Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Vol. 539 Pretoria, 31 May/Mei 2010 No. 33238

PART 1 OF 2

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

33238
9771682584003

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

No.		*Page No.*	*Gazette No.*
	BOARD NOTICES		
76	Financial Advisory and Intermediary Services Act (37/2002): Financial Services Board: Determination of Compliance Report for Category 1 Authorised Financial Services Providers without a Compliance Officer, 2010	3	33238
77	do.: do.: Determination of Compliance Report for Category I Authorised Financial Services Providers with a Compliance Officer, 2010	24	33238
78	do.: do.: Determination of Compliance Report for Category II, IIA and Forex Authorised Financial Services Providers, 2010	52	33238
79	do.: do.: Determination of Interim Compliance Report for Category IIA Financial Services Providers, 2010	94	33238
80	do.: do.: Determination of Compliance Report for Category II and Forex Authorised Financial Services Providers, 2010	107	33238
81	do.: do.: Determination of Compliance Report for Category III Authorised Financial Services Providers, 2010	146	33238
82	do.: do.: Determination of Interim Report for Category III Authorised Financial Services Providers, 2010	185	33238
83	do.: do.: Determination of Compliance Report for Category IV Authorised Financial Services Providers, 2010	198	33238
84	do.: do.: Determination of Compliance Report for Authorised Foreign Financial Services Providers, 2010	220	33238
85	do.: do.: Determination of Compliance Report for Financial Services Providers Changing or Appointing Compliance Officers, 2010	235	33238

BOARD NOTICES

BOARD NOTICE 76 OF 2010

FINANCIAL SERVICES BOARD

FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002 (ACT NO. 37 OF 2002)

DETERMINATION OF COMPLIANCE REPORT FOR CATEGORY 1 AUTHORISED FINANCIAL SERVICES PROVIDERS WITHOUT A COMPLIANCE OFFICER, 2010

In terms of section 17(4) of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002) ("the Act"), I, Dube Phineas Tshidi, Registrar of Financial Services Providers, by this notice with its schedule, determine the manner in which the compliance report must be submitted by Category I Financial Services Providers without a compliance officer, and the matters which it must have regard to. This determination was made after consultation with the Advisory Committee on Financial Services Providers.

(a) A written report for the reporting period, by completing the schedule attached hereto, or by completing electronically, the schedule on the web site of the Financial Services Board (www.fsb.co.za), must be submitted to the Registrar by 28 February 2011.

(b) Answers should not be provided in columns that are shaded in grey in the schedule.

(c) In this Notice and the schedule, unless the context indicates otherwise –

(i) any word or expression shall have the meaning that it was assigned in the Act (including any measure contemplated in the definitions of "this Act" as defined in section 1(1) of the Act);

(ii) "Code of Conduct" means any Code published under section 15 of the Act;

(iii) "Determination of Fit and Proper Requirements" means the Determination of Fit and Proper Requirements for Financial Services Providers, 2008;

(iv) "Developmental area" means any control, process or compliance issue that has been identified during the monitoring if compliance as an are in respect of which the need for improvement of such control, process or compliance issue has been identified by the provider, and plans are in place to effect such improvements within a reasonable time;

(v) "FICA" means the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001);

(vi) "Forex Investment Business Code of Conduct" means the Code of Conduct for Authorised Financial Service Providers, and their Representatives, involved in Forex Investment Business, 2004;

(vii) "FSP" and "financial services provider" means an authorised financial services provider, and includes, where applicable, any representative of the provider;

(viii) "General Code of Conduct" or "General Code" means the Code of Conduct for Authorised Financial Services Providers and their Representatives, 2003;

(ix) "Regulations" means the Financial Advisory and Intermediary Services Regulations, 2003;

(x) "reporting date" means 31 December 2010;

(xi) "reporting period" means the period from the latter of -

(aa) the date of authorisation as financial services provider in terms of section 8 of the Act; or

(bb) the first day of the month following the reporting period for the 2009 compliance report,

until the reporting date.

This Determination is called the Determination of Compliance Report for Category I Financial Services Providers without a Compliance Officer, 2010, and comes into operation on the date of publication thereof.

