

[TO BE PUBLISHED BY THE FSCA]

Case No: 302

In the matter between:

The Financial Sector Conduct Authority

And

Be Courageous Iphematla Funeral Home (Pty) Ltd

Lebohang Motsitsi

Sibongile Mtaung

**ENFORCEABLE UNDERTAKING IN TERMS OF SECTION 151(1) OF THE FINANCIAL
SECTOR REGULATION ACT, 2017**

DEFINITIONS

1. For purposes of this undertaking, the following definitions shall apply:
 - 1.1. “**Effective Date**” means the date on which this undertaking becomes enforceable which is upon signature by a duly authorised officer acting on behalf of the Authority.
 - 1.2. “**Enforceable Undertaking**” means this undertaking duly signed and concluded between the Authority and **Be Courageous Iphematla Funeral Home (Pty) Ltd**.
 - 1.3. “**FAIS Act**” means the Financial Advisory and Intermediary Services Act No. 37 of 2002, as amended.

- 1.4. **“FSR Act”** means the Financial Sector Regulation Act No. 9 of 2017 as amended.
- 1.5. **“Insurance Act”** means Insurance Act No. 18 of 2017 as amended.
- 1.6. **“Motsitsi”** means **Lebohang Motsitsi** as a director of Be Courageous Iphematla Funeral Home.
- 1.7. **“Mtaung”** means **Sibongile Mtaung** as a director of Be Courageous
- 1.8. **“The Authority”** means the Financial Sector Conduct Authority.
- 1.9. **“Tribunal”** means the independent Financial Services Tribunal, a statutory body established in terms of section 219 of the FSR Act, with its principal place of business at Kasteel Office Park, Orange Building, 546 Jochemus street, Erasmuskloof, Pretoria, Gauteng.
- 1.10. **“Be Courageous”** means **Be Courageous Iphematla Funeral Home (Pty) Ltd** a private company with registration number 2023/5741415/07, with its principal place of business situated at 39A President, Boshoff Street, Bethlehem, Free State, 9701.

COMPLAINT

2. The Authority is the market conduct regulator of financial institutions that are licensed or required to be licenced in terms of financial sector laws. The Authority is empowered by the FSR Act to supervise and enforce compliance with financial sector laws.
3. The Authority received information that Be Courageous issued funeral policies to clients in their Underprivilege Scheme without having an underwriter, which is a contravention of section 5 of the Insurance Act.
4. Motsitsi and Mtaung have confirmed that from **18 December 2023 to 31 January 2025** Be Courageous advised a total of seven (7) clients in their Underprivilege

Scheme, collected a total amount of R8840.00 in premiums and settled a total 0 claims valued at R0.

5. Motsitsi and Mtaung further confirmed that during **18 December 2023 to 31 January 2025** Be Courageous clients in the Underprivilege Scheme were not placed with any licensed insurer.

INVESTIGATION AND CONTRAVENTIONS

6. The Authority commenced an enquiry into the conduct of Be Courageous, as empowered by section 135(1)(a) of the FSR Act. The enquiry was in respect of their conduct during the period **18 December 2023 to 31 January 2025**, to determine whether there was a reasonable suspicion that the aforementioned persons contravened:

6.1. section 7(1) of the FAIS Act which states that a person may not act or offer to act as a financial services provider unless such person has been issued with a license under section 8, or, unless such a person has been appointed as a representative of an authorised financial services provider under section 13; and

6.2. Section 5(1) of the Insurance Act which states that no person may conduct insurance business in the Republic unless that person is licensed under the Act.

7. During the period from **18 December 2023 to 31 January 2025**, Motsitsi and Mtaung caused and/or permitted Be Courageous to issue funeral policies to clients in their Underprivilege Scheme without having a licensed underwriter. Motsitsi and Mtaung further caused and/ or permitted Be Courageous to collect premiums and processed claims in respect of Be Courageous policy holders of the Underprivilege Scheme.
8. Motsitsi and Mtaung did not dispute their knowledge and/or involvement in the conduct of Be Courageous and as a result, they caused and/or permitted the contraventions of sections 7(1) of the FAIS Act, 5(1) of the Insurance Act. Be Courageous, Motsitsi and Mtaung have admitted all the contraventions.

ENFORCEABLE UNDERTAKING

9. Motsitsi and Mtaung, tender the following Enforceable Undertaking to the Authority in terms of section 151(1) of the FSR Act.
 - 9.1. They will ensure that all their representatives are added to the representative register of a financial services provider or an underwriter within 30 working days from the date of signing this Enforceable Undertaking; and
 - 9.2. They will ensure that at all relevant times their clients' insurance business is placed with a licensed underwriter.

NON-COMPLIANCE WITH THE UNDERTAKING

10. Be Courageous, Motsitsi and Mtaung, understands that if any term contained in this Enforceable Undertaking is breached or contravened, the Authority:
 - 10.1. may impose an administrative penalty against Be Courageous, Motsitsi and Mtaung, on the basis of joint and several liability;
 - 10.2. may debar Be Courageous, Motsitsi and Mtaung; and/or
 - 10.3. may approach the Tribunal to make certain orders in respect of the Enforceable Undertaking.
11. Be Courageous, Motsitsi and Mtaung acknowledged that they are familiar with all the provisions of section 151 of the FSR Act.

SIGNED AT BETHLEHEM ON THIS 09 DAY OF 05 2025.



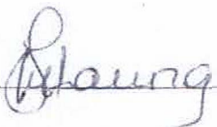
Lebohang Motsitsi

(On behalf of Be Courageous)



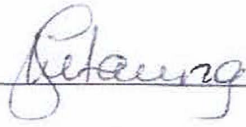
Lebohang Motsitsi

(In her personal capacity)



Sibongile Mtaung

(On behalf of Be Courageous)

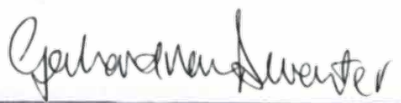


Sibongile Mtaung

(In her personal capacity)

The aforesaid Enforceable Undertaking is accepted by the Financial Conduct Authority in terms of section 151(1) of the Financial Sector Regulation Act, 2017.

SIGNED AT Pretoria ON THIS 18 DAY OF June 2025.



Gerhard van Deventer

(For the Authority)