



Financial Sector  
Conduct Authority

## FSCA FAIS Notice 19 of 2019

### FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002

#### EXEMPTION OF MARARA RISK SOLUTIONS (PTY) LTD, 2019

The Financial Sector Conduct Authority hereby, under section 44(4) of the Financial Advisory and Intermediary Services Act, 2002 (“the Act”), read with section 281(3)(b) of the Financial Sector Regulation Act, 2017, exempts Marara Risk Solutions (Pty) Ltd to the extent and subject to the conditions set out in the Schedule.



CD da Silva  
For the Financial Sector Conduct Authority

#### SCHEDULE

#### EXEMPTION OF MARARA RISK SOLUTIONS (PTY) LTD, 2019

##### Definitions

1. In this Schedule, “the Act” means the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), any word or expression to which a meaning is assigned in the Act shall have that meaning, and unless the context otherwise indicates -

“**Authority**” means the Financial Sector Conduct Authority as defined in section 1(1) of the FSR Act;

“**Fit and Proper Requirements**” means the Determination of Fit and Proper Requirements for Financial Services Providers, 2017, published by Board Notice 194 of 2017 in Government Gazette No. 41321 on 15 December 2017;

“**FSR Act**” means the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017);

“**Marara Risk Solutions**” means Marara Risk Solutions (Pty) Ltd (FSP 39302).

##### Extent, Conditions and Duration of Exemption

2. (1) Marara Risk Solutions is exempted from paragraph 45(2) of the Fit and Proper Requirements, provided that it must -
  - (a) not hold, receive or otherwise deal with client funds;

- (b) on a quarterly basis, commencing on 1 February 2019, and within 14 days after quarter-end, submit to the Authority –
    - (i) its latest financial management accounts; and
    - (ii) a report on its progress in achieving compliance with paragraph 45(2) of the Fit and Proper Requirements;
  - (c) not directly or indirectly make any payments by way of a loan, advance, bonus, dividend, repayment of capital or repayment of a loan, or other distribution of assets to any director, officer, partner, shareholder, related party or associate without the prior written approval of the Authority;
  - (d) immediately inform the Authority of any matter that may impact on its ability to comply with section 45(2) of the Fit and Proper Requirements on expiry of the exemption;
  - (e) immediately advise the Authority of any change to the particulars furnished in and relating to its application for exemption;
  - (f) not become the subject of a decision or order as contemplated in section 9 of the Act and section 167 of the FSR Act whereby-
    - (i) its license is suspended or withdrawn (either provisionally or finally); and/or
    - (ii) an administrative penalty is imposed on Marara Risk Solutions;
  - (g) not become the subject of a directive issued in terms of section 144 of the FSR Act; and
  - (h) comply with section 5(g) and, where applicable, section 15(6) of the General Code of Conduct for Authorised Financial Services Providers and Representatives, 2003.
- (2) The exemption automatically lapses upon the failure by Marara Risk Solutions to comply with any condition referred to in subparagraph (1).
- (3) This Exemption shall, subject to paragraph 3, be valid until **28 February 2020**.

### **Amendment and withdrawal of Exemption**

3. This Exemption is subject to –
- (a) amendment thereof published by the Authority by notice on the web site of the Authority; and
  - (b) withdrawal in a like manner.

### **Short title and commencement**

4. This Notice is called the Exemption of Marara Risk Solutions (Pty) Ltd, 2019, and comes into operation on date of publication.

**DATE OF NOTICE: 19 MARCH 2019**