

# Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA  
REPUBLIEK VAN SUID-AFRIKA

Vol. 550

Pretoria, 20 April 2011

**No. 34240**

**IMPORTANT NOTICE**

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

**CONTENTS • INHOUD**

No.	Page No.	Gazette No.
<b>BOARD NOTICES</b>		
76 Financial Advisory and Intermediary Services Act, 2002: Financial Services Board: Exemption of Particular Persons from Qualification Requirements, 2010 .....	3	34240
77 do.: do.: Exemption of Raymond James & Associates Inc., and Raymond James Financial International Limited in respect of certain clients .....	6	34240
78 do.: do.: Exemption of Renaissance BJM Securities (Pty) Ltd in respect of certain clients .....	9	34240
79 do.: do.: Notice on amendment of Exemptions .....	12	34240

## BOARD NOTICES

### BOARD NOTICE 76 OF 2011

#### FINANCIAL SERVICES BOARD

#### FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002

#### EXEMPTION OF PARTICULAR PERSONS FROM QUALIFICATION REQUIREMENTS, 2010

I, German Emmanuel Anderson, Deputy Registrar of Financial Services Providers, hereby exempt under section 44(4) of the Financial Advisory and Intermediary Services Act, 2002, particular persons from provisions of the Act and certain measures promulgated thereunder, to the extent set out in the Schedule.



**G E ANDERSON**

*Deputy Registrar of Financial Services Providers*

#### SCHEDULE

#### EXEMPTION OF PARTICULAR PERSONS FROM QUALIFICATION REQUIREMENTS

##### Definitions

1. In this Schedule, "the Act" means the Financial Advisory and Intermediary Services Act, 2002, any word or expression to which a meaning is assigned in the Act shall have that meaning, and unless the context otherwise indicates-

"**Determination of Fit and Proper Requirements**" means the Determination of Fit and Proper Requirements for Financial Services Providers, 2008.

##### Extent, duration and conditions of Exemption

2. The applicants for exemption referred to in Column One of Table A are hereby exempted under section 44(4), read with section 44(1), of the Act from the provisions set out in Column Two, subject to the conditions set out in connection therewith in Column Three of that Table:

<b>TABLE A</b>		
<b>COLUMN ONE</b> Applicant	<b>COLUMN TWO</b> Provisions from which exemption is granted	<b>COLUMN THREE</b> Conditions
Nicolaas Andries Gijzen	(a) Paragraph 5(3) and (4) of the Determination of Fit and Proper Requirements; and	(a) he must immediately advise the Registrar of any change to the particulars furnished in the exemption application; (b) he must meet the qualification requirements referred to in paragraph 5(3) and 5(4) of the

TABLE A		
COLUMN ONE Applicant	COLUMN TWO Provisions from which exemption is granted	COLUMN THREE Conditions
		<p>Determination of Fit and Proper Requirements by 30 June 2011;</p> <p>(c) he must meet the first level regulatory examination in respect of the relevant Category referred to in paragraph 6 of the Determination of Fit and Proper Requirements within two years from the date of coming into operation of this Notice; and</p> <p>(d) he must meet the second level regulatory examination in respect of the relevant Category referred to in paragraph 6 of the Determination of Fit and Proper Requirements within six years from the date of coming into operation of this Notice.</p>
Geoffrey Sidney Carroll	(a) Paragraph 10(3)(a) and (c) of the Determination of Fit and Proper Requirements	<p>(a) he must immediately advise the Registrar of any change to the particulars furnished in the exemption application;</p> <p>(b) he must meet the qualification requirements referred to in paragraph 5(3) and 5(4) of the Determination of Fit and Proper Requirements by 30 June 2012;</p> <p>(c) he must meet the first level regulatory examination in respect of the relevant Category referred to in paragraph 6 of the Determination of Fit and Proper Requirements within two years from the date of coming into operation of this Notice; and</p> <p>(d) he must meet the second level regulatory examination in respect of the relevant Category referred to in paragraph 6 of the Determination of Fit and Proper Requirements within six years from the date of coming into operation of this Notice.</p>

#### Amendment and withdrawal of Exemption

3. This Exemption is subject to-

- (a) amendment thereof published by the registrar by notice in the *Gazette*; and
- (b) withdrawal in like manner.

