bedrae wat enige persoon, wat daarin by naam geïdentifiseer word, tot sy krediet het ten opsigte van alle geld wat sodanige firma op rekening van sodanige persoon hou of ontvang het en, ten einde nakoming van reël 69.3 te kontroleer, stel hy die totaal van sodanige lys vas en vergelyk hy vermelde totaal met die batige saldo van die firma se trustbankrekening, trustbeleggingsrekening en bedrae wat deur hom as trustkontant gehou word.
- 69.7.2 Die saldo wat ten opsigte van elke sodanige rekening in die lys opgeneem is, word ook op die een of ander permanente, opvallende en duidelike wyse aangeteken in die grootboekrekening waaruit daardie saldo verkry is.
- 69.7.3 Elke sodanige lys vorm deel van die rekenkundige aantekeninge van die firma wat bewaar word vir die vyf jaar periode vermeld in reël 68.4.1.
- 69.8 ***Bekendmaking van trustbankrekening en verskaffing van besonderhede***
- Elke firma—
- 69.8.1 stel onmiddellik die raad skriftelik in kennis van die naam en adres van die bank of banke waar hy sy trustbankrekening of -rekening hou en stel daarna die raad onmiddellik in kennis van enige verandering in die naam en adres van sodanige bank of banke;
- 69.8.2 lewer, indien deur die raad vereis, binne 10 dae of so 'n langer periode as wat die raad mag vasstel, aan die raad 'n getekende verklaring uitgereik deur die bank of banke waar hy sy trustbankrekening of -rekening hou en 'n getekende verklaring uitgereik deur die finansiële instelling waar die firma 'n trustbeleggingsrekening hou, wat die saldo uiteensit op sodanige datum of datums as wat die raad mag bepaal.
- 69.9 ***Trustrekeningbeleggings ingevolge artikel 78 (2A)***
- 'n Lid wat fondse namens enigiemand belê, sonder daardie persoon se vooraf verkreeë skriftelik opdrag (spesifiek of in die algemeen)—
- 69.9.1 belê sodanige fondse nie anders as in 'n trustspaar- of ander rentegewende trustrekening by 'n bankinstelling of bouvereniging nie;
- 69.9.2 verkry daardie persoon se skriftelike bevestiging van die belegging so gou as wat redelikerwys moontlik is of stel hom onmiddellik skriftelik daarvan in kennis; en
- 69.9.3 dra onmiddellik sorg dat die spesifieke trustspaar- of ander rentegewende trustrekening ingevolge artikel 78 (2A) van die Wet, geëndosseer word.
70. ***Verslae deur rekenmeesters***
- 70.1 ***Aanstelling van rekenmeester***
- 'n Firma stel een maal elke kalenderjaar, of op sodanige ander tye as wat die raad vereis, op eie koste 'n rekenmeester deur die raad goedgekeur aan, om namens en as verteenwoordiger van die fonds die pligte wat by reël 70.4 aan hom opgedra word, te vervul.
- 70.2 ***'n Rekenmeester se insae in rekeningkundige aantekeninge en firma se plig om behulpzaam te wees***
- 'n Firma verleen aan 'n rekenmeester wat ingevolge reël 70.1 aangestel is, insae in sodanige van die firma se rekeningkundige aantekeninge en alle stawende dokumente, bewyse of stukke as wat hy nodig ag om vir die vervulling van sy pligte ingevolge reël 70.4 te ondersoek en verleen aan die rekenmeester enige magtiging wat nodig mag wees om hom in staat te stel om sodanige inligting, sertifikate of ander bewys te verkry as wat hy redelikerwys mag benodig vir sodanige doeleindes.

70.3 Firma se plig om uitreiking van verslag te verseker

'n Firma sien toe dat die verslag wat ooreenkomstig reël 70.4 deur 'n rekenmeester gelewer word, binne of op die vereiste tyd aldus gelewer word; met dien verstande dat die raad op skriftelike aansoek deur 'n firma in verband met 'n bepaalde verslag, sodanige firma se versuim om aan hierdie vereiste te voldoen, na goeë dunnke en op sodanige voorwaardes as wat hy mag bepaal, kan kondoneer.

70.4 Pligte van rekenmeester

Elke rekenmeester wat ooreenkomstig reël 70.1 'n aanstelling aanvaar het—

70.4.1 lewer binne ses maande na die jaarlikse afsluiting van die betrokke firma se rekeningkundige aantekeninge, of op sodanige ander tye as wat die raad vereis, aan die raad 'n verslag wat in die vorm van die Derde Bylae van hierdie reëls moet wees;

70.4.2 rapporteer onverwyld regstreeks skriftelik aan die Raad indien, te eniger tyd gedurende die vervulling van sy taak en pligte ingevolge hierdie reël—

70.4.2.1 dit onder sy aandag kom dat die totaal van die saldo's wat ten opsigte van trustrekeninge in die rekeningkundige aantekeninge van die firma aangetoon word, op enige datum die totaal van die geld in sy trustbankrekeninge, sy trustbeleggingsrekening en sy trustkontant oorskry het;

70.4.2.2 wesenlike navrae wat die rekenmeester aan die firma in verband met sy rekeningkundige aantekeninge gerig het, nie tot sy bevrediging behandel is nie;

70.4.2.3 nie tot sy bevrediging voldoen is nie aan 'n redelike versoek deur hom om insae in die rekeningkundige aantekeninge en alle stawende dokumente van die firma of om 'n magtiging waarna in reël 70.2 verwys word.

70.5 Afskrif van verslag moet aan firma gestuur word

'n Afskrif van die verslag op die voorgeskrewe vorm ingevolge reël 70.4.1 en enige verslag ingevolge reël 70.4.2 word deur die rekenmeester aan die betrokke firma gestuur.

70.6 Vorm verkrygbaar van sekretaris

Die vorm voorgeskryf by reël 70.4.1 word alleen van die sekretaris verkry, wat dit op versoek uitreik aan 'n firma of aan 'n rekenmeester wat ingevolge hierdie reël aangestel is.

70.7 Raad mag afsien van verslag van rekenmeester

In 'n geval waar die raad oortuig is dat dit nie doenlik is om die dienste van 'n rekenmeester vir die uitreiking van 'n verslag soos voorgeskryf by reël 70.4 te verkry nie, mag hy in die plek daarvan ter voldoening aan die vereistes van reël 70.4 sodanige ander bewys as wat hy voldoende ag, aanvaar.

Die effektiewe datum van inwerkingtreding van die wysigings van die reëls waarna in paragraaf 11 hierbo verwys word, is **1 Maart 1993**.

12. Wysiging van reël 76.3

Voeg die volgende sin aan die einde van die reël by:

“Waar die sekretaris self tussenbeide tree of 'n praktisyn behulpzaam is met die ontbinding van sodanige praktisyn se praktyk, is hy ook geregtig om, ten behoeve van die Orde, van sodanige praktisyn of van sy boedel die redelike onkoste deur hom aangegaan asook redelike vergoeding vir die werk deur hom gedoen wat in verband staan met sy hulp of tussenbeidetreding, te verhaal.”.

13. Wysiging van reël 77

Die opskrif van hierdie reël word as volg gewysig (die onderstreepte gedeelte is nuut):

Belegging van fondse deur lede namens ander persone, anders as kragtens reël 77A.

14. Nuwe reël 77A: Beleggingspraktyk-reëls

77A. Beleggingspraktyke

77A.1 Woordomskrywings

77A.1.1 'n Firma word vir doeleindes van hierdie reël geag die besigheid van 'n beleggingspraktyk te bedryf indien hy fondse ten behoeve van 'n kliënt of kliënte belê, of indien hy sodanige beleggings hetsy direk of indirek, beheer of bestuur deur die invordering van rente of kapitaal-delgende paaielemente ten behoeve van die beleggende kliënte.

77A.1.2 'n "kliënt" sluit vir doeleindes van hierdie reël enige persoon in ten behoeve van wie 'n firma fondse belê of beleggings beheer of bestuur, ongeag of so 'n persoon andersins 'n kliënt van die betrokke firma is.

77A.1.3 Hierdie reël is nie van toepassing nie op—

77A.1.3.1 beleggings gemaak ooreenkomstig artikel 78 (2A) van die Wet op prokureurs, No. 53 van 1979;

77A.1.3.2 enige ander belegging van 'n tydelike aard wat gemaak word in die proses van of bykomend tot 'n aktes- of ander aangeleentheid, insluitende litigasie, waarby die beleggingskliënt 'n party is; of

77A.1.3.3 beleggings deur lede in hulle hoedanigheid as eksekuteur, trustee, kurator of in enige ander soortgelyke hoedanigheid gemaak, in soverre sodanige beleggings deur enige ander statutêre bepaling of regulasie beheers word.

