



FSCA RF NOTICE 25 OF 2024

PENSION FUNDS ACT, 1956

DETERMINATION OF FORMAT AND MANNER OF REGULATION 28 QUARTERLY NON-COMPLIANCE REPORTS

The Financial Sector Conduct Authority hereby, in terms of paragraph 3(2) of FSCA Prudential Standard 1 of 2024 (RF) – Regulation 28 Quarterly Reporting Requirements for Pension Funds (Prudential Standard), determines the format and manner of the quarterly reports required in terms of paragraphs 2 and 3(2) of the Prudential Standard, as set out in in the Schedule.

**UNATHI KAMLANA
COMMISSIONER
FINANCIAL SECTOR CONDUCT AUTHORITY**

Date of publication: 10 December 2024

SCHEDULE

DETERMINATION OF FORMAT AND MANNER OF REGULATION 28 QUARTERLY NON-COMPLIANCE REPORTS

1. Interpretation

In this Schedule “**the Act**” means the Pension Funds Act, 1956 (Act No. 24 of 1956) and “**the Prudential Standard**” means the Regulation 28 Quarterly Reporting Requirements for Pension Funds, 2024, published in FSCA Prudential Standard 1 of 2024 (RF) on 2 April 2024, and any word or expression to which a meaning has been assigned in the Act or Prudential Standard bears, subject to context, that meaning.

2. Determination of manner of reporting

The Authority hereby determines, in terms of paragraph 2(1) of the Prudential Standard, that the quarterly reports must be completed electronically on the online portal of the Authority.

3. Determination of format of reporting

The Authority hereby determines, in terms of paragraph 2(1) of the Prudential Standard, the format of the quarterly reports to be submitted to the Authority in accordance with paragraphs 2 and 3(2) of the Prudential Standard as Annexure A to this Schedule.

4. Amendment, and withdrawal of Determination

This Determination is subject to –

- (a) amendment thereof published by the Authority by notice on its website; and
- (b) withdrawal in a like manner.

5. Short title, commencement and withdrawal

- (1) Determination of format and manner of regulation 28 quarterly reports, published under FSCA RF Notice 8 of 2024 on 2 April 2024, is hereby withdrawn.
- (2) This Determination is called the Determination of format and manner of regulation 28 quarterly non-compliance reports, and takes effect on the date of publication.

Annexure A

Notes and instructions:

1. Funds are only required to report on **non-compliances** or **breaches** in terms of regulation 28 for the relevant quarter and must complete all applicable fields.
2. Where funds exceed the limits for reasons other than regulation 28(3)(j) and have not been granted exemption in terms of regulation 28(9), they are required to complete the non-compliance report on a fund level, issuer/entity level and member level, where applicable.
3. The following need **not** to be reported on:
 - 3.1 Assets which are subject to the grandfathering provision as set out in regulation 28(3)(c);
 - 3.2 infrastructure assets excluded from quarterly reporting;
 - 3.3 where asset limits are exceeded as a result of the change in fair value or characteristic of the assets, as set out in regulation 28(3)(j); and
 - 3.4 where funds have exceeded the limits for reasons other than regulation 28(3)(j), but have obtained exemption in terms of regulation 28(9).
4. Funds are **not** required to complete this report where a-
 - 4.1 liquidator has been appointed and such appointment has been approved by the Authority in terms of section 28(2) of the Act;
 - 4.2 fund has been exempted from liquidation in terms of section 28(17) of the Act; or
 - 4.3 full transfer was approved by the Registrar in terms of section 14 of the Act.
5. This report must be-
 - 5.1 submitted in the electronic template provided for on the Authority's website; and
 - 5.2 attached to the Quarterly Non-Compliance Reporting package as a .pdf file on the following link: [Quarterly Reg28 Reports](#)

TABLE 1:

ASSETS HELD IN TERMS OF REGULATION 28

As at quarter ...

Fair value R

A Total investments

B Less: Investments not disclosed /data not available for disclosure

C **TOTAL ASSETS for REGULATION 28 DISCLOSURE**

	than R2 billion, or an amount or conditions as prescribed								
	- per issuer/entity	10%							
(c)(iv)	Not listed on an exchange								
	- per issuer/entity	5%							
(d)	Debt instruments issued or guaranteed by an entity that has equity listed on a foreign exchange	SARB maximum limits							
	-per issuer/entity	10%							
(d)(i)	Listed on an exchange	SARB maximum limits							
	- per issuer/entity	10%							
(d)(ii)	Not listed on an exchange	25%							
	- per issuer/entity	5%							
(e)	Other debt instruments:-	25%							
(e)(i)	Listed on an exchange	25%							
	- per issuer/entity	5%							
(e)(ii)	Not listed on an exchange	15%							
	- per issuer/entity	5%							
3	EQUITIES	75%							
3.1	Inside the Republic								
(a)	Preference and ordinary shares in companies, excluding shares in property companies, listed on an exchange:-	75%							
(a)(i)	Issuer market capitalisation of R20 billion or more, or an amount or conditions as prescribed								
	- per issuer/entity	15%							
(a)(ii)	Issuer market capitalisation of between R2 billion and R20 billion, or an amount or conditions as prescribed								
	- per issuer/entity	10%							
(a)(iii)	Issuer market capitalisation of less than R2 billion, or an amount or conditions as prescribed								
	- per issuer/entity	5%							

	debentures in property companies, not listed on an exchange - per issuer/entity	5%								
5	COMMODITIES	10%								
5.1	Inside the Republic									
(a)	Kruger Rands and other commodities on an exchange, including exchange traded commodities	10%								
(a)(i)	Gold (including Kruger Rands)	10%								
(a)(ii)	-each other commodity	5%								
5.2	Foreign assets									
(a)	Gold and other commodities on an exchange, including exchange traded commodities	10%								
(a)(i)	Gold	10%								
(a)(ii)	-each commodity	5%								
6	INVESTMENTS IN THE BUSINESS OF A PARTICIPATING EMPLOYER INSIDE THE REPUBLIC IN TERMS OF:-	10%								
(a)	Section 19(4) of the Pension Funds Act*	5%								
(b)	To the extent it has been allowed by an exemption in terms of section 19(4A) of the Pension Funds Act	10%								
7	HOUSING LOANS GRANTED TO MEMBERS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 19(5) OF THE PENSION FUNDS ACT	65%								

DECLARATION BY THE BOARD OF THE FUND

Fund name:.....

Quarter ending on:

1. The Board of the fund hereby confirms that the information contained herein is, to the best of our knowledge accurate and complete.
2. The Board of the fund also confirms that the fund did/did not exceed the aggregate foreign exposure as determined by the South African Reserve Bank (SARB).
3. Any other relevant information:

.....

.....
CHAIRPERSON (Signature)

.....
PRINT NAME

.....
DATE

Note: Where the completion, submission and declaration in respect of this return has been delegated to the principal officer, board member, administrator or any other person/entity, such delegation must be duly authorised and it should be noted that the Board of the fund remains ultimately responsible for the accuracy and completeness of this submission.

I, (print name), have been duly authorised by the Board of the fund and hereby confirm that the information contained herein is, to the best of our knowledge accurate, and complete.

.....
PERSON RESPONSIBLE (signature)

.....
PRINT NAME

.....
DATE

.....
DESIGNATION: