

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

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## BOARD NOTICES

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BOARD NOTICE 189 OF 1998

FINANCIAL SERVICES BOARD

SHORT-TERM INSURANCE ACT, 1998

(ACT NO. 53 OF 1998)

CERTIFICATE OF REGISTRATION

I, Richard Gray Cottrell, Registrar of Short-term Insurance, hereby notify, that a person who applies in terms of section 9(1) Act for registration as a short-term insurer, shall upon approval of such an application, be issued with a registration certificate referred to in section 9(2)(b), in the following format:

**SHORT-TERM INSURANCE ACT, 1998**  
**(ACT NO. 53 OF 1998)**



**CERTIFICATE OF REGISTRATION**

In terms of section 9(2)(b) of the Act,

.....

has been registered by me to carry on short-term insurance business.

In terms of section 10 read with section 9(2)(a) of the Act, registration is accorded  
subject to the conditions enumerated on the reverse side of this certificate.

Signed at, ..... on ....

\_\_\_\_\_  
REGISTRAR OF SHORT-TERM INSURANCE

REPUBLIC OF SOUTH AFRICA

NO. .... / ....

## Conditions of Registration

.....

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NO. .... / ....

## BOARD NOTICE 190 OF 1998

## FINANCIAL SERVICES BOARD

## SHORT-TERM INSURANCE ACT, 1998

## (ACT NO. 53 OF 1998)

## PRESCRIBED FEES

I, Richard Gray Cottrell, Registrar of Short-term Insurance, hereby notify, in terms of section 3(2)(b)(i) of the Short-term Insurance Act, 1998 that:

1. The following fees will be charged with effect from 1 January 1999 in respect of each item indicated opposite thereto in the table, inclusive of Value-Added Tax (VAT) at the current rate.

ITEM	FEES R
(a) Application for registration as a short-term insurer in terms of section 9(1), excluding an application which is referred to in section 67(2) .....	10 000.00
(b) Registration as a short-term insurer in terms of section 9(2)(b), excluding the registration of an existing insurer referred to in section 67(3) .....	7 500.00
(c) Written confirmation of registration .....	50.00
(d) Document searching by Registrar for purposes of inspection thereof in terms of section 3(4), or furnishing of copies or for the search, per insurer, for documents in respect of a particular financial year, relating to the last ten preceding financial years, for the purposes of inspection thereof or furnishing of copies .....	20.00
(e) Authentication of a document .....	50.00
(f) Furnishing of a copy of or extract from any document referred to in section 3(4) per sheet thereof .....	3.00
(g) An application for a determination that a policy shall form part of a particular class of policies in terms of section 4(7)(b) .....	2 500.00

(h)	An application in terms of section 8(1)(a), for the use of the words "insure", "assure", "underwrite" or any derivative thereof in the name or description of an undertaking .....	100.00
(i)	Application for a change of name of a short-term insurer in terms of section 17(b) .....	200.00
(j)	Variation of registration conditions in terms of section 11, excluding those variations referred to in sections 12 and 13 .....	5 000.00
(k)	Application for a change in the financial year in terms of section 17(a) .....	200.00
(l)	Application for the approval of an auditor in terms of section 19 .....	200.00
(m)	Application for any one approval in terms of section 23 .....	500.00
(n)	Application for approval of registration of shares in the name of a nominee company in terms of section 24 .....	500.00
(o)	Application in terms of section 25 to acquire or hold shares or any other interest in a short-term insurer ..	500.00
(p)	Application to be exempted from the prescribed spread of assets as contemplated in section 30(2) ...	500.00
(q)	Application for approval in terms of section 33(1), for each particular case.....	500.00
(r)	Application for approval as a nominee company to hold assets on behalf of a short-term insurer in terms of section 33(1)(b) .....	3 500.00
(s)	Furnishing of a photostatic copy of a return contemplated in section 35, excluding those returns to be submitted in terms of the Companies Act, 1973.....	200.00
(t)	Furnishing of a return contemplated in section 35, in an electronic format, of a particular financial year, excluding those returns to be submitted in terms of the Companies Act, 1973 .....	150.00
(u)	Application in terms of section 36(2), for the approval of an arrangement for the transfer of short-term insurance business .....	500.00