DP TSHIDI,
Registrar of Financial Services Providers

SCHEDULE

Compliance Report in terms of section 17(4) of the Financial Advisory and Intermediary Services Act, 2002 (Act No 37 of 2002) ("the Act") by Category I Financial Services Providers without a compliance officer for reporting period ended 31 December 2010

Scope

In accordance with section 17(4) of the Act, I ………………………………. (key individual or sole proprietor) of the Financial Services Provider ("the FSP") hereby report as follows as regards compliance with the Act by ……………………………………(full name of the FSP and the FSP Number) for the reporting period ………………………………………………(date reporting period started) to 31 December 2010.

Question		Column				
		1	2	3	4	5
		Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
SECTION 1 – GENERAL						
1.	**Conditions and restrictions imposed, made, given or issued by the Registrar** *Section 8(4)(a) and 8(5)(b) of the Act*					
1.1	Does the FSP have procedures in place to ensure that it can comply with condition 1 of the licensing conditions requiring the FSP to update its business information as provided during the application stage within 15 days of any change/s occurring?					
1.2	Did the FSP change its legal status (e.g. from a CC to a (Pty) Ltd) as an entity since obtaining its licence?					
1.3	*If the answer to Question 1.2 is YES -* Did the FSP obtain a new licence as contemplated in section 8 of the Act?					
1.4	Does the FSP verify in all instances that any other FSP that it gives an instruction to, or receives an instruction from, is authorised to render the specific financial services without any restriction/s in its licence in relation to the specific financial product/s?					

	Question		Column				
			1	2	3	4	5
			Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
1.5	**Financial products in respect of which an FSP renders financial services** *Condition 5 imposed by the Registrar in terms of section 8(4) of the Act*						
	1.5.1.	Is the FSP regulated in terms of any other Act (locally or overseas)? (Please note that this does not include membership of professional bodies).					
	1.5.2.	*If the answer to Question 1.5.1 is YES -* Provide details of the Regulators (Name of Regulator and registration and/or licensing number/s with the Regulator/s if applicable) in a separate annexure and indicate the annexure number in column 5.					
	1.5.3.	Does the FSP render financial service on any financial product that is not specifically defined in the Act or regulated in terms of any other legislation (e.g. a hedge fund, depending on structure)?					
1.6	**Financial products in respect of which an FSP renders financial services** *Authorisation in terms of the licence of the FSP*						
	1.6.1.	Do you, as an FSP, have procedures in place to ensure that you only render the financial services within the limitation on categories and sub-categories for which the licence is issued?					
	1.6.2.	Did any non-compliance occur in respect of the limitation on categories and sub-categories during the reporting period?					
	1.6.3.	*If the answer to question 1.6.2 is YES -* Provide details of such non-compliance as well as steps taken to reasonably ensure that non-compliance in this regard does not occur again, in a separate annexure and indicate the annexure number in column 5.					
1.7	**Functions performed by an FSP**						
	1.7.1	Are you (FSP) authorised to render financial services in respect of Short- term Insurance Personal Lines and/or Short-term Insurance Commercial Lines?					
	1.7.2	*If the answer to question 1.7.1 is YES -* Did the FSP provide services as an underwriter during the reporting period?					

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
2 **Group structure**					
2.1 Does the FSP form part of a group of companies? If YES, provide full details of the group (including an organogram or diagram as well as such FSPs relation to one another) in a separate annexure and indicate the annexure number in column 5.					
2.2 *If the answer to question 2.1 is YES –* Does the FSP have service level agreements in place with other FSPs within the group?					
3 **Key individuals** Section 8(1) and 8(4)(b) of the Act and *Determination of Fit and Proper Requirements*					
3.1 Did any change/s occur in the personal circumstances of the key individual during the reporting period that adversely affected the Fit and Proper Requirements of the person, as it relates to the requirements of Part II of the Determination of Fit and Proper Requirements?					
3.2 *If the answer to Question 3.1 is YES -* Provide full details thereof in a separate annexure and indicate the annexure number in column 5.					
3.3 Did you meet the qualification requirements as described in Column 2 of Table E by 31 December 2009, where it applied?					
3.4 *If the answer to Question 3.3 is NO -* In a separate annexure, provide details of the plan you have in place to ensure that you will be able to meet the Table E Column 2 requirements of the Determination of Fit and Proper Requirements by the date specified in the said requirements?					
4 **Staff complement**					
4.1 Does the FSP have any employees that are assisting the FSP in the rendering of financial services?					
4.2 *If the answer to question 4.1 is YES –* In a separate annexure provide the number of employees that the FSP employs and that are assisting the FSP in the rendering of financial services. Also explain the roles and responsibilities of these employees. Indicate the annexure number in column 5.					