**Short title and commencement**

4. This Exemption is called the Exemption of Particular Persons from Qualification Requirements, No 1 of 2011, and comes into operation on the date of publication in the *Gazette*.

**BOARD NOTICE 77 OF 2011****FINANCIAL SERVICES BOARD****FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002****(ACT NO. 37 OF 2002)****EXEMPTION OF RAYMOND JAMES & ASSOCIATES INC AND RAYMOND JAMES  
FINANCIAL INTERNATIONAL LIMITED IN RESPECT OF CERTAIN CLIENTS**

I, German Emmanuel Anderson, Deputy Registrar of Financial Services Providers, hereby exempt under section 44(4) of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), Raymond James & Associates Inc and Raymond James Financial International Limited to the extent and subject to the conditions set out in the Schedule.



**G E ANDERSON,**  
*Deputy Registrar of Financial Services Providers*

**SCHEDULE****EXEMPTION OF RAYMOND JAMES & ASSOCIATES INC AND RAYMOND JAMES  
FINANCIAL INTERNATIONAL LIMITED IN RESPECT OF CERTAIN CLIENTS****Definitions**

1. In this Schedule, "the Act" means the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), any word or expression to which a meaning is assigned in the Act shall have that meaning, and unless the context otherwise indicates-

**"bank"**, means a 'branch', 'branch of a bank', 'mutual bank' or 'representative office' as defined in section 1(1) of the Banks Act, 1994 (Act No. 94 of 1994);

**"client"**, in relation to Raymond James & Associates and Raymond James Financial International, means-

- (a) a bank;
- (b) a financial services provider who is registered, licensed, recognised, approved or otherwise authorised by-
  - (i) the Registrar of Long-term Insurance to conduct long-term insurance business;
  - (ii) the Registrar of Short-term Insurance to conduct short-term insurance business;

- (c) a person outside the Republic who-
  - (i) as a regular feature of the person's business, renders a service similar to a 'financial service' as defined in section 1(1) of the Act; and
  - (ii) is registered, licensed, recognised, approved or otherwise authorised to conduct the business of a bank or a business referred to in paragraph (b) by a foreign regulator, with functions similar to those of the Registrar of Banks or a Registrar referred to in the said paragraph;
- (d) a central bank or other national monetary authority of any country, state or territory;
- (e) any person who is mandated to manage assets and who has confirmed to the satisfaction of Raymond James & Associates and Raymond James Financial International that the market value of the assets managed by the person will exceed R1 billion at all times of the rendering of financial services to the person;
- (f) any other person included in the definition of 'client' in section 1(1) of the Act, who has confirmed to the satisfaction of Raymond James & Associates and Raymond James Financial International that the person will have assets of which the net asset value will exceed R20 million at all times of the rendering of financial services to the person, and who is not-
  - (i) a natural person;
  - (ii) a pension fund organisation as defined in section 1(1) of the Pension Funds Act, 1956 (Act No. 24 of 1956);
  - (iii) a friendly society referred to in the Friendly Societies Act, 1956 (Act No. 25 of 1956);
  - (iv) a medical scheme as defined in section 1(1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

**"Raymond James & Associates Inc"** means Raymond James & Associates who renders a financial service to a client as a regular feature of its business and belongs to 'Category I' as defined in paragraph 1(1) of Part I of the Determination of Fit and Proper Requirements for Financial Services Providers, 2008, published by Board Notice No. 106 of 2008 in Gazette No. 31514 of 15 October 2008;

**"Raymond James Financial International Limited"** means Raymond James Financial International who renders a financial service to a client as a regular feature of its business and belongs to 'Category I' as defined in paragraph 1(1) of Part I of the Determination of Fit and Proper Requirements for Financial Services Providers, 2008, published by Board Notice No. 106 of 2008 in Gazette No. 31514 of 15 October 2008.

### Objective of exemption

2. Raymond James & Associates and Raymond James Financial International have submitted an application for exemption from the application of the Act in respect of the rendering of financial services in the course of merchant banking business. Raymond James & Associates and Raymond James Financial International offer similar services to those of merchant banks to which a similar exemption has already been granted.

The Registrar is of the view that the provisions of the Act can hardly be applied where an entity is confronted by large corporate and other clients in a business

situation where clients will usually have sufficient know-how and expertise, or access thereto. Certain of these clients will be "execution-only" clients who will have a fixed mind on the services required, leaving the entity with a limited discretion in the rendering of the required service.

