



# Government Gazette

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## BOARD NOTICE RAADSKENNISGEWING

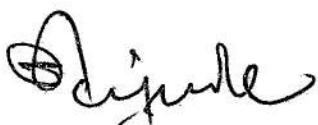
### BOARD NOTICE 54 OF 2004 FINANCIAL SERVICES BOARD

#### FINANCIAL SERVICES BOARD ACT, 1990

#### LEVIES ON FINANCIAL INSTITUTIONS

The Financial Services Board referred to in section 2 of the Financial Services Board Act, 1990 (Act No. 97 of 1990), hereby under section 15A of the said Act imposes the levies set out in the Schedule on financial institutions.

By order of the Financial Services Board.



A M SITHOLE

Deputy Chairperson: Financial Services Board

#### SCHEDULE

#### Definitions

1. In this Notice any word or expression to which a meaning has been assigned in any financial services law, has the meaning so assigned to it and, unless the context indicates otherwise -
  - (i) "Board" means the Financial Services Board referred to in the Act;
  - (iv)
  - (ii) "financial services law" means the Act, and any other act referred to in paragraph (a) of the definition of "financial institution" in section 1 of the Act ; (v)
  - (iii) "levy year" means the period from 1 April 2004 to 31 March 2005 and, subject to this Notice and any amendment or repeal thereof, such corresponding period in succeeding years, in respect of which levies are imposed; (iii)

- (iv) "**relevant Registrar**" means the Registrar mentioned in a financial services law concerned; (i)
- (v) "**the Act**" means the Financial Services Board Act, 1990 (Act No. 97 of 1990). (ii)

### **Imposition of levies**

- 2. The levy specified in an item of this Notice is hereby imposed in respect of the financial institution referred to in that item and in respect of the levy year.

### **Levy on pension funds**

- 3. (1) In respect of a pension fund registered or provisionally registered in terms of the Pension Funds Act, 1956 (Act No. 24 of 1956) (including a preservation fund), excluding a retirement annuity fund as defined in section 1 of the Income Tax Act, 1962 (Act No. 58 of 1962), the levy is an amount of R591, plus an additional amount of R4,88 per member of such fund and R4,88 in respect of every other person who receives regular periodic payments from such fund, or R978,436, which total amount is the lesser. A pension fund registered under an umbrella scheme must pay an additional levy of R153 in respect of each registered participating employer. The maximum levy applies in respect of every participating employer and not in respect of the umbrella scheme as such.
- (2) In the case of a pension fund that is not exempted in terms of section 2(3)(a) of the Pension Funds Act, 1956, read with regulation 1 of the regulations published by Government Notice No. R.98 of 26 January 1962, the calculation of the levy referred to in subitem (1) is based on the number of members and other persons referred to in that subitem, as that number is reflected in the latest statistics furnished to the relevant Registrar in terms of any law, and on file with the Board on 31 August 2004. If a transfer of members is in process and not finalised on 31 August 2004, the transferor must pay the levy in respect of the members to be transferred. Where the appointment of

a liquidator of a fund is approved by the Registrar during the levy year, the levy for the fund is payable for the full levy year and no further levy will thereafter be payable.

- (3) In the case of a pension fund that is exempted in terms of section 2(3)(a) of the Pension Funds Act, 1956, read with regulation 1 of the regulations published by Government Notice No. R.98 of 26 January 1962, the calculation of the levy referred to in subitem (1) is based on the number of members and other persons referred to in that subitem, as that number is reflected in the latest statistics furnished to the relevant Registrar in terms of any law –
- (a) on the date of publication of this Notice for the purpose of provisional payment of the levy; and
- (b) on file with the Board on 30 June 2004 for the purpose of final payment of the levy.

If a transfer of members is in process and not finalised on 30 June 2004, the transferor must pay the levy in respect of the members to be transferred. Where the appointment of a liquidator of a fund is approved by the Registrar during the levy year, the levy for the fund is payable for the full levy year and no further levy will thereafter be payable.

- (4) In the case of a pension fund that is exempted in terms of section 2(2) of the Pension Funds Act, 1956, from the provisions, other than sections 3 and 4(1) and (2), of that Act, the calculation of the levy referred to in subitem (1) is based on the number of members and other persons referred to in that subitem who are South African citizens, resident in the Republic, as that number is reflected in the latest statistics furnished to the relevant Registrar in terms of any law, and on file with the Board on 31 August 2004. Where the appointment of a liquidator of a fund is approved by the Registrar during the levy year, the levy for the fund is payable for the full levy year and no further levy will thereafter be payable.

- (5) The levies referred to in subitem (1), which are payable by a pension fund referred to in -
- (a) subitems (2) and (4), must be paid not later than 31 October of the levy year; and
- (c) subitem (3), must, in the case of the provisional payment, be paid not later than 31 May 2004 and the balance not later than 30 days after the date of the final invoice.

#### **Levy for Pension Funds Adjudicator**

4. In respect of a pension fund registered or provisionally registered in terms of the Pension Funds Act, 1956, including a retirement annuity fund as defined in section 1 of the Income Tax Act, 1962, the levy for the Pension Funds Adjudicator is an amount of R1,18 per member of such fund and any other person who receives regular periodic payments from such fund. This levy may be paid with the levy referred to in item 3(1), where applicable, and is payable on the date specified in item 3(5).

#### **Levy on retirement annuity fund**

5. (1) In respect of a retirement annuity fund referred to in item 3(1), the levy is an amount of R591 plus an additional amount equal to 0.0059 % of the value of the assets of the fund. Where the appointment of a liquidator of a fund is approved by the Registrar during the levy year, the levy for the fund is payable for the full levy year and no further levy will thereafter be payable. The value of the assets of a retirement annuity fund is for the purposes of this subitem -
- (a) in the case of a fund not exempted in terms of section 2(3)(a) of the Pension Funds Act, 1956, read with regulation 1 of the regulations published by Government Notice No. R.98 of 26 January 1962, the value of those assets of the fund determined at the time of the valuation thereof by the insurer for the purpose of

determining its liabilities excluded in item 8(2)(b) from the definition of "liabilities", as well as any other assets held by the fund to enable it to meet its obligations towards its members; and

(b) in the case of a fund exempted in terms of section 2(3)(a) of the Pension Funds Act, 1956, read with regulation 1 of the regulations published by Government Notice No. R. 98 of 26 January 1962, the value of those assets of the fund determined at the time of the valuation thereof by the insurer for the purpose of determining its liabilities excluded in item 8(2)(b) from the definition of "liabilities".

- (2) The calculation of the value of the assets of a retirement annuity fund must include the value of a contract, if any, in which a long-term insurer, in return for the payment of a premium, undertakes to provide policy benefits for the purpose of funding in whole or in part the liability of a retirement annuity fund to provide benefits to its members in terms of its rules.
- (3) The levy referred to in subitem (1) which are payable by a retirement annuity fund referred to in -
  - (a) subitem 1 (a), must be paid not later than 31 October of the levy year; and
  - (b) subitem 1 (b), must, in the case of the provisional payment, be paid not later than 31 May 2004 and the balance not later than 30 days after the date of the final invoice.

