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ALGEMENE KENNISGEWINGS

KENNISGEWING 474 VAN 1994

DEPARTEMENT VAN FINANSIES

AANSTELLING VAN LEDE VAN DIE APPÈLRAAD
INGESTEL BY ARTIKEL 9 (2) VAN DIE BANKWET,
1990

Hiermee word bekendgemaak dat die Minister van
Finansies kragtens artikel 9 (2) van die Bankwet, 1990
(Wet No. 94 van 1990), met ingang van 1 Februarie
1994 die volgende persone aangestel het as lede van
die appèlraad ingestel by genoemde artikel 9 (2):

Prof. J. C. W. van Rooyen (Voorsitter).
Mnr. V. W. Bartlett.
Mnr. L. Ndlovu.
Mnr. H. B. C. Shaw.
Mnr. T. J. Louw.

KENNISGEWING 475 VAN 1994

SUID-AFRIKAANSE RESERWEBANK

AANSTELLING VAN KURATOR OOR BANK: PRIMA
BANK BEPERK

Ingevolge artikel 69 (7) van die Bankwet, 1990 (Wet
No. 94 van 1990), word hiermee bekendgemaak dat—

- (a) die Minister van Finansies kragtens artikel 69 van
genoemde Wet 'n kurator aangestel het oor
Prima Bank Beperk (hieronder die Instelling
genoem) met ingang van 11 Mei 1994.
- (b) die kurator gemagtig is om—
 - (i) die reg van enige krediteur van die Instel-
ling om rente te vorder of te ontvang op
geld wat deur die Instelling aan hom
verskuldig is, op te skort of te verminder
vanaf die datum van sy aanstelling as
kurator of enige latere datum;

GENERAL NOTICES

NOTICE 474 OF 1994

DEPARTMENT OF FINANCE

APPOINTMENT OF MEMBERS OF THE BOARD OF
APPEAL ESTABLISHED BY SECTION 9 (2) OF THE
BANKS ACT, 1990

It is hereby notified that the Minister of Finance has,
under section 9 (2) of the Banks Act, 1990 (Act No. 94
of 1990), with effect from 1 February 1994 appointed
the following persons as members of the board of
appeal established by the said section 9 (2):

Prof J. C. W. van Rooyen (Chairman).
Mr V. W. Bartlett.
Mr L. Ndlovu.
Mr H. B. C. Shaw.
Mr T. J. Louw.

NOTICE 475 OF 1994

SOUTH AFRICAN RESERVE BANK

APPOINTMENT OF CURATOR TO BANK: PRIMA
BANK LIMITED

It is hereby notified in terms of section 69 (7) of the
Banks Act, 1990 (Act No. 94 of 1990), that—

- (a) the Minister of Finance has under section 69 of
the said Act appointed a curator to Prima Bank
Limited (hereinafter referred to as the Institution)
with effect from 11 May 1994.
- (b) the curator is empowered—
 - (i) to suspend or reduce, as from the date of
his appointment as curator or any subse-
quent date, the right of any creditor of the
Institution to claim or receive interest on
any moneys owing to him by the Institu-
tion;

- (ii) aan enige krediteur of krediteure van die Instelling betalings te maak, hetsy ten opsigte van kapitaal of rente, op die tyd, in die volgorde en op die wyse wat hy goed ag;
- (iii) 'n ooreenkoms tussen die Instelling en enige ander persoon om geld voor te skiet wat betaalbaar word na die datum van sy aanstelling as kurator, of 'n ooreenkoms om 'n bestaande fasiliteit te verleng, op te sê indien, na die oordeel van die kurator, so 'n voorskot of 'n lening uit hoofde van so 'n fasiliteit nie voldoende versekureer sal wees nie of nie terugbetaalbaar sal wees op voorwaardes wat vir die kurator aanneemlik is nie of indien die Instelling nie oor die nodige fondse beskik om sy verpligtings uit hoofde van enige sodanige ooreenkoms na te kom nie of indien dit andersins nie in belang van die Instelling sal wees nie;
- (iv) op die wyse wat hy goedgevind van tyd tot tyd 'n vergadering van krediteure van die Instelling te belê met die doel om die aard en omvang van die Instelling se skuldelaas teenoor sodanige krediteure te bepaal en om oorleg te pleeg met sodanige krediteure vir sover hul belange geraak word deur besluite deur die kurator geneem in die loop van die bestuur van die sake van die Instelling;
- (v) met enige individuele krediteur van die Instelling te onderhandel met die oog op die finale afsluiting van die sake van so 'n krediteur met die Instelling;
- (vi) in die loop van sy bestuur van die Instelling, enige besluit te neem en uit te voer wat ingevolge die bepalings van die Maatskappywet, 1973, by wyse van 'n spesiale besluit beoog in artikel 199 van die Maatskappywet, 1973, geneem sou moes word;
- (vii) enige huurooreenkoms ten opsigte van roerende of onroerende goed wat deur die Instelling aangegaan is voordat dit onder kuratele geplaas is, op te sê: Met dien verstande dat, ondanks die bepalings van subartikel (6) van artikel 69 van die Bankwet, 1990, 'n eis om skadevergoeding ten opsigte van so 'n opsegging teen die Instelling ingestel kan word na verloop van 'n tydperk van 'n jaar vanaf die datum van sodanige opsegging;
- (viii) by wyse van openbare veiling, tender of individuele onderhandeling, enige bates van die Instelling te vervreem, met inbegrip van—
 - (aa) 'n voorskot of 'n lening uit hoofde van 'n fasiliteit bedoel in paragraaf (iii) hierbo; en
- (ii) to make payments, whether in respect of capital or interest, to any creditor or creditors of the Institution at such time, in such order and in such manner as he may deem fit;
- (iii) to cancel any agreement between the Institution and any other party to advance moneys due after the date of his appointment as curator, or to cancel any agreement to extend any existing facility, if, in the opinion of the curator, such advance or any loan under such facility would not be adequately secured or would not be repayable on terms satisfactory to the curator or if the Institution lacks the necessary funds to meet its obligations under any such agreement or if it would not otherwise be in the interests of the Institution;
- (iv) to convene from time to time, in such manner as he may deem fit, a meeting of creditors of the Institution for the purpose of establishing the nature and extent of the Institution's indebtedness to such creditors and for consultation with such creditors in so far as their interests may be affected by decisions taken by the curator in the course of the management of the affairs of the Institution;
- (v) to negotiate with any individual creditor of the Institution with a view to the final settlement of the affairs of such creditor with the Institution;
- (vi) to make and carry out, in the course of his management of the Institution, any decision which in terms of the provisions of the Companies Act, 1973, would have been required to be made by way of a special resolution contemplated in section 199 of the Companies Act, 1973;
- (vii) to cancel any lease of movable or immovable property entered into by the Institution prior to its being placed under curatorship: Provided that, notwithstanding the provisions of subsection (6) of section 69 of the Banks Act, 1990, a claim for damages in respect of such cancellation may be instituted against the Institution after the expiration of a period of one year as from the date of such cancellation;
- (viii) to dispose, by public auction, tender or individual negotiation, of any asset of the Institution, including—
 - (aa) any advance or any loan under a facility contemplated in paragraph (iii) above; and

(bb) enige bate vir die vervreemding waarvan 'n goedkeuring bedoel in artikel 228 van die Maatskappywet, 1973, 'n voorvereiste sou gewees het; of

(ix) enige waarborg deur die Instelling uitgereik voordat dit onder kuratele geplaas is, uitgesonderd so 'n waarborg wat die Instelling vereis word om gestand te doen binne 'n tydperk van 30 dae vanaf die datum van die aanstelling van die kurator, op te sê: Met dien verstande dat, ondanks die bepalings van subartikel (6) bedoel in paragraaf (vii) hierbo, 'n eis om skadevergoeding ten opsigte van enige verlies gely deur of skade berokken aan enige persoon ten gevolge van 'n opsegging van 'n waarborg ingevolge hierdie paragraaf, teen die Instelling ingestel kan word na verloop van 'n tydperk van 'n jaar vanaf die datum van sodanige opsegging.

C. F. WIESE,

Adjunkregistrateur van Banke.

(bb) any asset for the disposal of which an approval contemplated in section 228 of the Companies Act, 1973, would have been a prerequisite; or

(ix) to cancel any guarantee issued by the Institution prior to its being placed under curatorship, excluding such guarantee which the Institution is required to make good within a period of 30 days as from the date of appointment of the curator: Provided that, notwithstanding the provisions of subsection (6) referred to in paragraph (vii) above, a claim for damages in respect of any loss sustained by or damage caused to any person as a result of the cancellation of a guarantee in terms of this paragraph, may be instituted against the Institution after the expiration of a period of one year as from the date of such cancellation.

C. F. WIESE,

Deputy Registrar of Banks.

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