The Registrar is also satisfied that the requested exemption can hardly frustrate the achievement of any object of the Act, particularly as the exemption will not apply to several classes of clients still in need of full statutory protection.

The Registrar is in addition satisfied that under current economic and public financial circumstances, the granting of the requested exemption does not seem to be in conflict with public interest and may obviously result in financial or other hardship or prejudice to the relevant parties.

The Registrar is however, despite the considerations mentioned above, satisfied that economic and public financial circumstances and current business practices and client base of Raymond James & Associates and Raymond James Financial International may change even in the near future, and that the non-applicability of the provisions of the Act referred to above, may in practice be proved to frustrate an object of the Act to provide and promote client protection, and that at this stage an exemption of only limited duration must be granted.

#### **Extent of exemption and condition**

3. Raymond James & Associates and Raymond James Financial International are exempted until 31 October 2011 from section 7(1) of the FAIS Act, subject to the conditions that it must-
  - (a) maintain suitable guarantees, professional indemnity or fidelity insurance cover, quarterly approved by the Registrar; and
  - (b) prior to the rendering of any financial services to a client, inform the client, that it is exempted from the Act.

#### **Amendment and withdrawal of exemption and conditions**

4. The exemption and conditions mentioned in paragraph 3 are subject to-
  - (a) amendment thereof published by the registrar by notice in the *Gazette*; and
  - (b) withdrawal in like manner.

#### **Short title and commencement**

5. This Exemption is called the Exemption of Raymond James & Associates and Raymond James Financial International in respect of Certain Clients, 2011, and comes into operation on the date of publication in the *Gazette*.

**BOARD NOTICE 78 OF 2011**  
**FINANCIAL SERVICES BOARD**

**FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002**  
**(ACT NO. 37 OF 2002)**

**EXEMPTION OF RENAISSANCE BJM SECURITIES (PTY) LTD IN RESPECT OF  
CERTAIN CLIENTS**

I, German Emmanuel Anderson, Deputy Registrar of Financial Services Providers, hereby exempt under section 44(4) of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), Renaissance BJM Securities (Pty) Ltd to the extent and subject to the conditions set out in the Schedule.



**G E ANDERSON,**  
*Deputy Registrar of Financial Services Providers*

**SCHEDULE**

**EXEMPTION OF RENAISSANCE BJM SECURITIES (PTY) LTD IN RESPECT OF  
CERTAIN CLIENTS**

**Definitions**

1. In this Schedule, "the Act" means the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), any word or expression to which a meaning is assigned in the Act shall have that meaning, and unless the context otherwise indicates-

"**bank**", means a 'branch', 'branch of a bank', 'mutual bank' or 'representative office' as defined in section 1(1) of the Banks Act, 1994 (Act No. 94 of 1994);

"**client**", in relation to Renaissance BJM Securities, means-

- (a) a bank;
- (b) a financial services provider who is registered, licensed, recognised, approved or otherwise authorised by-
  - (i) the Registrar of Long-term Insurance to conduct long-term insurance business;
  - (ii) the Registrar of Short-term Insurance to conduct short-term insurance business;
- (c) a person outside the Republic who-

- (i) as a regular feature of the person's business, renders a service similar to a 'financial service' as defined in section 1(1) of the Act; and
  - (ii) is registered, licensed, recognised, approved or otherwise authorised to conduct the business of a bank or a business referred to in paragraph (b) by a foreign regulator, with functions similar to those of the Registrar of Banks or a Registrar referred to in the said paragraph;
- (d) a central bank or other national monetary authority of any country, state or territory;
- (e) any person who is mandated to manage assets and who has confirmed to the satisfaction of Renaissance BJM Securities that the market value of the assets managed by the person will exceed R1 billion at all times of the rendering of financial services to the person;
- (f) any other person included in the definition of 'client' in section 1(1) of the Act, who has confirmed to the satisfaction of Renaissance BJM Securities that the person will have assets of which the net asset value will exceed R20 million at all times of the rendering of financial services to the person, and who is not—
- (i) a natural person;
  - (ii) a pension fund organisation as defined in section 1(1) of the Pension Funds Act, 1956 (Act No. 24 of 1956);
  - (iii) a friendly society referred to in the Friendly Societies Act, 1956 (Act No. 25 of 1956);
  - (iv) a medical scheme as defined in section 1(1) of the Medical Schemes Act, 1998 (Act No. 131 of 1998);

**"Renaissance BJM Securities"** means Renaissance BJM Securities (Pty) Ltd who renders a financial service to a client as a regular feature of its business and belongs to 'Category I' as defined in paragraph 1(1) of Part I of the Determination of Fit and Proper Requirements for Financial Services Providers, 2008, published by Board Notice No. 106 of 2008 in Gazette No. 31514 of 15 October 2008.