#### **Levy on friendly societies**

6. (1) In respect of a friendly society registered or provisionally registered in terms of section 3(2)(a) of the Friendly Societies Act, 1956 (Act No. 25 of 1956), the levy is an amount of R85 plus an additional amount of 75c per member of such society (excluding a person who receives policy benefits under a contract which relates exclusively to such particular person and is issued by a long-term insurer registered or

deemed to be registered in terms of the Long-term Insurance Act, 1998), or R1 800, which total amount is the lesser.

- (2) The calculation of the levy referred to in subitem (1) is based on the number of members who contribute to the society, as that number is reflected in the latest available statistics on file with the Board on 31 August 2004 and furnished to the relevant Registrar in terms of any law.
- (3) The levy referred to in subitem (1) must be paid not later than 31 October of the levy year.

#### **Levy on short-term insurers and underwriters at Lloyd's**

7. (1) In respect of an insurer registered in terms of the Short-term Insurance Act, 1998 (Act No. 53 of 1998), to carry on short-term insurance business, the levy shall be based on estimated gross premium income, including any rebates, for the insurer's financial year ending during the period from 1 July to 31 March of the current levy year or ending during the period from 1 April to 30 June of the following levy year, adjusted after the end of its financial year in accordance with its actual audited gross premium income, including any rebates. Irrespective of the length of the financial period of the insurer, the levy shall be an amount equal to 0,0959% of the first R60 million gross premium income, including any rebates, plus 0,0221% thereafter, or R9 590, whichever total amount is the greater. The rate in force as at the end of the financial period of the insurer shall be applicable for the whole of the period ending on such date.
- (2) In respect of a person appointed in terms of section 57(1) of the Short-term Insurance Act, 1998, the levy shall be based on estimated gross premium income for the calendar year ending on 31 December of the levy year, but adjusted annually after 31 December in accordance with the gross premium income which was received on behalf of underwriters at Lloyd's in the Republic for the previous calendar year as published in the Annual Report of the Registrar of Short-term

Insurance. The levy shall be an amount equal to 0,0959% of the first R60 million gross premium income plus 0,0221% thereafter, or R9 590, whichever total amount is the greater.

- (3) A short-term insurer which was registered or deemed to be registered in terms of the Short-term Insurance Act, 1998, on any day of the levy year, must pay the full levies referred to in subitem (1).
- (4) The levy based on estimated premium income shall be paid in two instalments before or on 31 May and 31 October of the levy year. The adjustment referred to in subitem (1) shall be combined with the first or second payment after the end of the insurer's financial year. In the case of Lloyd's it shall be combined with the October payment.

#### **Levy on long-term insurers**

8. (1) In respect of a long-term insurer which is registered or deemed to be registered in terms of the Long-term Insurance Act, 1998, (Act No. 52 of 1998), and authorised to –
  - (a) enter into one or more than one disability policy, fund policy, health policy, life policy or sinking fund policy or one or more of those policies and an assistance policy, the levy is an amount of R33 100 plus 0,0059% of the liabilities under unmatured long-term policies; or
  - (b) enter into an assistance policy only, the levy is an amount of R3 310 plus 0,0059% of the liabilities under unmatured long-term policies.
- (2) The expression "liabilities under unmatured long-term policies" in sub-items (1)(a) and (b) –
  - (a) means the liabilities as determined at the end of the long-term insurer's financial year which ended in the calendar year preceding the levy year, and the value of such liabilities are

the gross liabilities under unmatured policies reflected against the item "Gross policy liabilities" in column 9 of Statement C9 of Form LT2000, or means, if the long-term insurer had no financial year which ended in the calendar year preceding the levy year, the gross liabilities as reflected at the end of the long-term insurer's financial year which ended in the calendar year preceding the previous levy year;

- (b) excludes the liabilities under a contract, in terms of which the long-term insurer, in return for the payment of a premium, undertakes to provide policy benefits for the purpose of funding in whole or in part the liability of a friendly society, as defined in section 1 of the Friendly Societies Act, 1956, or a pension fund organisation, as defined in section 1 of the Pension Funds Act, 1956, to provide benefits to its members in terms of its rules: Provided that such excluded liabilities do not include liabilities under a contract relating exclusively to a particular member of a friendly society or a pension fund organisation, or to the surviving spouse, children, dependants or nominees of a particular member of such friendly society or pension fund organisation.

- (3) A long-term insurer which was registered or deemed to be registered in terms of the Long-term Insurance Act, 1998, -
- (a) on 1 April of the levy year, must pay the full levies referred to in subitems (1)(a) and (b); or
- (b) after 1 April but not after 1 October of the levy year, must pay half the levies referred to in subitems (1)(a) and (b) in one amount as the only payment, before or on 31 October of the levy year.
- (4) The levies referred to in subitem (3)(a) must be paid in two instalments, namely –

- (a) 50% of the levy or, if the actual amount is not available, a reasonable estimate of such levy based on a reasonable estimate of the value of the liabilities referred to in subitem (2), before or on 31 May of the levy year; and
- (b) the balance before or on 31 October of the levy year; and
- (c) if the payment was based on an estimate as referred to in subitem (4)(a), an adjustment in accordance with the actual value of the liabilities referred to in subitem (2) must be combined with the next levy payment after such actual value has been determined and furnished to the Board.

### **Levy on intermediaries**

9. (1) In respect of an agent, broker or other person referred to in section 45 of the Short- term Insurance Act, 1998, the levy is an amount equal to 0,02646% of the total gross premiums as reported on by an auditor or accounting officer, as the case may be, in terms of regulation 4.4 under the said Act, which was received by such agent, broker or other person during his most recent financial year on behalf of registered insurers, and underwriters at Lloyd's, or R75, whichever total amount is the greater.
- (2) The levy referred to in subitem (1), must be paid not later than 30 September of the levy year and shall be based on the total gross premiums on 31 July of each levy year as provided by the South African Insurance Association, subject to a maximum of R1.89 billion.

### **Levy on collective investment schemes in securities**

10. In respect of collective investment schemes in securities, as referred to in the Collective Investment Schemes Control Act, 2002 (Act No. 45 of 2002), the levy is a total amount of R4 275 000, plus any amount payable in terms of the proviso hereto, for all such schemes registered in terms of section 42 of

the said Act at any time during the levy year. The amount shall be payable in four quarterly instalments on or before 30 June, 30 September, 31 December and 31 March of the levy year. The quarterly amounts are paid on the basis of statistics as at the end of the preceding quarter and are apportioned amongst all managers registered at that date. The calculation of levies due is as follows:

- (a) 10% apportioned equally between all managers;
- (b) 60% apportioned according to the number of portfolios administered by each manager; and
- (c) 30% apportioned in proportion to the total assets administered by each manager;

Provided that if a registered manager is not a member of the Association of Collective Investments of South Africa, a company registered under section 21 of the Companies Act, 1973 (Act No. 61 of 1973), the amounts payable in terms of paragraphs (a), (b) and (c) are doubled.

#### **Levy on foreign collective investment schemes**

11. (1) In respect of foreign collective investment schemes approved in terms of section 65 of the Collective Investment Schemes Control Act, 2002, the levy is paid in four quarterly instalments, each instalment consisting of -
- (a) R3 287,00 in respect of each scheme; plus
  - (b) R1 692,00 in respect of each portfolio, fund or sub-scheme; plus
  - (c) 0,000170% of the nett amount of assets managed on behalf of South African investors:

Provided that if an approved foreign collective investment scheme is not an associate member of The Association of Collective Investments of South Africa, the amount payable in terms of paragraph (b) is doubled.