77A.1.4 'n Firma word nie geag die besigheid van 'n beleggingspraktyk ingevolge reël 77A.1.1 te bedryf nie, beleggings waarna in reël 77A.1.3.3 verwys word uitgesluit, solank as die totaal van beleggings onder die firma se beheer nie meer beloop as R100 000 nie en sodanige beleggings gehou word ten behoeve van nie meer as tien kliënte nie.

77A.2 Rekenmeestersverslag

77A.2.1 Elke firma voorsien nie later nie as ses maande na die einde van sy finansiële jaar die sekretaris van die Orde van 'n verslag deur die rekenmeester waarna verwys word in reël 70.1 wat uiteensit dat na die beste van die rekenmeester se kennis en oortuiging:

77A.2.1.1 die firma nie, gedurende die periode onder bespreking, die besigheid van 'n beleggingspraktyk bedryf het nie; of

77A.2.1.2 die firma wel die besigheid van 'n beleggingspraktyk bedryf het en voldoen het aan hierdie reël 77A.

77A.3 Mandate

'n Firma wat 'n beleggingspraktyk bedryf verkry 'n beleggingsmandaat van elke kliënt voordat fondse ten behoeve van daardie kliënt belê word. Die vorm van sodanige beleggingsmandaat moet wesenlik ooreenstem met die vorm waarna verwys word in die Vierde Bylae tot hierdie reëls.

77A.4 Jaarlikse verslag aan kliënte

Elke firma wat 'n beleggingspraktyk bedryf, voorsien nie later nie as ses maande na die einde van sodanige firma se finansiële jaar, elke kliënt ten opsigte van wie dit oor 'n mandaat ingevolge reël 77A moet beskik, van 'n verslag wat alle relevante inligting van sodanige kliënt se beleggings uiteensit. Die firma stuur sodanige verslag deur voorafbetaalde geregistreerde pos aan die kliënt of lewer dit per hand af, in welke laaste geval 'n skriftelike ontvangserkenning verkry moet word. 'n Afskrif van sodanige verslag word ook te enige ander tyd beskikbaar gestel op redelike versoek van die kliënt.

77A.5 Rekeningkundige aantekeninge

77A.5.1 Elke firma wat 'n beleggingspraktyk bedryf, hou, bykomstig tot sy gewone rekeningkundige aantekeninge, ook behoorlike rekeningkundige aantekeninge en ondersteunde dokumente met betrekking tot die beleggings wat deur dit of onder sy beheer gemaak is.

77A.5.2 Die rekeningkundige aantekeninge en ander ondersteunde dokumente waarna in 77A.5.1 verwys word, word deur die firma op so 'n wyse gehou as wat dit in staat stel om elke kliënt op versoek te voorsien van alle op datum inligting van sodanige kliënt se beleggings. Sodanige rekeningkundige aantekeninge en ander ondersteunende dokumente word gehou met genoegsame noukeurigheid en met kruisverwysings na die trustrekening aantekeninge wat met betrekking tot elke kliënt gehou word, op so 'n wyse dat dit 'n genoegsame en duidelike auditlyn voorsien, sodat 'n besondere transaksie te enige tyd geïdentifiseer kan word en deur die rekeningkundige aantekeninge tot die kliënt teruggevoer kan word. Die Stelsel moet die inligting in 'n ordelike manier bevat en die rekeningkundige aantekeninge en ander ondersteunende dokumente word behoorlik gerangskik, geliasseer en van 'n inhoudsopgawe voorsien sodat enige besondere aantekening geredelik toeganklik is. Waar rekeningkundige aantekeninge gehou word anders as op papier, moet daar genoegsame fasiliteite wees om sodanige aantekeninge in gedrukte vorm voort te bring.

77A.5.3 Alle rekeningkundige aantekeninge wat ingevolge hierdie subreël gehou moet word, asook afskrifte van alle verslae wat ingevolge reël 77A.4 uitgestuur is, word vir ten minste vyf jaar van die datum van die laaste inskrywing in elke besondere boek of ander dokument van rekord gehou, tensy 'n statutêre voorskrif die teendeel bepaal, en word by dieselfde kantoor as die firma se ander rekeningkundige aantekeninge gehou.