Question			Column				
			1	2	3	4	5
			Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
5	**Insurance cover** *Sections 5(e) and 13 of the General Code of Conduct*						
	5.1	Does the FSP have professional indemnity cover? If yes, the Statistical Information Sheet (Section 5) must be completed.					
	5.2	Does the FSP have fidelity insurance cover? If yes, the Statistical information Sheet (Section 5) must be completed.					
	5.3	Does the FSP have guarantees in place as contemplated in section 13 of the General Code of Conduct? If yes, the Statistical Information Sheet (Section 5) must be completed.					
	5.4	Does the FSP disclose to clients in terms of section 5(e) of the General Code of Conduct whether it holds guarantees or professional indemnity or fidelity insurance cover?					
	5.5	If the FSP holds guarantees, professional indemnity cover or fidelity insurance cover, attach a copy or copies of the latest insurance schedule/s in a separate annexure and indicate the annexure number in column 5.					
6	**Compliance function** *Section 17 of the Act and Chapter IV of the Regulations*						
	6.1	As the person responsible for your compliance function, can you confirm that the compliance function exists and/or forms part of the risk management framework of the business in terms of section 17(3) of the Act and Regulation 5?					
	6.2	Did you indicate any aspect in this report as "Developmental Area" (Column 4) that was also indicated as a developmental area in the compliance report for the previous reporting period?					
		6.2.1 *If the answer to question 6.2 is YES –* In a separate annexure, provide details thereof, the reasons for continued non-compliance, and corrective actions taken. Indicate the annexure number in column 5.					
7	**Maintenance of records** *Section 18 of the Act and the General Code of Conduct* *Section 22 of FICA*						
	7.1	Does the FSP have appropriate procedures and systems in place to record the information contemplated in					

Question			Column				
			1	2	3	4	5
			Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
		section 18 of the Act and section 3(2) of the General Code of Conduct?					
7.2		Can all documents be inspected by the Registrar within seven days from the date of request?					
7.3		Are all records stored in a manner that reasonably ensures that it will be safe from destruction? In a separate annexure, provide details on how records are kept. Indicate the annexure number in column 5.					
7.4		Does the FSP have a process in place to ensure that records are kept for a period of five years, after termination of the product concerned or, in any other case, after the rendering of the financial service concerned?					
7.5		Do you make electronic back-ups of all electronic records?					
	7.5.1	*If the answer to Question 7.5 is YES –* Do you test the back-ups to ensure that records can be retrieved in a proper manner?					
	7.5.2	*If the answer to question 7.5.1 is YES –* In a separate annexure, indicate the last time such back-ups were tested and the result thereof. Indicate the annexure number in column 5.					
8	**General Code of Conduct**						
8.1		**General provisions** *Section 3 of the General Code of Conduct*					
	8.1.1	Does the FSP have an internal policy/policies with regard to conflict of interest (as described in section 3 of the General Code of Conduct)?					
	8.1.2	*If the answer to Question 8.1.1 is NO -* As a separate annexure, provide the details on the steps that will be taken to put a policy /policies in place. Indicate the annexure number in column 5.					
	8.1.3	Did the FSP or any of the employees receive non-cash incentives or any other indirect considerations from products suppliers in terms of the internal policy/policies of the FSP?					

Question		Column				
		1	2	3	4	5
		Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
8.1.4	If applicable, did you disclose to the clients any non-cash incentives and/or other indirect considerations received in terms of the internal policy/policies of the FSP?					
8.1.5	Does the FSP have procedures and internal controls in place to ensure that the FSP does not disclose any confidential information acquired from clients without obtaining written consent from the clients, unless it is required in terms of any other legislation?					
8.2	**Disclosure requirements** *Sections 4, 5 and 7 of the General Code of Conduct*					
8.2.1	Does the FSP have procedures and internal controls in place to ensure that the disclosure documentation complies with sections 4 and 5 of the General Code of Conduct?					
8.2.2	Does the FSP provide clients with financial services in respect of financial products of only one specific product supplier?					
8.2.3	Does the FSP disclose the following information in terms of section 7(1) (c) of the General Code of Conduct to the client in writing:					
8.2.3.1	The name, class or type of financial product concerned;					
8.2.3.2	The nature, extent and frequency of any incentive, remuneration, consideration, commission, fee or brokerage which will or may become payable to the provider, directly or indirectly, by any product supplier or any other person as a result of the financial service concerned;					
8.2.3.3	Any material risk and where applicable investment risk associated with the product concerned;					
8.2.3.4	Extent of monetary obligations assumed by the client, the frequency thereof and consequences of non-compliance concerned.					
8.3	**Direct marketing** *Section 15 of the General Code of Conduct*					
8.3.1	Does the FSP act as a direct marketer as defined in the General Code of Conduct?					
8.3.2	***If the answer to Question 8.3.1 is YES -***					