- (2) The amounts shall be payable in four quarterly instalments on or before 30 June, 30 September, 31 December and 31 March of the levy year. The amounts are calculated on the basis of statistics as at the end of the preceding quarter, which statistics must be furnished to the Registrar within 30 days after such quarter end.
- (3) For the purposes of subitem (2) the statistics to be furnished to the relevant Registrar must contain details of all sales and redemptions or buy-backs in South Africa.
- (4) Levies are payable in respect of all months falling within any relevant quarter.

#### **Levy on collective investment schemes in property**

12. In respect of a manager of a collective investment scheme in property registered in terms of section 48 of the Collective Investment Schemes Control Act, 2002, the levy is an amount of R44 266 on every portfolio of such scheme, payable by such manager not later than 31 May of the levy year.

#### **Levy on collective investment schemes in participation bonds**

13. (1) In respect of a manager of a collective investment scheme in participation bonds registered in terms of section 53 of the Collective Investments Schemes Control Act, 2002, the levy is an amount of R4 404 plus an amount calculated by multiplying the aggregate amount owing by mortgagors on 31 December of the year preceding the levy year, by the figure of 0,00921%.
- (2) The levy referred to in subitem (1) must be paid not later than 31 May of the levy year.

**Levy on stock exchanges**

14. (1) In respect of the JSE Securities Exchange South Africa licensed in terms of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), the levy is an amount of R4 143 575.
- (2) The levy referred to in subitem (1), must be paid not later than 31 May of the levy year.

**Levy on financial exchanges**

15. (1) In respect of the Bond Exchange of South Africa, licensed in terms of the Financial Markets Control Act, 1989 (Act No. 55 of 1989), the levy is an amount of R1 641 613.
- (2) The levy referred to in subitem (1) must be paid not later than 31 May of the levy year.

**Levy on investment managers**

16. (1) A person, or a person who falls within a category of persons (hereinafter referred to as an investment manager), who has been approved in terms of section 4 of the Stock Exchanges Control Act, 1985, or section 5 of the Financial Markets Control Act, 1989, on or before 31 December of the year preceding the levy year, must pay on or before 31 May of the levy year, a levy calculated as follows:
- (a) a base amount of R3 410; and
- (b)  $A \times 0,00001$   
where A = the total value of investments managed as contemplated in section 4 of the Stock Exchanges

Control Act, 1985, or section 5 of the Financial Markets Control Act, 1989, as the case may be, on 31 December of the year preceding the levy year subject to a maximum of R29 917,08 billion: Provided that investments under management held in a foreign currency, must be included at the exchange rate published in the Press as at that date.

- (2) An investment manager approved between 1 January of the year preceding the levy year and 30 June of the levy year (both days included), must pay on or before 31 October of the levy year, a levy calculated as follows:

(a) a base amount of  $0,5 \times \text{R}3\,410$ ; and

(b)  $0,5 \times [A \times 0,00001]$

where A = the total value of investments managed as contemplated in section 4 of the Stock Exchanges Control Act, 1985, or section 5 of the Financial Markets Control Act, 1989, as the case may be, on 30 June of the levy year, subject to a maximum of R14 958,54 billion: Provided that investments under management held in a foreign currency, must be included at the exchange rate published in the Press as at that date.

#### **Levy on central securities depositories**

17. (1) In respect of STRATE Ltd., registered in terms of section 9 of the Custody and Administration of Securities Act, 1992 (Act No. 85 of 1992), the levy is an amount of R1 147 954.
- (2) The levy referred to in subitem (1) must be paid not later than 31 May of the levy year.

**Levy on financial markets in respect of insider trading**

18. (1) The levy for the payment of the costs of performing the functions of the Board and the Insider Trading Directorate in terms of the Insider Trading Act, 1998 (Act No 135 of 1998), is payable by the exchanges of South Africa, namely the JSE Securities Exchange South Africa and the Bond Exchange of South Africa. The total levy for the levy year amounts to R6 498 000.
- (2) The total levy is calculated and payable on the following basis:
- (a) The JSE Securities Exchange South Africa pays the amount of R1 299 600, being 20% of the total levy, before or on 31 May of the levy year.
  - (b) The Bond Exchange of South Africa pays the amount of R649 800, being 10 % of the total levy, before or on 31 May of the levy year.
  - (c) The balance of the total levy, being R4 548 600, is payable in four instalments on a user-pay basis by the exchanges where insider trading investigations were executed. The amount is payable in quarterly instalments on or before 30 June, 30 September, 31 December and 31 March of the levy year.
- (3) In addition to the total levy referred to in subitem (1), the legal costs actually incurred by the Board in respect of insider trading litigation are payable quarterly in arrears by the relevant exchange.

**GENERAL****Payment of levies**

19. (1) The levies and interest (if any) referred to in this Notice shall, subject to the provisions of this Notice, be payable by a financial institution concerned to the

Board by means of a cheque, postal order or money order, or a money transfer.

- (2) On amounts of overdue levies, interest will be charged at a rate equal to the *prevailing prime overdraft rate of the Standard Bank of South Africa Ltd.*
- (3) The levies referred to in this Schedule include VAT.

### **Applications for exemption**

20. (1) An application by any financial institution for the granting under section 15A(4) of the Act of exemption from a provision of this Notice shall be submitted in writing to the Executive Officer, Financial Services Board, P O Box 35655, Menlo Park, 0102, on a date at least one month before the date on which the exemption is in accordance with the application to take effect.
- (2) Such application shall contain full particulars of the financial institution, the authorisation of the persons signing the application and the date on which the exemption is to take effect, if granted, and shall set out fully the reasons for the application.
- (3) The application shall-
- (a) contain an affirmation by the financial institution concerned to provide, on receipt of any such request, the Executive Officer of the Board forthwith with any other or further information or particulars which the Board may require in connection with the institution or application concerned; and
  - (b) contain particulars of the address at which the institution will accept service by the Board of any notice contemplated in section 15A(4)(b)(ii) of the Act.
- (4) A notice referred to in section 15A(4)(b)(ii) of the Act shall on the authority of the Board be served by the Executive Officer by registered post at the

address furnished by the financial institution in accordance with subitem (3)(b) in its application for exemption.

### **Consolidated payments**

21. Where in any particular levy year a body regarded by the Board as fully representative of a category of financial institutions, offers to make a consolidated payment of levies on behalf of that category in terms of an agreement concluded between such category and the body, the Board may accept such offer if the payment is made in accordance with the provisions of this Notice: Provided that if for any reason such consolidated payment is not so made on the relevant dates of payment, every individual financial institution concerned shall remain fully responsible for the individual payment payable by it, plus interest (if any) on that amount calculated in accordance with item 19 (2).

### **Withdrawal of notices and saving**

22. (1) Board Notice 47 of 27 May 2003 and Board Notice 90 of 12 September 2003 is, subject to subitem (2), withdrawn.