### Objective of exemption

2. Renaissance BJM Securities has submitted an application for exemption from the application of the Act in respect of the rendering of financial services in the course of merchant banking business. Renaissance BJM Securities offers similar services to those of merchant banks to which a similar exemption has already been granted.

The Registrar is of the view that the provisions of the Act can hardly be applied where an entity is confronted by large corporate and other clients in a business situation where clients will usually have sufficient know-how and expertise, or access thereto. Certain of these clients will be "execution-only" clients who will have a fixed mind on the services required, leaving the entity with a limited discretion in the rendering of the required service.

The Registrar is also satisfied that the requested exemption can hardly frustrate the achievement of any object of the Act, particularly as the exemption will not apply to several classes of clients still in need of full statutory protection.

The Registrar is in addition satisfied that under current economic and public financial circumstances, the granting of the requested exemption does not seem to be in conflict with public interest and may obviously result in financial or other hardship or prejudice to the relevant parties.

The Registrar is however, despite the considerations mentioned above, satisfied that economic and public financial circumstances and current business practices and client base of Renaissance BJM Securities may change even in the near future, and that the non-applicability of the provisions of the Act referred to above, may in practice be proved to frustrate an object of the Act to provide and promote client protection, and that at this stage an exemption of only limited duration must be granted.

#### **Extent of exemption and condition**

3. Renaissance BJM Securities is exempted until 31 October 2011 from section 7(1) of the FAIS Act, subject to the conditions that it must-
  - (a) maintain suitable guarantees, professional indemnity or fidelity insurance cover, quarterly approved by the Registrar; and
  - (b) prior to the rendering of any financial services to a client, informs the client, that it is exempted from the Act.

#### **Amendment and withdrawal of exemption and conditions**

4. The exemption and conditions mentioned in paragraph 3 are subject to-
  - (a) amendment thereof published by the registrar by notice in the *Gazette*; and
  - (b) withdrawal in like manner.

#### **Short title and commencement**

5. This Exemption is called the Exemption of Renaissance BJM Securities in respect of Certain Clients, 2011, and comes into operation on the date of publication in the *Gazette*.

**BOARD NOTICE 79 OF 2011****FINANCIAL SERVICES BOARD****FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002  
(ACT NO. 37 OF 2002)****NOTICE ON AMENDMENT OF EXEMPTIONS**

I, German Emmanuel Anderson, Deputy Registrar of Financial Services Providers, hereby under paragraph 4(a) of-

- (a) the Exemption of Banks in respect of Certain clients, 2004;
- (b) the Exemption of Morgan Stanley and AMB Holdings in respect of Certain Clients, 2004;
- (c) the Exemption of UBS South Africa and Deutsche Securities in respect of Certain Clients, 2007;
- (d) the Exemption of First Africa and RMB Investments and Advisory in respect of Certain Clients, 2008;
- (e) the Exemption of Nomura International in respect of Certain Clients, 2009;
- (f) the Exemption of certain Merrill Lynch Entities in respect of Certain Clients, 2009;
- (g) the Exemption of Goldman Sachs International in respect of Certain Clients, 2009;
- (h) the Exemption of The Bank of New York Mellon in respect of Certain Clients, 2010;
- (i) the Exemption of Marlow Advisors in respect of Certain Clients, 2010;
- (j) the Exemption of African Alliance Securities in respect of Certain Clients, 2010,

amend paragraph 3 of the abovementioned Exemptions by the substitution for the date "30 April 2010" of the date "31 October 2011".

This Notice is called the Notice on Amendment of Exemptions, 2010, and comes into operation on 1 May 2011.

**G E ANDERSON***Deputy Registrar of Financial Services Providers*

---