

IN THE ENFORCEMENT COMMITTEE ESTABLISHED IN TERMS OF SECTION 10(3), READ WITH 10A OF THE FINANCIAL SERVICES BOARD ACT, 97 OF 1990

CASE NO: 20/2011

In the matter of:

THE REGISTRAR OF PENSION FUNDS

Applicant

and

AON SOUTH AFRICA (PTY) LIMITED

Respondent

ORDER

WITH DUE CONSIDERATION to the settlement agreement (attached marked annexure "A") in terms of section 6B(7)(a) of the Financial Institutions (Protection of Funds) Act, No. 28 of 2001, I hereby determine that the Respondent contravened section 13B(1) of the Pension Funds Act, No. 24 of 1956 read with condition 7.3 as determined in Board Notice 24 of 2002, during the financial year-end period 31 December 2011 and impose a penalty of R300 000 to be paid on or before 15 August 2011. The remaining terms and conditions of the settlement agreement are incorporated and made an order of the Enforcement Committee.

I make no order regarding costs.

Signed at PRETORIA on 27 July 2011.



C. F. Eloff

Chairperson of the Enforcement Committee.

Annexure A

IN THE ENFORCEMENT COMMITTEE ESTABLISHED IN TERMS OF SECTION 10(3), READ WITH 10A OF THE FINANCIAL SERVICES BOARD ACT, 97 OF 1990

CASE NO: 20/2011

In the matter of:

THE REGISTRAR OF PENSION FUNDS Applicant

and

AON SOUTH AFRICA (PTY) LIMITED Respondent

SETTLEMENT AGREEMENT IN TERMS OF SECTION 6B(7)(a) OF THE FINANCIAL INSTITUTIONS (PROTECTION OF FUNDS) ACT, 28 OF 2001

PARTIES TO THE AGREEMENT

1. The parties to this agreement are the Registrar of Pension Funds ("the Registrar") herein represented by Jurgen Arnold Boyd in his capacity as the Deputy Registrar of Pension Funds; and
Aon South Africa (Pty) Limited (Respondent) bearing registration number 1978/00450/07, herein represented by Jacobus Albertus Kok in his capacity as a director of the Respondent.

WHEREAS

2. The Registrar is of the opinion that the Respondent contravened section 13B(1) of the Pension Funds Act, No 24 of 1956 ("the Act") read with condition 7.3 as determined in Board Notice 24 of 2002.
3. The Respondent wishes to enter into a settlement agreement with the Registrar as contemplated in section 6B(7)(a) of the Financial Institutions (Protection of Funds) Act, No 28 of 2001 ("the FI Act").

NOW THEREFORE IT IS AGREED AS FOLLOWS

4. It is agreed between the parties that the Respondent contravened 13B(1) of the Act read with condition 7.3 as determined in Board Notice 24 of 2002, in that for the financial year-ended 31 December 2009 it failed to maintain liquid assets equal to or greater than 8/52 of its annual expenditure.

5. The mitigating circumstances

- 5.1. The parties agreed that the following mitigating factors are relevant to the matter:

5.1.1. The Respondent accepted responsibility for the contravention;

5.1.2. There is no evidence of any prejudice resulting from the contravention;

5.1.3. The Respondent fully co-operated with the Registrar's investigation and the enforcement action, and displayed sincere remorse for the contravention.

6. In the light of the above, the parties have agreed that the Respondent will pay a penalty of R300 000 on or before 15 August 2011 in settlement of the matter.

7. This agreement is subject to approval by the Enforcement Committee and the parties specifically record that they are aware of the possibility that the Enforcement Committee may not accept the terms of this agreement.

8. If the Respondent does not comply with the terms of this agreement and the Registrar institutes legal proceedings to enforce the agreement, the Respondent consents to pay all legal costs to the Registrar on the Attorney and Client scale.

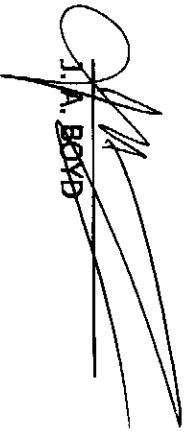
9. No leniency or postponement given by the Registrar to the Respondent or any amendment to the terms and conditions of this agreement will be binding unless such postponement, leniency or amendment is reduced to writing and signed by the parties.

10. Any receipt of a payment by the Registrar after the due date shall be without prejudice to any of the rights of the Registrar.

11. This Agreement does not constitute a novation of the cause or causes of action in terms whereof the Respondent was found to have contravened the Act.

12. The parties humbly request that the Honorable Chairperson makes the settlement an order, as envisaged in section 6B(7)(b) of "the FI Act".

Signed at PRETORIA on 28 July 2011 on behalf of the Registrar.


J.A. BOND

Signed at STANDTOWN on 25 JULY 2011 on behalf of Aon South Africa (Pty) Ltd


JA KOK