(2) If on the date of coming into operation of this Notice a financial institution has not yet fully paid a levy and interest due thereon, as imposed in terms of a provision of a notice mentioned in subitem (1), any such provision, together with any other provision of such notice which relates to the first-mentioned provision, shall be deemed in respect of the institution concerned and the relevant due amount not to be withdrawn by subitem (1) until such debt is fully discharged.

**RAADSKENNISGEWING 54 VAN 2004****RAAD OP FINANSIEËLE DIENSTE****WET OP DIE RAAD OP FINANSIEËLE DIENSTE, 1990****HEFFINGS OP FINANSIEËLE INSTELLINGS**

Die Raad op Finansiële Dienste bedoel in artikel 2 van die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990), lê hierby kragtens artikel 15A van genoemde Wet die heffings in die Bylae aan finansiële instellings op.

Op las van die Raad op Finansiële Dienste.

**A M SITHOLE****Ondervoorsitter: Raad op Finansiële Dienste****BYLAE****Woordomskrywings**

1. In hierdie Kennisgewing het enige woord of uitdrukking waaraan 'n betekenis in 'n wet op finansiële dienste verleen word, die betekenis aldus daaraan geheg, en, tensy uit die samehang anders blyk, beteken-

- (i) "betrokke Registrateur" die Registrateur vermeld in 'n betrokke wet op finansiële dienste; (iv)
- (ii) "die Wet" die Wet op die Raad op Finansiële Dienste, 1990 (Wet No. 97 van 1990); (v)
- (iii) "heffingsjaar" die tydperk vanaf 1 April 2004 tot 31 Maart 2005 en, behoudens hierdie Kennisgewing en enige wysiging of herroeping daarvan, so 'n ooreenstemmende tydperk in daaropvolgende jare, ten opsigte waarvan heffings opgelê word; (iii)

- (iv) "Raad" die Raad op Finansiële Dienste bedoel in die Wet; (i)
- (v) "wet op finansiële dienste" die Wet, en enige ander wet waarna in paragraaf (a) van die omskrywing van "finansiële instelling" in artikel 1 van die Wet verwys word. (ii)

#### **Oplê van heffings**

2. Die heffing vermeld in 'n item van hierdie Kennisgewing word hierby ten opsigte van die finansiële instelling in die item bedoel en die heffingsjaar opgelê.

#### **Heffing op pensioenfondse**

3. (1) Ten opsigte van 'n pensioenfonds wat ingevolge die Wet op Pensioenfondse 1956 (Wet No. 24 van 1956), geregistreer of voorlopig geregistreer is (insluitend 'n bewaringsfonds), uitgesonderd 'n uittredingsannuiteitsfonds soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962 (Wet No. 58 van 1962), is die heffing 'n bedrag van R591, plus 'n bykomende bedrag van R4,88 per lid van sodanige fonds en R4,88 ten opsigte van elke ander persoon wat gereelde periodieke betalings uit sodanige fonds ontvang, of R978 436, watter totale bedrag die kleinste is. 'n Pensioenfonds wat onder 'n sambreelskema geregistreer is, moet 'n bykomende heffing van R153 betaal ten opsigte van elke geregistreerde deelnemende werkewer. Die maksimum heffing geld ten opsigte van elke deelnemende werkewer en nie ten opsigte van die sambreelskema as sodanig nie.  
  
(2) In die geval van 'n pensioenfonds wat nie ingevolge artikel 2(3)(a) van die Wet op Pensioenfondse, 1956, saamgelees met regulasie 1 van die Regulasies gepubliseer by Goewermentskennisgewing No. R. 98 van 26 Januarie 1962, vrygestel is nie, word die berekening van die heffing in subitem (1) bedoel, gebaseer op die getal lede en ander persone in daardie subitem bedoel, soos daardie getal blyk uit die jongste statistieke wat by die betrokke Registrateur ingevolge enige wet ingedien is en op 31 Augustus

2004 by die Raad gelasseeer is. Indien 'n oordrag van lede aan die gang is wat op 31 Augustus 2004 nog nie afgehandel is nie, moet die oordraggewende fonds die heffing betaal ten opsigte van die lede wat oorgedra word. Waar die Registrateur die aanstelling van 'n likwidateur van 'n fonds gedurende die heffingsjaar goedkeur, is die heffing van die fonds vir die volle heffingsjaar betaalbaar en daarna is geen verdere heffing betaalbaar nie.

- (3) In die geval van 'n pensioenfonds wat ingevolge artikel 2(3)(a) van die Wet op Pensioenfondse, 1956, saamgelees met regulasie 1 van die regulasies gepubliseer by Goewermentskennisgwing No. R.98 van 26 Januarie 1962, vrygestel is, word die berekening van die heffing in subitem (1) bedoel, gebaseer op die getal lede en ander persone in daardie subitem bedoel, soos daardie getal blyk uit die jongste statistieke wat by die betrokke Registrateur ingevolge enige wet ingedien is –
- (a) op die datum van publikasie van hierdie Kennisgwing met die oog op die voorlopige betaling van die heffing ; en
- (b) op 30 Junie 2004 by die Raad gelasseeer is met die oog op die finale betaling van die heffing.

Indien 'n oordrag van lede aan die gang is wat op 30 Junie 2004 nog nie afgehandel is nie, moet die oordraggewende fonds die heffing betaal ten opsigte van die lede wat oorgedra word. Waar die Registrateur die aanstelling van 'n likwidateur van 'n fonds gedurende die heffingsjaar goedkeur, is die heffing van die fonds vir die volle heffingsjaar betaalbaar en daarna is geen verdere heffing betaalbaar nie.

- (4) In die geval van 'n pensioenfonds wat kragtens artikel 2(2) van die Wet op Pensioenfondse, 1956, van die bepalings, behalwe artikels 3, 4(1) en (2), van daardie Wet vrygestel is, word die berekening van die heffing in subitem (1) bedoel, gebaseer op die getal lede en ander persone in daardie subitem bedoel wat Suid-Afrikaanse burgers is, en woonagtig is in die Republiek, soos

daardie getal blyk uit die jongste statistieke wat by die betrokke Registrateur ingevolge enige wet ingedien is en op 31 Augustus 2004 by die Raad geliasseer is. Waar die Registrateur die aanstelling van 'n likwidator van 'n fonds gedurende die heffingsjaar goedkeur, is die heffing van die fonds vir die volle heffingsjaar betaalbaar en daarna is geen verdere heffing betaalbaar nie.

- (5) Die heffings bedoel in subitem (1), wat betaalbaar is deur 'n pensioenfonds bedoel in -

(a) subitems (2) en (4), word nie later nie as 31 Oktober van die heffingsjaar betaal; en

(b) subitem (3), moet, vir sover dit die voorlopige betaling betref, nie later nie as 31 Mei 2004 en die balans nie later nie as 30 dae na die datum van die finale faktuur, betaal word.

#### **Heffing vir die Pensioenfondsberegter**

4. Ten opsigte van 'n pensioenfonds wat ingevolge die Wet op Pensioenfondse, 1956, geregistreer of voorlopig geregistreer is, insluitende 'n uittredingsannuïteitsfonds soos omskryf in artikel 1 van die Inkomstebelastingwet, 1962, is die heffing vir die Pensioenfondsberegter 'n bedrag van R1,18 per lid van sodanige fonds en elke persoon wat gereeld periodieke betalings uit sodanige fonds ontvang. Hierdie heffing kan saam met die heffing bedoel in item 3(1), waar toepaslik, betaal word, en is betaalbaar op die datum bepaal in item 3(5).