- |     |   |          |
|-----|---|----------|
| (v) | Application in terms of section 37, for approval of amalgamation or transfer .....  | 7 000.00 |
| (w) | Application for voluntary winding-up of a short-term insurer in terms of section 42 .....   | 7 000.00 |
| (x) | A copy of the Annual Report of the Registrar of Short-term Insurance, in terms of section 5, in printed and electronic format ..... | 50.00    |
2. Exemption from the obligation to pay any of the above fees may be granted in instances where I have satisfied myself that the information in question is desired for the purpose of furthering public interest.
3. Fees may be charged for the performance of special activities, not mentioned above, by this Office. The amount of these fees will be decided upon after consultation between this Office and the other party/parties involved.
4. The payment by an applicant of a fee will either have to be in the form of cash, a cheque issued in favour of the Financial Services Board, or a proof in the form of a deposit slip where a deposit was directly paid into the Financial Services Board's bank account, details of which are:
- |     |                  |                 |
|-----|------------------|-----------------|
| (a) | Name of Bank:    | Standard Bank   |
| (b) | Type of account: | Current Account |
| (c) | Branch:          | Menlyn Park     |
| (d) | Branch No:       | 01-23-45-15     |
| (e) | Account No:      | 01-276-9800     |

**RG COTTRELL**  
**REGISTRAR OF SHORT-TERM INSURANCE**

**BOARD NOTICE 191 OF 1998****FINANCIAL SERVICES BOARD****SHORT-TERM INSURANCE ACT, 1998****(ACT NO. 53 OF 1998)****DOCUMENTS TO BE MADE AVAILABLE FOR INSPECTION  
IN TERMS OF SECTION 3(4) OF THE SHORT-TERM  
INSURANCE ACT, 1998**

I, Richard Gray Cottrell, Registrar of Short-term Insurance, hereby notify, that the following documents, held by this Office under the Short-term Insurance Act, 1998 in relation to a short-term insurer, will be available for inspection by the public:

- 1 Certificate of Registration issued in terms of section 9(2)(b);
- 2 Any approval granted in terms of sections 25(1) and 25(2) for the holding of shares in a short-term insurer;
- 3 The names and addresses of:
  - 3.1 Short-term insurers and their public officers, submitted in terms of section 16, and of their auditor(s), appointed in terms of section 19;
  - 3.2 The Lloyd's representatives submitted in terms of section 57(7);
  - 3.3 All Lloyd's correspondents, to be submitted to the Registrar by the Lloyd's representative in terms of section 58(2).
- 4 All completed documents, with the exception of the quarterly returns, contained in the returns of the short-term insurers and submitted in terms of section 35, with the inclusion of any duly audited account or balance sheet or any other statement or report relating to its finances which it is in terms of the Companies Act, 1973 (Act No. 61 of 1973) or any other law under which it is incorporated, required to submit to an annual general meeting of shareholders or policyholders, whether or not such insurer has complied with the requirements of the said Act or such other law.

- 5      5.1      Returns in terms of section 58(1), submitted by Lloyd's or the Lloyd's representative in respect of the short-term insurance business carried on by Lloyd's underwriters in the Republic;
- 5.2      Returns in terms of paragraph (7) of Schedule 3, in respect of the Lloyd's South African Trust and the Lloyd's South African Transitional Trust.

All the above-mentioned documents will only be made available upon payment of the fees prescribed in terms of section 3(2)(b)(i).

This Board Notice will come into effect on 1 January 1999.

**RG COTTRELL**  
**REGISTRAR OF SHORT-TERM INSURANCE**



**BOARD NOTICE 192 OF 1998****FINANCIAL SERVICES BOARD****SHORT-TERM INSURANCE ACT, 1998****(ACT NO. 53 OF 1998)****FORM OF GUARANTEE**

I, Richard Gray Cottrell, Registrar of Short-term Insurance, hereby notify, in terms of regulation 4.2(a) under the Short-term Insurance Act, 1998, that the guarantee to be provided in terms of regulation 4.1(2) shall be in the following format:

**FORM OF GUARANTEE**

[Section 45 of the Short-term Insurance Act of 1998 read with the regulation 4 thereto]

**DEMAND GUARANTEE**

Issued by

.....

in favour of

**THE SOUTH AFRICAN INSURANCE ASSOCIATION**

## 1. INTRODUCTION

1.1. Section 45 of the Short-term Insurance Act No. 53 of 1998 ("the Act") read with the regulations made in terms of Section 45(b) of the Act governs the receipt by independent intermediaries of monies in respect of premiums on behalf of short-term insurers and Lloyd's underwriters ("insurers") and relating to short-term insurance business carried on in the Republic of South Africa ("premium monies").

1.2. .... ("independent intermediary") of [address] .....  
 .....  
 receives premium monies and is required by section 45(b) of the Act to furnish a guarantee to The South African Insurance Association ("the Association") for the benefit of insurers.

1.3. We, [name of insurer or bank] .....  
 ..... ("the guarantor") of [address]  
 .....  
 .....  
 being a [nature of business] .....  
 .....  
 represented by .....  
 in his capacity as .....  
 and duly authorised in terms of a written authority dated .....  
 (a copy of which is either annexed hereto or has been previously lodged with the Association) have agreed to furnish such guarantee.

## 2. GUARANTEE

We undertake that upon receipt by us of a written demand from the Association

for payment by us to the Association of a specified sum of money ("the demand amount") not exceeding R..... [ ..... ] ("the guarantee amount") to pay the demand amount to the Association, for the benefit of the insurers, at .....  
[address] provided that the demand is signed by the chief executive officer of the Association and that the demand records that:

- 2.1. the Independent intermediary has failed to pay the demand amount to insurers within the period required in terms of regulation 4(3)(1) of the Act; and
  - 2.2. the Association has issued a notice to all insurers of the possibility of a claim by an insurer in respect of the Independent intermediary; and
  - 2.3. more than 12 (twelve) months have elapsed since the date appearing on such notice and the demand amount is not more than the aggregate of all claims in respect of premium monies due by the Independent intermediary to the insurers received by the Association up to the date of the demand.
3. If the aggregate of the claims received by the Association in terms of clause 2.3 exceeds the guarantee amount then the guarantee amount will be apportioned between the insurers which have lodged claims in terms of clause 2.3 on the following basis:
- 3.1. the amount of premium monies received by the Independent intermediary on behalf of insurers within a 120 day period commencing 60 days prior to and including the date of the notice in terms of clause 2.2 above and terminating 60 days after such date will be determined and the guarantee amount will be apportioned between such insurers in proportion to the premium monies so determined as owing to each of them; and

- 3.2. if the guarantee amount exceeds the total of the premiums referred to in clause 3.1 above, the balance of the guarantee amount will be apportioned between insurers in proportion to the outstanding amount of premium monies received by the Independent intermediary on behalf of each of such insurers outside the period referred to in clause 3.1 above.

4. **DOMICILIUM**

We choose our address set out in clause 1.3 above as our *domicilium citandi et executandi*.

5. **EXPIRY**

This guarantee will terminate upon the earliest of the following dates:

- 5.1. the date of payment of the guarantee amount; or
- 5.2. on \_\_/\_\_/\_\_\_\_; or
- 5.3. the date of expiry of at least 60 days' written notice of termination given by us to the Association and to the independent intermediary or their respective addresses mentioned above; or
- 5.4. the date of expiry of at least 60 days' written notice of termination given by the Independent intermediary to the Association and to us at its and our respective addresses mentioned above.

Notwithstanding such termination, this guarantee will remain of full force and effect in regard to any liability which arose prior to the date of such termination provided that a written demand in terms of clause 2 above is received by us in respect of such liability

within 3 (three) years of the date of termination.

**6. GENERAL**

- 6.1. This guarantee is limited to the payment of money only and is neither negotiable nor transferable and must be returned to us upon its termination.
- 6.2. Payment of the guarantee amount to the Association under this guarantee will constituted a final discharge of our obligation hereunder to the Association and the insurers.

Signed at ..... this ..... day of .....

\_\_\_\_\_  
(For)

As witnesses:

1. \_\_\_\_\_

2. \_\_\_\_\_

**R G COTTRELL**

**REGISTRAR OF SHORT-TERM INSURANCE**



**BOARD NOTICE 193 OF 1998****FINANCIAL SERVICES BOARD****SHORT-TERM INSURANCE ACT, 1998****(ACT NO. 53 OF 1998)****RETURN BY INDEPENDENT INTERMEDIARY**

I, Richard Gray Cottrell, Registrar of Short-term Insurance, hereby notify, in terms of regulation 4.4(a) of the Short-term Insurance Act, 1998, that independent intermediaries, authorised as contemplated in regulation 4.1, shall within the period prescribed in subparagraph (iii) of this regulation submit to the South African Insurance Association the following return:-

