

TO BE PUBLISHED BY THE FSCA

Case No: 264

In the matter between:

The Financial Sector Conduct Authority

And

Funeral Assist 24 CC

And

Mr. Samuel Levy Matsimbi

**ENFORCEABLE UNDERTAKING IN TERMS OF SECTION 151(1) OF THE FINANCIAL
SECTOR REGULATION ACT 9 OF 2017**

DEFINITIONS

1. For purposes of this undertaking, the following definitions shall apply:
 - 1.1. **“Funeral Assist”** means **Funeral Assist 24 CC**, a private company with limited liability, duly incorporated and registered in accordance with the Close Corporations Act 69 of 1984 of the Republic of South Africa, under registration number 2006/222083/23, with its principal place of business situated at 703 Old Pretoria Road, Wynberg, Johannesburg.
 - 1.2. **“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.
 - 1.3. **“Enforceable Undertaking”** means this undertaking duly signed and concluded between the Authority and **Funeral Assist**.

Executive Committee:

Commissioner: U. Kamlana **I** **Deputy Commissioners:** A. Ludin **I** K. Gibson **I** F. Badat

- 1.4. "FAIS Act" means the Financial Advisory and Intermediary Services Act No. 37 of 2002, as amended.
- 1.5. "The Authority" means the Financial Sector Conduct Authority.
- 1.6. "FSR Act" means the Financial Sector Regulation Act No. 9 of 2017, as amended.
- 1.7. "FSP" means an authorised Financial Services Provider.
- 1.8. "Mr. Matsimbi," means Mr. Samuel Levy Matsimbi, a director of Funeral Assist.
- 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.

COMPLAINT

2. The Authority is the market conduct regulator of financial institutions that are licensed in terms of a financial sector law. The Authority is empowered by the FSR Act to supervise and enforce compliance with financial sector laws.
3. On 2 August 2024, the Authority received information that Funeral Assist was issuing funeral policies (insurance business) without having an insurer, which was a contravention of section 5(1) of the Insurance Act 18 of 2017 (the Insurance Act).
4. Mr. Matsimbi confirmed that from **1 October 2022 to 30 June 2025**, Funeral Assist advised a total of 2000 clients, collected a total amount of R 666 708 in premiums and settled a total number of 144 claims valued R 432 000-00
5. Mr. Matsimbi further confirmed that the clients/policyholders of Funeral Assist are currently not placed with any licensed insurer.

INVESTIGATION AND CONTRAVENTIONS

6. On 20 December 2024, the Authority commenced an investigation into the conduct of Funeral Assist and Mr. Matsimbi in terms of section 135(1)(a) of the FSR Act. The investigation was in respect of their conduct during the period **1 October 2022 to 30 June 2025**, to determine whether there was a reasonable suspicion of contraventions of the following financial sector law(s):

- 6.1. Section 7(1) of the FAIS Act which provides 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 of the FAIS Act”*.
- 6.2. Section 5(1) of the Insurance Act which provides that *“no person may conduct insurance business in the Republic unless that person is licensed under the Insurance Act”*.
7. The investigation revealed that during the period from **1 October 2022 to 30 June 2025**, Mr. Matsimbi caused and/or permitted Funeral Assist to issue funeral policies without having a licensed underwriter. Mr. Matsimbi further caused and/or permitted Funeral Assist to collect premiums and processed claims in respect of Funeral Assist’s policy holders.
8. Mr. Matsimbi did not dispute his knowledge and/or involvement in the conduct of Funeral Assist and as a result, he caused and/or permitted the contraventions of sections 7(1) of the FAIS Act and 5(1) of the Insurance Act.
9. Mr. Matsimbi have cooperated with the Authority and admitted all the facts and contraventions in respect of this investigation.

ENFORCEABLE UNDERTAKING

10. Mr. Matsimbi gives the following Enforceable Undertaking to the Authority in terms of section 151(1) of the FSR Act:
- 10.1. They will provide proof of their insurance business underwriting within 30 working days from the date of signing this enforceable undertaking;
- 10.2. They will ensure that all their representatives are added to the representative register of a financial service provider or an underwriter within 30 working days from the date of signing this Enforceable Undertaking; and
- 10.3. They will ensure that at all relevant times their clients’ insurance business is placed with a licensed underwriter.

NON-COMPLIANCE WITH THE UNDERTAKING

11. Funeral Assist and Mr. Matsimbi understand that if any term contained in this Enforceable Undertaking is breached or contravened, the Authority:
- 11.1. may impose an administrative penalty against Funeral Assist and Mr. Matsimbi on the basis of joint and several liability;
 - 11.2. may debar Mr. Matsimbi; and/or
 - 11.3. may approach the Tribunal to make certain orders in respect of the Enforceable Undertaking.
12. Funeral Assist and Mr. Matsimbi acknowledge that they are familiar with all the provisions of section 151 of the FSR Act.

DATED AT WYNBERG ON THIS 30th DAY OF JULY 2025.



Mr. Samuel Levy Matsimbi
(On behalf of Funeral Assist)



Mr. Samuel Levy Matsimbi
(In his 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.

DATED AT Pretoria

ON THIS 12th DAY OF September 2025.

A handwritten signature in black ink, appearing to read "Gerhard van Deventer", is written over a white rectangular background. Below the signature is a thin horizontal line.

Gerhard van Deventer

(For the Authority)