#### **Heffing op uittredingsannuïteitsfonds**

5. (1) Ten opsigte van 'n uittredingsannuïteitsfonds bedoel in item 3(1), is die heffing 'n bedrag van R591 plus 'n bykomende bedrag gelyk aan 0,0059 % van die waarde van die fonds se bates. Waar die Registrateur die aanstelling

van 'n likwidateur van 'n fonds gedurende die heffingsjaar goedkeur, is die heffing van die fonds vir die volle heffingsjaar betaalbaar, en daarna is geen verdere heffing betaalbaar nie. Die waarde van die bates van 'n uittredingsannuiteitsfonds by die toepassing is van hierdie subitem -

- (a) in die geval van 'n fonds wat nie ingevolge artikel 2(3)(a) van die Wet op Pensioenfondse, 1956, saamgelees met regulasie 1 van die Regulasies gepubliseer by Goewermentskennisgewing No. R. 98 van 26 Januarie 1962, vrygestel is nie, die waarde van daardie bates van die fonds bepaal by die waardering daarvan deur die versekeraar met die oog op die bepaling van sy verpligtinge wat deur item 8(2)(b) uitgesluit word van die omskrywing van "verpligtinge", asook enige ander bates deur die fonds gehou om sy verpligtinge ten opsigte van sy lede na te kom; en
  - (b) in die geval van 'n fonds wat ingevolge artikel 2(3)(a) van die Wet op Pensioenfondse, 1956, saamgelees met regulasie 1 van die Regulasies gepubliseer by Goewermentskennisgewing No. R. 98 van 26 Januarie 1962, vrygestel is, die waarde van daardie bates van die fonds bepaal by die waardering daarvan deur die versekeraar met die oog op die bepaling van sy verpligtinge wat deur item 8(2)(b) uitgesluit word van die omskrywing van "verpligtinge".
- (2) Die berekening van die waarde van die bates van 'n uittredingsannuiteitsfonds moet die waarde van 'n kontrak, indien enige, insluit, waarin 'n langtermynversekeraar, in ruil vir 'n premie, onderneem om polisvoordele te verskaf vir die doel van die volle of gedeeltelike befondsing van die verpligting van 'n uittredingsannuiteitsfonds om voordele aan sy lede ingevolge sy reëls te verskaf.
- (3) Die heffing bedoel in subitem (1), wat betaalbaar is deur 'n uittredingsannuiteitsfonds bedoel in -
- (a) subitem (1) (a), moet nie later nie as 31 Oktober van die heffingsjaar betaal word; en

(b) subitem 1 (b), moet, vir sover dit die voorlopige betaling betref, nie later nie as 31 Mei 2004 en die balans nie later nie as 30 dae na die datum van die finale faktuur, betaal word.

### **Heffing op onderlinge hulpverenigings**

6. (1) Ten opsigte van 'n onderlinge hulpvereniging wat ingevolge artikel 3(2)(a) van die Wet op Onderlinge Hulpverenigings, 1956 (Wet No. 25 van 1956), geregistreer of voorlopig geregistreer is, is die heffing 'n bedrag van R85 plus 'n bykomende bedrag van 75c per lid van sodanige vereniging (uitgesonderd 'n lid wat polisvoordele ontvang ingevolge 'n kontrak waf uitsluitlik op die bepaalde lid betrekking het en wat uitgereik is deur 'n langtermynversekeraar geregistreer of geag geregistreer te wees kragtens die Langtermynversekeringswet, 1998), of R1 800, watter totale bedrag die kleinste is.
- (2) Die berekening van die heffing bedoel in subitem (1) word gebaseer op die getal lede wat tot die vereniging bydra, soos daardie getal blyk uit die jongste beskikbare statistieke geliasseer by die Raad op 31 Augustus 2004 en by die betrokke Registrateur ingedien ingevolge enige wet.
- (3) Die heffing bedoel in subitem (1) moet nie later nie as 31 Oktober van die heffingsjaar betaal word.

### **Heffing op korttermynversekeraars en onderskrywers van Lloyd's**

7. (1) Ten opsigte van 'n versekeraar wat ingevolge die Korttermynversekeringswet, 1998 (Wet No. 53 van 1998), geregistreer is om korttermynversekeringsbesigheid te dryf, word die heffing gebaseer op beraamde bruto premie-inkomste, insluitend enige rabatte, vir die versekeraar se boekjaar wat eindig gedurende die periode van 1 Julie tot 31 Maart van die

huidige heffingsjaar of wat eindig gedurende die periode van 1 April tot 30 Junie van die volgende heffingsjaar, aangesuiwer na die einde van sy boekjaar in ooreenstemming met sy werklike geouditeerde bruto premie-inkomste, insluitend enige rabatte. Ongeag die lengte van die finansiële periode van die versekeraar, is die heffing 'n bedrag gelyk aan 0,0959% van die eerste R60 miljoen bruto premie-inkomste, insluitend enige rabatte, plus 0,0221% daarna, of R9 590, watter totale bedrag ookal die grootste is. Die koers van krag aan die einde van die finansiële periode van die versekeraar sal van toepassing wees vir die hele periode wat op daardie datum eindig.

- (2) Ten opsigte van 'n persoon aangestel ingevolge artikel 57(1) van die Korttermynversekeringswet, 1998, word die heffing gebaseer op beraamde bruto premie-inkomste vir die kalenderjaar wat op 31 Desember van die heffingsjaar eindig, maar wat jaarliks na 31 Desember aangesuiwer word in ooreenstemming met die bruto premie-inkomste wat ten behoeve van onderskrywers van Lloyd's in die Republiek vir die vorige kalenderjaar ontvang is soos in die Jaarverslag van die Registrateur van Korttermynversekeringswese gepubliseer. Die heffing is 'n bedrag gelyk aan 0,0959% van die eerste R60 miljoen bruto premie-inkomste plus 0,0221% daarna, of R9 590, watter totale bedrag ookal die grootste is.
- (3) 'n Korttermynversekeraar wat ingevolge die Korttermynversekeringswet, 1998, geregistreer is of geag geregistreer te wees op enige dag van die heffingsjaar, moet die volle heffings in subitem (1) bedoel, betaal.
- (3) Die heffing op beraamde premie-inkomste word betaal in twee paaimeente voor of op 31 Mei en 31 Oktober van die heffingsjaar. Die aansuiwering bedoel in subitem (1) word gekombineer met die eerste of tweede betaling na die einde van 'n versekeraar se boekjaar. In die geval van Lloyd's word dit gekombineer met die Oktober betaling.