77A.6 **Beleggingsregister**

Elke firma wat 'n beleggingspraktik bedryf, hou, bykomstig tot sy gewone rekeningkundige aantekeninge, ook 'n beleggingsregister wat ten minste die volgende inligting bevat:

77A.6.1 Die name en adresse van die beleggers en die bedrae belê;

77A.6.2 die name en adresse van die leners (waar toepaslik) en die bedrae geleen (waar toepaslik);

77A.6.3 die datums waarop die lenings toegestaan is (waar toepaslik) of waarop beleggings gemaak is;

77A.6.4 die termyn van die lening (waar toepaslik);

77A.6.5 die toepaslike rentekoers;

77A.6.6 die sekuriteit asook besonderhede van waar die magtiging, die dokument wat die skuld uiteensit en die verband of ander dokumente geliasseer is;

77A.6.7 'n lys van die totale bedrae ontvang van beleggers;

77A.6.8 'n lys van die totale bedrae by leners belê (waar toepaslik);

77A.6.9 'n lys van geld wat tydelik by 'n finansiële instelling belê is met identifikasie van aan wie die geld behoort, die rentekoers en waar en hoe dit belê is, tesame met alle ander besonderhede;

77A.6.10 'n lys van geld in die trustbankrekening hangende registrasie van verbande of belegging in enige ander vorm;

77A.6.11 'n jaarlikse rekonsiliasie van die lys te vermeld in reël 77A.6.7. tot en met reël 77A.6.10;

77A.6.12 'n verklaring of die firma of enige vennoot, direkteur of werknemer van die firma of enige maatskappy, beslote korporasie of ander entiteit waarin sodanige vennoot, direkteur of werknemer 'n bedrag het, enige geld by die beleggers geleen het.

77A.7 **Geldmark-transaksies**

77A.7.1 Geen firma mag deposito's of ander geldmark-beleggings saamvoeg of op enige ander wyse doen nie as deur fondse as agent vir elke deelnemende kliënt te ontvang en sodanige fondse by 'n depositonemende instelling op die geldmark in die naam van die kliënt te plaas. Die depositonemende instelling erken ontvangs van elke deposito of geldmark-belegging en sodanige skriftelike kwitansies word deur die lid as deel van sy rekeningkundige aantekening gehou.

77A.7.2 Alle geld wat deur 'n firma vir belegging by 'n depositonemende instelling ontvang word, word redelikerwys so spoedig moontlik na ontvangs deur die firma, aan sodanige instelling oorbetaal, met inagneming van aspekte soos of 'n betaling per tjek deur die betrokke-bankier uitgeklaar is.

77A.7.3 Vir doeleindes van hierdie reël beteken "Depositonemende instelling", enige instelling wat ingevolge die Wet op Depositonemende Instellings, No. 94 van 1990, geregistreer is.

77A.8 **Beperkings op sekere beleggings**

'n Firma mag nie ten behoeve van 'n kliënt belê nie in—

77A.8.1 aandele of skuldbriewe van enige maatskappy wat nie op die Johannesburgse Effektebeurs genoteer is nie, tensy dit 'n filiaal van 'n genoteerde maatskappy is; of

77A.8.2 geldmark-tipe beleggings anders as in die kliënt se naam by 'n depositonemende instelling; of

77A.8.3 lenings waarvoor daar nie, volgens die firma se mening, genoegsame sekuriteit is nie;

tensy die kliënt se spesifieke skriftelike toestemming vir elke sodanige belegging vooraf verkry is.

77A.9 **Bestaande beleggingspraktyke**

77A.9.1 Nieteenstaande die bepalings van hierdie reël, moet 'n firma wat 'n reeds bestaande beleggingspraktyk bedryf op die datum waarop hierdie reël in werking tree—

77A.9.1.1 nie nuwe fondse vir belegging aanvaar sonder om aan hierdie reël te voldoen nie;

77A.9.1.2 met betrekking tot alle bestaande beleggings, voldoening aan hierdie reël bewerkstellig binne ses maande van die datum waarop dit in werking tree;

77A.9.1.3 nie verplig word om te begin met die voldoening aan reël 77A.5 nie, voor die einde van Februarie van die kalenderjaar wat volg op die jaar waarin die vergunningsperiode vermeld in reël 77A.9.1.2 verstryk het;

77A.9.1.4 nie verplig word om sy eerste jaarlikse rekenmeestersverslag kragtens reël 77A.4 in te dien nie, totdat 'n tydperk van drie maande verstryk het na die einde van die finansiële periode waarin die vergunningsperiode vermeld in reël 77A.9.1.2, verstryk het.

