

FSCA FAIS Notice 81 of 2018

FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002

EXEMPTION OF IDA RISK MANAGEMENT (PTY) LTD, 2018

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 IDA Risk Management (Pty) Ltd from provisions of the Act and certain measures promulgated thereunder, to the extent set out in the Schedule.



CD da Silva
For the Financial Sector Conduct Authority

SCHEDULE

EXEMPTION OF IDA RISK MANAGEMENT (PTY) LTD, 2018

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;

“**financial institution**” has the meaning assigned to it in section 1(1) of the FSR Act;

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

“**IDA Risk Management**” means IDA Risk Management (Pty) Ltd;

“**Joubert**” means Nicola Joubert.

Extent Conditions and Duration of Exemption

Extent of Exemption

2. (1) IDA Risk Management, insofar it relates to Joubert, is exempted from –

- (a) section 40(1)(a) of the Fit and Proper Requirements; and
- (b) the requirement to pay the fee as contemplated in section 41(1) of the Act and as prescribed in paragraph 3.2 of the Table of Fees, in the Schedule to the Determination of Fees payable to the Authority of Financial Services Providers, published by Government Notice No. 89 in *Government Gazette* 41432 of 09 February 2018.

Conditions

(2) The exemption referred to in subparagraph (1)(a) is subject to the following conditions:

- (a) IDA Risk Management must-
 - (i) immediately advise the Authority of any change to the particulars furnished in and relating to the application for exemption;
 - (ii) comply with section 5(g) and, where applicable, section 15(6) of the General Code of Conduct insofar it relates to the disclosure of the exemption referred to in subparagraph (1)(a);
 - (iii) comply with section 40(1)(c) of the Fit and Proper Requirements;
 - (iv) implement measures to mitigate any risks that may arise for clients or IDA Risk Management as a result of Joubert's appointment as a representative; and
 - (v) ensure that Joubert does not hold, control or has access to client assets or that she does not collect, hold or receive premiums or other monies in respect of a financial product.
- (b) Joubert must-
 - (i) not become the subject of a decision, order or directive as contemplated in sections 14(1) of the Act and sections 144, 153 and 167 of the FSR Act whereby-
 - (aa) she is debarred;
 - (bb) an administrative penalty is imposed; and/or
 - (cc) she is removed from a specified position or function in or in relation to a financial institution;
 - (ii) comply with section 5(g) and, where applicable, section 15(6) of the General Code of Conduct insofar it relates to the disclosure of the exemption referred to in subparagraph (1)(a).

(3) The exemption referred to in subparagraph (1)(b) is subject to the condition that IDA Risk Management pays an amount of R1751. 00.

Duration

- (4) The exemption referred to in subparagraph (1)(a) is valid until 31 March 2019.
- (5) The exemptions automatically lapse upon failure to comply with any condition referred to in subparagraphs (2) and (3).

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 IDA Risk Management (Pty) Ltd 2018, and comes into operation on 15 November 2018.

DATE OF NOTICE: 15 November 2018