## Heffing op langtermynversekeraars

8. (1) Ten opsigte van 'n langtermynversekeraar wat ingevolge die Langtermynversekeringswet, 1998 (Wet No. 52 van 1998), geregistreer is of geag geregistreer te wees en gemagtig is om –
- (a) een of meer as een amortisasiepolis, fondspolis, gesondheidspolis, lewenspolis of ongeskiktheidspolis of een of meer van daardie polisse en 'n bystandspolis af te sluit, is die heffing 'n bedrag van R33 100 plus 0,0059% van die verpligtinge ingevolge onafgeloste langtermynpolisse; of
  - (b) alleenlik 'n bystandspolis af te sluit, is die heffing 'n bedrag van R3 310 plus 0,0059% van die verpligtinge ingevolge onafgeloste langtermynpolisse.
- (2) Die uitdrukking "verpligtinge ingevolge onafgeloste langtermynpolisse" in subitems (1)(a) en (b) –
- (a) beteken die verpligtinge soos bepaal aan die einde van die versekeraar se boekjaar wat in die kalenderjaar wat die heffingsjaar voorafgaan, ten einde geloop het, en die waarde van sodanige verpligtinge is die bruto verpligtinge kragtens onafgeloste polisse gereflekteer teen die item "Gross policy liabilities" in kolom 9 van Staat C9 van Vorm LT2000, of beteken, indien die langtermynversekeraar geen boekjaar wat in die kalenderjaar wat die heffingsjaar voorafgaan ten einde geloop het, gehad het nie, die bruto verpligtinge soos aangedui aan die einde van die versekeraar se boekjaar wat in die kalenderjaar wat die vorige heffingsjaar voorafgaan, ten einde geloop het;
  - (b) sluit nie die verpligtinge in nie ingevolge 'n kontrak ingevolge waarvan 'n langtermynversekeraar, in ruil vir 'n premie, onderneem om polisvoordele te verskaf vir die doel van die volle of gedeeltelike befondsing van die verpligting van 'n onderlinge hulpvereniging soos omskryf in artikel 1 van die Wet op Onderlinge Hulpverenigings, 1956, of 'n pensioenfondsorganisasie soos omskryf in artikel 1 van die Wet op

Pensioenfondse, 1956, om voordele aan sy lede ingevolge sy reëls te verskaf: Met dien verstande dat die verpligtinge wat van die omskrywing uitgesluit is, nie verpligtinge insluit nie ingevolge 'n kontrak wat uitsluitlik betrekking het op 'n bepaalde lid van 'n onderlinge hulpvereniging of 'n pensioenfondsorganisasie, of op die oorlewende gade, kinders, afhanglikes of benoemdes van 'n bepaalde lid van die onderlinge hulpvereniging of pensioenfondsorganisasie.

- (3) 'n Langtermynversekeraar wat ingevolge die Langtermynversekeringswet, 1998, geregistreer is of geag geregistreer te wees -
  - (a) op 1 April van die heffingsjaar, moet die volle heffings in subitems (1)(a) en (b) bedoel, betaal; of
  - (b) na 1 April maar nie na 1 Oktober van die heffingsjaar nie, moet die helfte van die heffings in subitems (1)(a) en (b) bedoel, in een bedrag betaal as die enigste betaling, voor of op 31 Oktober van die heffingsjaar.
- (4) Die heffings in subitem (3)(a) bedoel moet in twee paaiememente betaal word, naamlik -
  - (a) 50% van die heffing of, sou die werklike bedrag nie beskikbaar wees nie, 'n redelike skatting van sodanige heffing gebaseer op 'n redelike beraming van die waarde van die verpligtinge in subitem (2) bedoel, voor of op 31 Mei van die heffingsjaar; en
  - (b) die balans voor of op 31 Oktober van die heffingsjaar; en
  - (c) indien die paaiement gebaseer is op 'n skatting soos in subitem (4)(a) bedoel, sal 'n regstelling in ooreenstemming met die werklike waarde van die verpligtinge soos in subitem (2) bedoel gekombineer word met die volgende heffing paaiement nadat sodanige werklike waarde vasgestel en aan die Raad verskaf is.

**Heffing op tussengangers**

9. (1) Ten opsigte van 'n agent, makelaar of ander persoon bedoel in artikel 45 van die Korttermynversekeringswet, 1998, is die heffing 'n bedrag gelyk aan 0,02646% van die totale bruto premies waaroor verslag gedoen is deur 'n ouditeur of rekenkundige beampte, na gelang van die geval, ingevolge regulasie 4.4 kragtens genoemde Wet, wat deur sodanige agent, makelaar of ander persoon gedurende sy jongste boekjaar ten behoeve van geregistreerde versekeraars en onderskrywers by Lloyd's ontvang is, of R75, watter totale bedrag ookal die grootste is.
- (2) Die heffing bedoel in subitem (1), moet nie later nie as 30 September van die heffingsjaar betaal word en word gebaseer op die totale bruto premies op 31 Julie van elke heffingsjaar soos verskaf deur die Suid-Afrikaanse Versekerings-vereniging, onderhewig aan 'n maksimum van R1.89 miljoen.

**Heffing op kollektiewe beleggingskemas in effekte**

10. Ten opsigte van kollektiewe beleggingskemas in effekte, soos bedoel in die Wet op Beheer van Kollektiewe Beleggingskemas, 2002 (Wet No. 45 van 2002), is die heffing 'n totale bedrag van R4 275 000, plus enige bedrag betaalbaar ingevolge die voorbehoudsbepaling hierby, vir al sodanige skemas wat kragtens artikel 42 van genoemde Wet te eniger tyd gedurende die heffingsjaar geregistreer is. Die bedrag is betaalbaar in vier kwartaallikse paaiememente op of voor 30 Junie, 30 September, 31 Desember en 31 Maart van die heffingsjaar. Die kwartaallikse bedrae word betaal op die grondslag van statistiek soos aan die einde van die voorafgaande kwartaal en word verdeel tussen alle bestuurders wat op daardie datum geregistreer is. Die berekening van die verskuldigde heffings is soos volg:
- (a) 10% in gelyke mate verdeel tussen alle bestuurders;
- (b) 60% verdeel ooreenkomsdig die getal portefeuilles geadministreer deur elke bestuurder; en

- (c) 30% verdeel in verhouding tot die totale bates deur elke bestuurder gadministreer:

Met dien verstande dat indien 'n bestuurder nie'n lid is nie van die Vereniging van Kollektiewe Beleggings van Suid Afrika, 'n maatskappy geregistreer ingevolge artikel 21 van die Maatskappywet, 1973 (Wet No. 61 van 1973), die bedrae betaalbaar ingevolge paragrawe (a), (b) en (c) verdubbel word.

### **Heffing op buitelandse kollektiewe beleggingskemas**

11. (1) Ten opsigte van buitelandse kollektiewe beleggingskemas goedgekeur ingevolge artikel 65 van die Wet op Beheer van Kollektiewe Beleggingskemas, 2002, is die heffing in vier kwartaallikse paaiemente betaalbaar en elke paaiement bestaan uit -
- (a) R 3 287,00 ten opsigte van elke skema; plus
- (b) R1 692,00 ten opsigte van elke portefeuilje, fonds of subskema; plus
- (c) 0,000170% van die netto bates onder bestuur namens Suid-Afrikaanse beleggers:
- Met dien verstande dat indien 'n goedgekeurde buitelandse kollektiewe beleggingskema nie 'n geassosieerde lid van Die Vereniging van Kollektiewe Beleggings van Suid-Afrika is nie, die bedrag betaalbaar ingevolge paragraaf (b) verdubbel word.
- (2) Die heffing is betaalbaar in vier kwartaallikse bedrae op of voor 30 Junie, 30 September, 31 Desember en 31 Maart van die heffingsjaar. Die bedrag word bereken op die grondslag van statistieke soos aan die einde van die voorafgaande kwartaal, welke statistieke binne 30 dae na sodanige einde aan die Registrateur voorsien moet word.

- (3) Vir die doeleindes van subitem (2), moet die statistiek wat aan die betrokke Registrateur voorsien word, besonderhede bevat van alle verkope en aflossings of terugkope binne Suid-Afrika.
- (4) Heffings is ten opsigte van alle maande binne enige betrokke kwartaal betaalbaar.

#### **Heffing op kollektiewe beleggingskemas in eiendom**

12. Ten opsigte van 'n bestuurder van 'n kollektiewe beleggingskema in eiendom, soos bedoel in die Wet op Beheer van Kollektiewe Beleggingskemas, 2002, is die heffing 'n bedrag van R44 266 op elke portefeuilje van so 'n skema, betaalbaar deur so 'n bestuurder nie later nie as 31 Mei van die heffingsjaar.

#### **Heffing op kollektiewe beleggingskemas in deelnemingsverbande**

13. (1) Ten opsigte van 'n bestuurder van 'n kollektiewe beleggingskema in deelnemingsverbande wat ingevolge artikel 53 van die Wet op Beheer van Kollektiewe Beleggingskemas, 2002, geregistreer is, is die heffing 'n bedrag van R4 404 plus 'n bedrag wat bereken word deur die totale bedrag verskuldig deur verbandgewers op 31 Desember van die jaar wat die heffingsjaar voorafgaan, te vermenigvuldig met die syfer 0,00921%.
- (2) Die heffing bedoel in subitem (1) moet nie later nie as 31 Mei van die heffingsjaar betaal word.

#### **Heffing op aandelebeurse**

14. (1) Ten opsigte van die JSE Sekuriteitebeurs Suid-Afrika, wat ingevolge die Wet op Beheer van Aandelebeurse, 1985 (Wet No. 1 van 1985), gelisensieer is, is die heffing 'n bedrag van R4 143 575.

- (2) Die heffing bedoel in subitem (1), moet nie later nie as 31 Mei van die heffingsjaar betaal word.

#### **Heffing op finansiële beurse**

15. (1) Ten opsigte van die Effektebeurs van Suid-Afrika, wat ingevolge die Wet op Beheer van Finansiële Markte, 1989 (Wet No. 55 van 1989), gelisensieer is, is die heffing 'n bedrag van R1 641 613.
- (2) Die heffing moet nie later nie as 31 Mei van die heffingsjaar betaal word.

#### **Heffing op beleggingsbestuurders**

16. (1) 'n Persoon, of 'n persoon wat in 'n kategorie van persone val (hieronder 'n beleggingsbestuurder genoem), wat voor of op 31 Desember van die jaar wat die heffingsjaar voorafgaan ingevolge artikel 4 van die Wet op Beheer van Aandelebeurse, 1985, of artikel 5 van die Wet op Beheer van Finansiële Markte, 1989, goedgekeur is, moet voor of op 31 Mei van die heffingsjaar, 'n heffing betaal wat soos volg bereken is:
- (a) 'n grondbedrag van R3 410; en
- (b)  $A \times 0,00001$   
waar A = die totale waarde van die beleggings wat bestuur word soos beoog in artikel 4 van die Wet op Beheer van Aandelebeurse, 1985, of artikel 5 van die Wet op Beheer van Finansiële Markte, 1989, na gelang van die geval, op 31 Desember van die jaar wat die heffingsjaar voorafgaan, onderhewig aan 'n maksimum van R29 917,08 biljoen: Met dien verstande dat die beleggings onder bestuur wat in buitelandse valuta gehou word, ingesluit moet word teen

die wisselkoers wat in die Pers op daardie datum gepubliseer is.

- (2) 'n Beleggingsbestuurder goedgekeur tussen 1 Januarie van die jaar wat die heffingsjaar voorafgaan en 30 Junie van die heffingsjaar (albei dae ingesluit), moet voor of op 31 Oktober van die heffingsjaar, 'n heffing betaal wat soos volg bereken is:
- (a) 'n grondbedrag van  $0,5 \times R3\,410$ ; en
- (b)  $0,5 \times [A \times 0,00001]$   
waar A = die totale waarde van die beleggings wat bestuur word soos beoog in artikel 4 van die Wet op Beheer van Aandelebeurse, 1985, of artikel 5 van die Wet op Beheer van Finansiële Markte, 1989, na gelang van die geval, op 30 Junie van die heffingsjaar, onderhewig aan 'n maksimum van R14 958,54 biljoen: Met dien verstande dat die beleggings onder bestuur wat in buitelandse valuta gehou word, ingesluit moet word teen die wisselkoers wat in die Pers op daardie datum gepubliseer is.

#### **Heffing op sentrale effektebewaarnemers**

17. (1) Ten opsigte van STRATE Ltd., geregistreer ingevolge artikel 9 van die Wet op Bewaring en Administrasie van Effekte, 1992 (Wet No. 85 van 1992), is die heffing 'n bedrag van R1 147 954.
- (2) Die heffing bedoel in subitem (1) moet nie later nie as 31 Mei van die heffingsjaar betaal word.

**Heffing op finansiële markte ten opsigte van binnehandel**

18. (1) Die heffing vir die betaling van die koste verbonde aan die uitvoering van die werkzaamhede van die Raad en van die Direktoraat op Binnekennistransaksies ingevolge die Wet op Binnekennistransaksies, 1998 (Wet No. 135 van 1998), word betaal deur die beurse van Suid-Afrika, naamlik die JSE Securities Exchange South Africa en die Effektebeurs van Suid-Afrika. Die totale heffing vir die heffingsjaar bedra R6 498 000.
- (2) Die totale heffing word bereken en betaal op die volgende basis:
- (a) Die JSE Securities Exchange South Africa betaal voor of op 31 Mei van die heffingsjaar 20%, dit wil sê R1 299 600, van die totale heffing.
  - (b) Die Effektebeurs van Suid-Afrika betaal voor of op 31 Mei van die heffingsjaar 10 %, dit wil sê R649 800, van die totale heffing.
  - (c) Die balans van die totale heffing, naamlik R4 548 600, word in vier paaiememente kwartaalliks betaal op 'n gebruiker-betaal basis deur die beurse waar binnehandel ondersoeke gedurende die voorafgaande kwartaal uitgevoer is. Die paaiememente is betaalbaar voor of op 30 Junie, 30 September, 31 Desember en 31 Maart van die heffingsjaar.
- (3) Bykomend by die totale heffing in subitem (1) bedoel, is die regskoste wat werklik deur die Raad aangegaan is ten opsigte van binnehandel gedingvoering kwartaalliks agterna betaalbaar deur die relevante beurs.

**ALGEMEEN****Betaling van heffings**

19. (1) Die heffings en rente (as daar is) daarop in hierdie Kennisgewing bedoel, is behoudens die bepalings van hierdie Kennisgewing, deur die betrokke finansiële instelling aan die Raad betaalbaar deur middel van 'n tjek, posorder, geldwissel, of 'n geldoordrag.
- (2) Op bedrae van agterstallige heffings word rente teen 'n koers gelykstaande aan die heersende prima oortrekkingskoers van Standard Bank van Suid-Afrika Beperk gehef.
- (3) Die bedrae van heffings in hierdie Kennisgewing bedoel, sluit BTW in.