**RETURN BY AUTHORISED PERSONS IN RESPECT OF AMOUNT OF  
GUARANTEE TO BE FURNISHED BY AN INDEPENDENT INTERMEDIARY  
IN TERMS OF REGULATION 4.4(i) AND (ii) OF THE SHORT-TERM  
INSURANCE ACT, (NO 53 OF 1998) ("the Act")**

**NAME OF INDEPENDENT INTERMEDIARY:**

.....  
(Insert the name of the independent intermediary referred to in regulation 4.1(1) of the Act)

## FINANCIAL YEAR ENDED .....

1. The aggregate amount of gross short-term insurance premiums less commissions which became due to short-term insurers and underwriters at Lloyd's during the above year amounted to R.....
2. Amount of guarantee required (30 per cent of the amount in 1.) \* ..... R.....
3. Less amount of guarantee in force at present ..... R.....
4. Amount of additional guarantee required..... R.....

-----  
Date-----  
Signature of independent  
intermediary

- \* Minimum amount R100 000,00  
Maximum amount R50 million

## REPORT—

(1) (in the case of a company) BY AUDITOR in respect of

-----  
(NAME OF INDEPENDENT INTERMEDIARY, hereinafter referred to as the  
"intermediary")

I/we have reviewed the information in the attached return relating to information applicable to the guarantee required in terms of regulation 4.1(2) of the Act. I/we have initialled the return for identification purposes. The financial information on which this return is based, is the responsibility of the company's directors. My/our responsibility is to report on this return.

My/our review was generally limited to analytical procedures, to discussion with the company's personnel responsible for financial and accounting matters, and to review and analyse certain information. It should be recognized that my/our review did not constitute an audit and may not necessarily have revealed all material facts.

My/our review revealed nothing which caused me/us to believe that the said intermediary was not in compliance, as at ..... 19.... (last date of

intermediary's financial year), with the regulations of the Act.

-----  
*Signature of auditor/s*

-----  
*Name of auditor/s in block  
letters*

*Address*.....

*Date*.....

- (2) (In the case of any other enterprise than a company) BY INDEPENDENT ACCOUNTING OFFICER in respect of .....  
(NAME OF INDEPENDENT INTERMEDIARY hereinafter referred to as the "intermediary")

I have reviewed the information relating to the guarantee required in terms of regulation 4.1(2) of the said Act, reflected in the attached return. I have initialled the return for identification purposes. The financial information on which this return is based, is the responsibility of the members, partners or other persons managing the enterprise. My responsibility is to report on this return.

I have determined that the return is in agreement with the financial statements and the accounting records, and have done so by adopting such procedures and conducting such enquiries in relation to the books of account and records as I considered necessary in the circumstances. It should be recognized that no audit has been performed and my review may not necessarily have revealed all material facts.

My review revealed nothing which caused me to believe that the said intermediary was not in compliance, as at ..... (last date of

intermediary's financial year), with the said regulations of the Act.

-----  
*Signature of accounting officer*

-----  
*Name of accounting officer  
in block letters*

*Address*.....

*Date*.....

**R G COTTRELL**

**REGISTRAR OF SHORT-TERM INSURANCE**

**BOARD NOTICE 194 OF 1998****FINANCIAL SERVICES BOARD****SHORT-TERM INSURANCE ACT, 1998****(ACT NO. 53 OF 1998)****IRREVOCABLE GUARANTEE**

I, Richard Gray Cottrell, Registrar of Short-term Insurance, hereby notify, in terms of section 1(1)(iii)(d)(ii) of the Short-term Insurance Act, 1998 that the irrevocable guarantee shall be in the following form:

**IRREVOCABLE GUARANTEE**

(Section 1(1)(iii)(d)(ii) of the Short-term Insurance Act 53 of 1998)

**[Bank's Name and Address of Issuing Branch or Office]**

At the request or on behalf of ..... (name of foreign reinsurer) we hereby irrevocably undertake to pay ..... (name of beneficiary) an amount of up to ..... (..... amount in words) upon receipt by us of the first written demand by the Chief Executive Officer of ..... (name of beneficiary).

Notwithstanding anything to the contrary in this guarantee, our obligation shall be construed as principal and not as accessory and shall not be delayed or discharged by the fact that a dispute exists between ourselves, the beneficiary, and/or any other party.



This guarantee shall be neither negotiable nor transferable.

We choose our *domicilium citandi et executandi* as indicated above and unconditionally submit to the jurisdiction and law of the South African Courts.

This guarantee shall expire at the close of banking hours on .....  
(expiry date).

Signed at ..... this ..... day of .....

\_\_\_\_\_  
(Full name and capacity of signatory)

As witnesses:

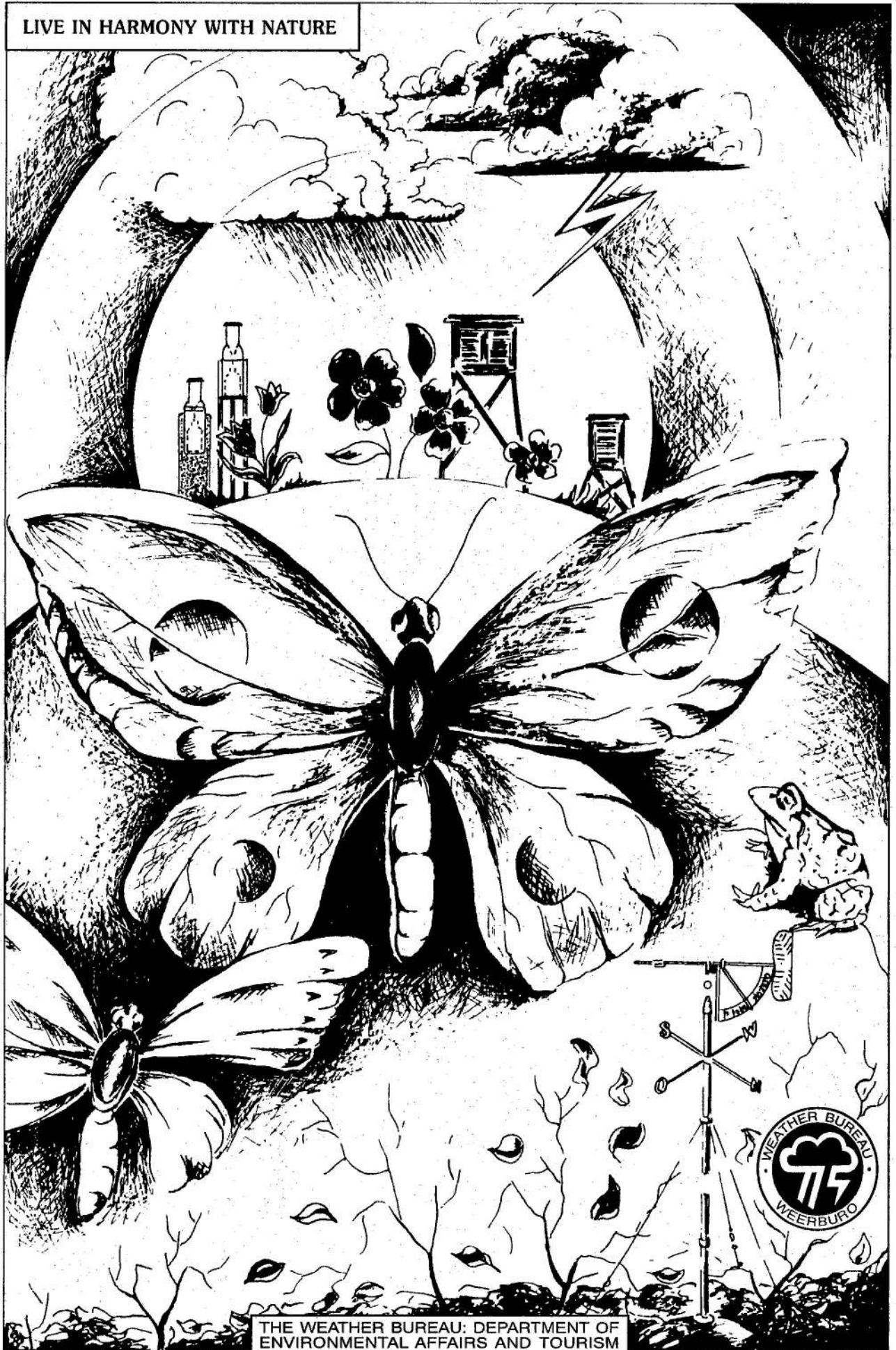
1. \_\_\_\_\_

2. \_\_\_\_\_

