

South Africa

Financial Markets Act, 2012

Annual report by a market infrastructure to the Registrar, 2013

Board Notice 101 of 2013

Legislation as at 31 May 2013

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Under section 69 of the Financial Markets Act, 2012 ([Act No. 19 of 2012](#)), I, Dube Phineas Tshidi, Registrar of Securities Services, hereby determine, in the Schedule, the information that must be contained in the annual report of a market infrastructure.

D. P Tshidi

Registrar of Securities Services

1. Definition

In this Notice,

“**the Act**” means the Financial Markets Act, 2012 ([Act No. 19 of 2012](#)), and any word or expression to which a meaning has been assigned in the Act, bears the meaning so assigned to it.

2. Information that must be contained in the annual report of a market infrastructure

A market infrastructure must submit to the registrar within four months after its financial year-end an annual report that must contain the following information:

- (a) a list of members of the controlling body of the market infrastructure and any changes thereto over the last financial year;
- (b) a list of members of the executive or management committee of the market infrastructure and any changes thereto over the last financial year;
- (c) a list of authorised users, participants, clearing members as the case may be of the market infrastructure and any changes thereto over the last financial year;
- (d) a report signed by the chairperson and chief executive officer reviewing the operations of the market infrastructure over the last financial year;
- (e) an auditor’s report on the annual financial statements;
- (f) a summary of market information which must reflect the salient features of the trading, settlement or other activities, as applicable, of the market infrastructure;
- (g) a report detailing the market infrastructure’s initiatives and plans to implement the recommendations of the most recent King Code on Corporate Governance;
- (h) a status report on the consumer education initiatives, if any, of the market infrastructure;
- (i) a status report on the market infrastructure’s initiatives, if any, in the Southern African Development Community region;
- (j) a report on operational risk mitigation, operational integrity and related issues;

- (k) a list of the securities services that have been authorised and that are regulated by the exchange, central securities depository or independent clearing house in respect of authorised users, participants or clearing members;
- (l) a report on the number, nature and status of complaints lodged against it by authorised users, participants or clearing members in terms of the exchange rules, depository rules or clearing house rules, as applicable, during the last financial year; and
- (m) the results of the annual assessment of the market infrastructure contemplated in section [62\(b\)](#) of the Act.

3. Commencement

This Notice comes into operation on the same date on which the Act comes into operation.