77A.9.2 Enige lid wat, as deel van sy beleggingspraktyk, alreeds 'n belegging hou of beheer wat nie voldoen aan reël 77A.8 nie, moet nie later nie as ses maande na die datum waarop hierdie reël in werking tree of die kliënt se skriftelike toestemming tot sodanige belegging verkry of die beheer van sodanige belegging laat vaar.

77A.10 **Onprofessionele gedrag**

Versuim om aan die bepalings van hierdie reël te voldoen, kom op onprofessionele gedrag aan die kant van die vennote of direkteure van die firma neer.

Die effektiewe datum van inwerkingtreding van die wysigings van die reëls waarna in paragraaf 14 hierbo verwys word, is **1 Maart 1993**.

15. **Nuwe reël 89.12.3**

"Niks in reël 89.12 word uitgelê op 'n wyse wat 'n praktisyn, met betrekking tot enige saak waarby hy 'n belang het, verhinder om te adverteer of om werk te werf nie op enige manier wat toelaatbaar sou wees indien hy dit sou gedoen het met betrekking tot sy praktyk".

16. **Wysiging van reël 89.24**

Die reël moet soos volg gewysig word (die onderstreepte gedeelte is nuut):

" 'n Kliënt met die heffing van fooie te uitoorlê of 'n skuldenaar van 'n kliënt met die heffing van fooie te uitoorlê of ..."

17. Wysiging van reël 91.1.4.1.2

Paragraaf (a) van die tweede voorbehoudsbepalings moet soos volg gewysig word (die onderstreepte gedeelte is nuut):

“(a) behoudens reël 75 aanspraak maak op besondere deskundigheid of spesialisasie; of”.

18. Wysiging van reël 91.1.6

Skrap die woord “beëdigde”.

19. Wysiging van Derde Bylae tot die reëls

Skrap die Derde Bylae tot die reëls en vervang dit deur die volgende:

DERDE BYLAE**VORM VAN VERSLAG DEUR ONAFHANKLIKE REKENMEESTER**

(Moet onder dekblad van die onafhanklike rekenmeester/s se briefhoof voorgelê word)

Die Raad

(Naam en adres van die relevante provinsiale orde)

VERSLAG VAN 'N ONAFHANKLIKE REKENMEESTER INGEVOLGE REËL 70.3.1 VAN DIE REËLS VAN DIE PROKUREURSORDE MET BETREKKING TOT (NAAM VAN FIRMA)

1. Ek/Ons het sekere prosedures hieronder beskryf uitgevoer op die rekeningkundige aantekeninge en boekhoustelsel in gebruik deur die bogenoemde firma vir die jaar geëindig op 19..... Die nakoming van die bepalings van Wet No. 53 van 1979 (die Wet) en die reëls van u Prokureursorde is die verantwoordelikheid van die vennote/praktisyns/direkteure van die firma. Dit is my/ons verantwoordelikheid om die prosedures hieronder beskryf uit te voer en om aangaande die gevolge daarvan verslag te doen. Hierdie verslag word alleen vir u eie gebruik en inligting uitgereik en moet slegs vir daardie doel deur u gebruik word.
2. Ek/Ons het (*op 'n toetsbasis), die trust-rekeningkundige aantekeninge en trustrekeningtransaksies van die firma ondersoek met spesifieke verwysing na die volgende bepalings van die Wet en die volgende reëls van u Orde:
 - 2.1 subartikels (1), (2) (a), (2A), (3) en (4) van artikel 78 van die Wet;
 - 2.2 reëls 68.1, 68.6, 69.7, 70.2, 77 en 77A.2

Ek/Ons doen verslag dat [*behalwe vir die voorbehoud(e) uiteengesit in die skedule wat op hierdie verslag volg] die firma bogemelde voorskrifte van die Wet en die reëls van u Orde ten opsigte van die jaar geëindig op 19..... nagekom het.

3. Ek/Ons het die boeke op 19..... nagesien, synde die datum van my/ons vorige inspeksie, en doen verslag dat—
 - 3.1 die boeke opgeskryf is tot 19.....; en
 - 3.2 die proefbalans laas gebalanseer is op 19.....
4. Ek/Ons het die lys van trustsaldo's soos in die trustrekening in die grootboeke van die firma met die onderskeie grootboekrekeninge vergelyk (*op 'n toetsbasis) op die jaareinde en op 19..... en—
 - 4.1 op elkeen van sodanige datums het die firma voldoen aan die bepalings van reël 69.3;
 - 4.2 nadat ek/ons die firma se bankstate ondersoek het vir sodanige tydperke as wat ek/ons in die lig van die omstandighede wat volg op elke van sodanige datums, nodig geag het (synde minstens 'n week), doen ons verslag dat waar verhandelbare dokumente wat op die trust-bankrekening gedeponeer is en oenteer is, die omstandighede as bevredigend beskou is.

5. Ons het die volgende inligting van die rekeningkundige aantekeninge van die firma onttrek en doen verslag dat gedurende die periode onder bespreking die bedrag wat die firma—
- 5.1 oorgedra het van die vorige finansiële jaar met betrekking tot rente verdien op geld gedeponeer ingevolge artikel 78 (1) van die Wet en geld belê ingevolge artikel 78 (2) van die Wet, R is;
 - 5.2 verdien het op geld wat in trust-bankrekeninge gedeponeer is ingevolge artikel 78 (1) van die Wet en geld wat in trust-beleggingsrekeninge belê is, ingevolge artikel 78 (2) van die Wet, R is;
 - 5.3 afgetrek het met betrekking tot verhaalbare bankkoste, R is;
 - 5.4 oorbetaal het aan die Fonds ingevolge artikel 78 (3) van die Wet, R is;
 - 5.5 oorgedra het met betrekking tot rente verdien op gelde wat ingevolge artikel 78 (1) van die Wet gedeponeer is en gelde wat ingevolge artikel 78 (2) van die Wet belê is vir die volgende finansiële jaar, R is.
6. *Ek/Ons is meegedeel dat afsonderlike rekeninghouding vir bestorwe en insolvente boedels asook trusts onderhou word, maar het nie enige oorkonde of dokument met betrekking daartoe (anders as) ondersoek nie. (As geen ondersoek uitgevoer is nie, verklaar GEEN.)
7. *Op navraag gedoen, is ek/ons meegedeel dat die volgende veranderinge in die samestelling van die firma voorgekom het gedurende die periode deur hierdie verslag gedek, naamlik:

.....

.....

.....

8. 'n Afskrif van hierdie verslag word vandag aan die firma versend.

Rekenmeester:

Datum:

Adres:

* Skrap wat nie van toepassing is nie.

SKEDULE VAN VOORBEHOUDE

(Indien die ruimte onvoldoende is, kan hierdie skedule op 'n briefhoof van die rekenmeester/s wat hierby aangeheg en deur die rekenmeester/s onderteken moet word, voortgesit word)

(Meld asseblief indien daar GEEN voorbehoude is nie)

Firma se hoofplek van praktyk (volledige straatadres):

.....

.....

.....

Firma se takkantore is te (volledige straatadres van takkantore):

.....

.....

.....

Die datum van inwerkingtreding van die wysiging van die reëls vermeld in paragraaf 19 hierbo, is **1 Maart 1993.**

20. Byvoeging van die Vierde Bylae tot die reëls

Voeg die Vierde Bylae hieronder, by aan die einde van die reëls:

VIERDE BYLAE

BELEGGINGSMANDAAT VAN KLIËNT

Ek, die ondergetekende,
 van

magtig en verleen hiermee 'n volmag aan

(firma se naam)

om die volgende beleggings as my verteenwoordiger en namens my te maak. (Merk asseblief die toepaslike blokkie):

1. TIPE BELEGGING:

1.1 Geldlening en/of

1.2 Geldmark en/of

1.3 Kapitaal en aandele op JEB

2. TIPE MANDAAT GEGEE:

2.1 Diskresionêr

2.2 Nie-diskresionêr

3. BEWAAR DIE FIRMA ALLE SEKURITEITE? **Ja Nee**

4. IS ALGEMENE OF SPESIALE VOLMAG HIERBY AANGEHEG?

Alg Spes Geen

5. VERSLAGDOENING:

Geen Maandeliks Kwartaalliks 6-maandeliks Jaarliks

6. ALGEMEEN

Enige ander opdragte:

GETEKEN TE op hierdie dag van 199...

AANVAAR TE op hierdie dag van 199...

Namens die firma

Die datum van die inwerkingtreding van die wysiging van die reëls vermeld in paragraaf 20 hierbo, is
1 Maart 1993.

Hou Suid-Afrika Skoon



Gooi rommel waar dit hoort

REPUBLIC OF SOUTH AFRICA
GOVERNMENT GAZETTE
No. 14552
29 JANUARY 1993

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