**R G COTTRELL**

**REGISTRAR OF SHORT-TERM INSURANCE**

LIVE IN HARMONY WITH NATURE



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM



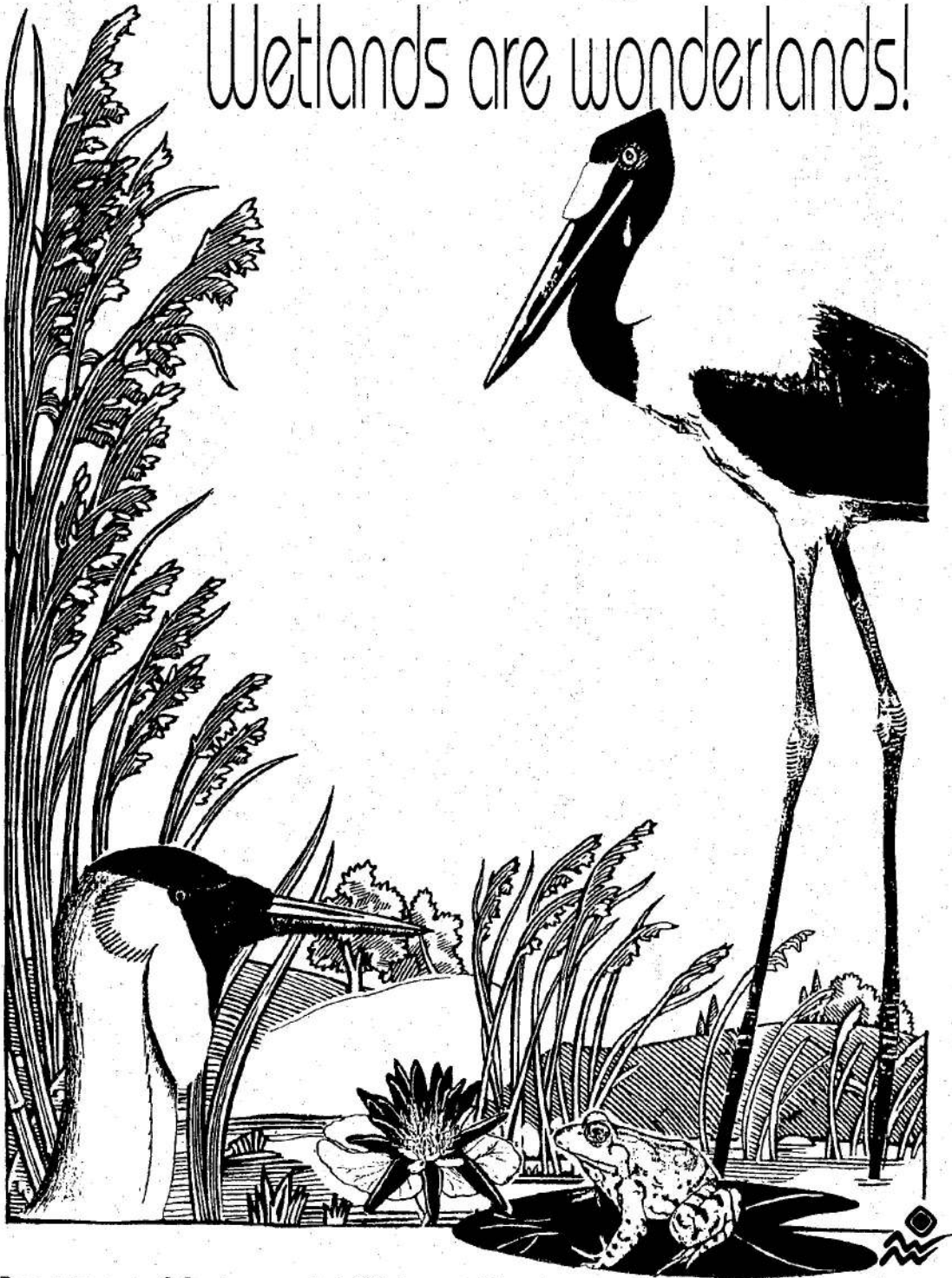
# THE WEATHER BUREAU HELPS FARMERS TO PLAN THEIR CROP



THE WEATHER BUREAU: DEPARTMENT OF ENVIRONMENTAL AFFAIRS & TOURISM  
DIE WEERBURO: DEPARTEMENT VAN OMGEWINGSKE EN TOERISME



# Wetlands are wonderlands!



Department of Environmental Affairs and Tourism



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