**Aansoeke om vrystelling**

20. (1) 'n Aansoek deur 'n finansiële instelling om die verlening kragtens artikel 15A (4) van die Wet van vrystelling van 'n bepaling van hierdie Kennisgewing moet skriftelik gerig word aan die Uitvoerende Beampte, Raad op Finansiële Dienste, Posbus 35655, Menlopark, 0102, op 'n datum minstens een maand voor die datum waarop die vrystelling ooreenkomsdig die aansoek in werking moet tree.
- (2) So 'n aansoek moet volledige besonderhede bevat van die finansiële instelling, die magtiging van die persone wat die aansoek onderteken en die datum waarop die vrystelling, indien verleen, in werking moet tree en moet volledig die redes vir die aansoek uiteensit.
- (3) Die aansoek moet-
- (a) 'n bevestiging bevat van die betrokke finansiële instelling om, by

ontvangs van so 'n versoek, die Uitvoerende Beampte onverwyld te voorsien van die ander of verdere inligting of besonderhede wat die Raad mag verlang in verband met die betrokke instelling of aansoek; en

- (b) besonderhede bevat van die adres waar die instelling betekening deur die Raad sal ontvang van enige kennisgewing beoog in artikel 15A (4) (b) (ii) van die Wet.
- (4) 'n Kennisgewing bedoel in artikel 15A (4) (b) (ii) van die Wet word op las van die Raad deur die Uitvoerende Beampte per geregistreerde pos beteken by die adres wat die finansiële instelling ooreenkomstig subitem (3) (b) in sy aansoek om vrystelling verstrek het.

### **Gekonsolideerde betalings**

21. Indien enige liggaam wat deur die Raad as ten volle verteenwoordigend van 'n kategorie finansiële instellings beskou word, in 'n bepaalde heffingsjaar aanbied om 'n gekonsolideerde betaling van heffings te maak namens daardie kategorie ingevolge 'n ooreenkoms aangegaan tussen sodanige kategorie en die liggaam, kan die Raad so 'n aanbod aanvaar indien die betaling gemaak word ooreenkomstig die bepalings van hierdie Kennisgewing: Met dien verstande dat indien om enige rede so 'n gekonsolideerde betaling nie aldus op die voorgeskrewe datums van betaling gemaak word nie, elke afsonderlike betrokke finansiële instelling ten volle aanspreeklik bly vir die heffing deur hom verskuldig plus rente (as daar is) op daardie bedrag bereken ooreenkomstig item 19 (2).

### **Intrekking van kennisgewings en voorbehoud**

22. (1) Raadskennisgewing 47 van 27 Mei 2003 en Raadskennisgewing 90 van 12 September 2003 word, behoudens subitem (2), ingetrek.
- (2) Indien op die datum van inwerkingtreding van hierdie Kennisgewing enige

finansiële instelling nog nie 'n heffing en rente verskuldig daarop, soos opgelê ingevolge 'n bepaling van 'n kennisgewing in subitem (1) vermeld, ten volle betaal het nie, word enige sodanige bepaling, tesame met enige ander bepaling van sodanige kennisgewing wat verband hou met eersbedoelde bepaling, geag ten opsigte van die betrokke instelling en die betrokke verskuldigde bedrag nog nie deur subitem (1) ingetrek te wees nie totdat sodanige skuld ten volle vereffen is.

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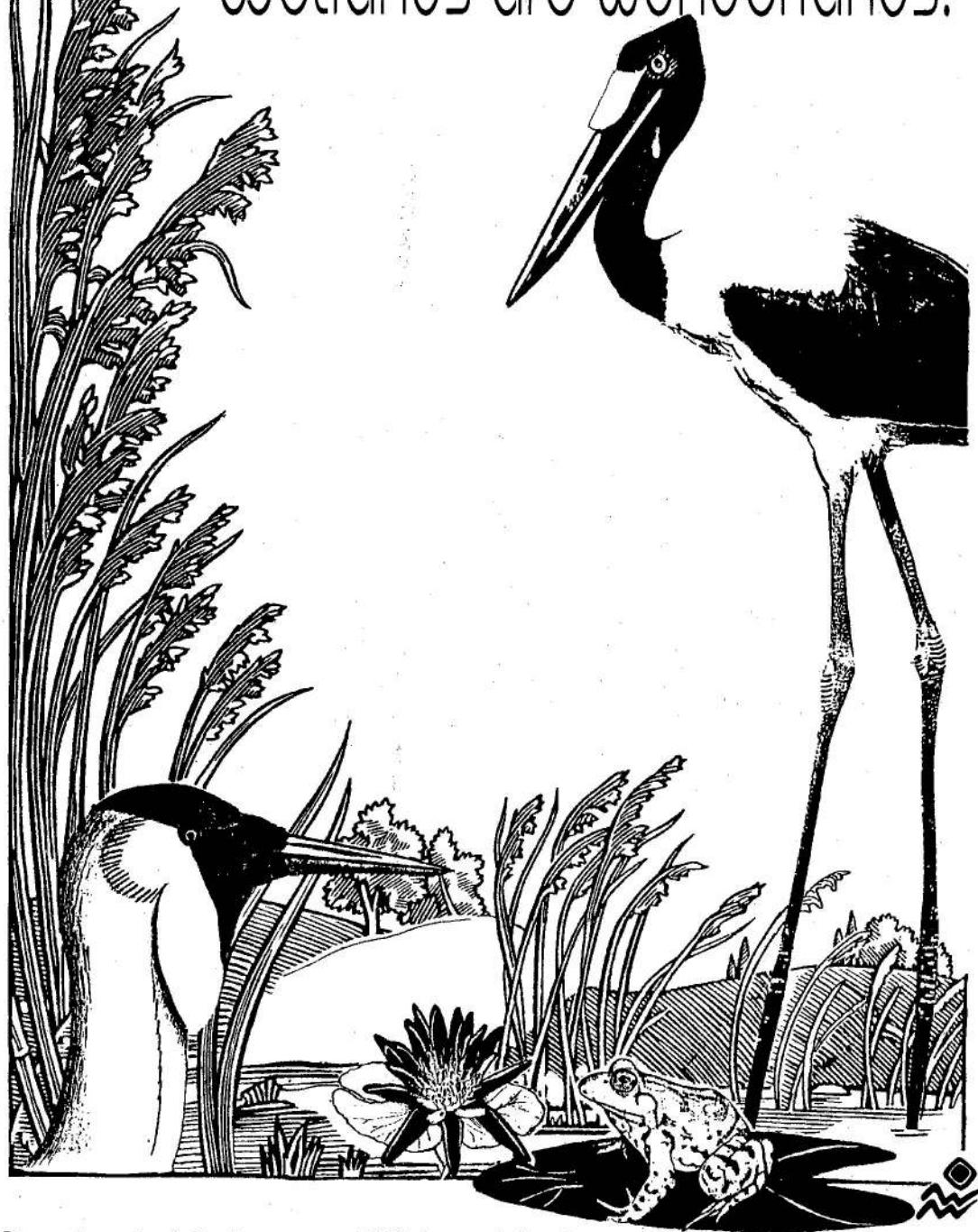
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