

In the matter between:

THE FINANCIAL SECTOR CONDUCT AUTHORITY

and

VESTICENTO CC T/A MUTUAL DIRECT GROUP FUNERAL BENEFITS (FSP No. 45161)

ADMINISTRATIVE PENALTY ORDER IN TERMS OF SECTION 167 OF THE FINANCIAL SECTOR REGULATION ACT NO.9 OF 2017 (the Act)

1. The Authority imposes an administrative penalty of **R 17 730 465** (inclusive of costs) on **Vesticento CC t/a Mutual Direct Group Funeral Benefits** (Mutual Direct) for contravention of sections 13(3) of the Financial Advisory and Intermediaries Service Act No. 37 of 2002 ("FAIS Act"), Condition 3 of its licence, section 2, 3(1), 9, 10 and 11 of the General Code of Conduct for Authorised Financial Services Providers and Representatives, 2003 during the period 1 August 2014 to 30 September 2018.
2. The penalty is payable within 30 days from the date of this order.
3. If Mutual Direct fails to pay the administrative penalty within the period prescribed by this order, in terms of section 169 of the Act, interest, at the rate prescribed in terms of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975), will be payable in respect of any unpaid portion of administrative penalty until it is fully paid.
4. Failure to comply with this order will result in the provisions of section 170 of the FSR Act being invoked, which reads as follows:

"(1) The responsible authority that makes an administrative penalty order may file with the registrar of a competent court a certified copy of the order if-
 - (a) the amount payable in terms of the order has not been paid as required by the order; and*
 - (b) either-*

- (i) *no application for reconsideration of the order in terms of a financial sector law, or for judicial review in terms of the Promotion of Administrative Justice Act of the Tribunal's decision, has been lodged by the end of the period for making such applications; or*
- (ii) *if such an application has been made, proceedings on the application have been finally disposed of.*

(2) *The order, on being filed, has the effect of a civil judgment, and may be enforced as if lawfully given in that court."*

5. In terms of section 230 of the Act a person aggrieved by this decision has a right to apply for the reconsideration of the decision by the Financial Services Tribunal (the Tribunal). An application for reconsideration must be made –

5.1. in accordance with the Tribunal rules; and

5.2. within the time periods set out in section 230(2) of the Act.

6. You may contact the secretary of the Tribunal at (012) 428 8012 or per electronic mail at applications@fstribunal.co.za.

Signed at Pretoria on **16 March 2021**.



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BRANDON TOPHAM

FOR THE AUTHORITY