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
8.3.2.1 Does the FSP have recording systems in place to record all telephonic conversations with the clients in the course of direct marketing?					
8.3.2.2 Does the FSP have appropriate procedures and systems in place to store and retrieve recordings?					
8.3.2.3 Does the FSP have procedures in place to ensure that the FSP complies with section 15 (read together with sections 4, 5 and 7) of the General Code of Conduct?					
8.3.2.4 *If the answer to Question 8.3.2.3 is NO –* In a separate annexure, provide details on how and when (provide a specific time frame) such procedures will be put in place. Indicate the annexure number in column 5.					
8.4 **Furnishing of advice and record of advice** *Section 8 and 9 of the General Code of Conduct*					
8.4.1 Is the FSP licensed to furnish advice?					
8.4.2 Did the FSP render advice as a regular feature of its business during the reporting period?					
8.4.3 ***If the answer to question 8.4.2 is YES –***					
8.4.3.1 Does the FSP have procedures in place to ensure that an analysis of the client's financial situation and objectives are performed before advice is furnished?					
8.4.3.2 *If the answer to Question 8.4.3.1 is NO -* In a separate annexure, provide details on how these procedures will be put in place. Indicate the annexure number in column 5.					
8.4.3.3 Did the FSP conduct an analysis, for purpose of the advice, based on the information obtained relating to the client's financial situation, financial product experience and objectives?					
8.4.3.4 Does the FSP have procedures in place, to ensure compliance with section 8(1) (d) of the General Code of Conduct relating to replacement products?					

Question	Column 1	Column 2	Column 3	Column 4	Column 5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
8.4.3.5 Did the FSP do any new financial transactions during the reporting period as a single needs analysis? If the answer is YES, the Statistical Information Sheet (Section 5) must be completed.					
8.4.3.6 Did the FSP keep a record of advice and provide it to its clients in accordance with section 9 of the General Code of Conduct? Provide details of all instances of non-compliance as well as steps taken to reasonably ensure that such non-compliance does not occur again, in a separate annexure and indicate the annexure number in column 5.					
8.5 **Custody of financial products and funds** *Section 10 of the General Code of Conduct*					
8.5.1 Does the FSP receive or hold financial products or funds of or on behalf of clients when rendering financial services?					
8.5.2 ***If the answer to question 8.5.1 is YES –***					
8.5.2.1 Has the FSP notified the Registrar of the details of the approved auditor or accounting officer in terms of section 19 of the Act read with the exemptions published in the Exemption of certain Authorised Financial Services Providers from Requirements pertaining to Audited Financial Statements, 2004 and/or Exemption of certain Authorised Financial Services Providers from Requirements pertaining to Audited Financial Statements (2), 2004?					
8.5.2.2 Has the FSP changed auditors during the reporting period?					
8.5.2.3 *If the answer to Question 8.5.2.2 is YES –* Did the FSP inform the Registrar of the change of auditors?					
8.5.2.4 Does the FSP issue written confirmation of receipts to clients when funds and/or premiums are received from clients without the mediation of a bank?					
8.5.2.5 In a separate annexure, provide a list of the products (sub-categories of licence) in respect of which you receive funds and/or premiums from clients. Indicate the annexure number in column 5.					

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
8.5.2.6 Does the FSP have procedures in place to ensure that the client's funds and/or premiums can be readily/clearly distinguished from private assets or funds of the FSP?					
8.5.3 Does the FSP collect short-term insurance premiums from clients on behalf of product suppliers?					
8.5.3.1 *If the answer to question 8.5.3 is YES –* Does the FSP collect premiums in accordance with the provisions stipulated in section 45 of the Short-term Insurance Act?					
8.5.4 Does the FSP have IGF Guarantee in terms of section 45 of the Short-term Insurance Act?					
8.5.5 *If the answer to Question 8.5.4 is YES -* Provide a copy of the IGF cover schedule as a separate annexure and indicate the annexure number in column 5.					
8.5.6 Does the FSP have procedures in place to ensure that the client's financial products can be readily/clearly distinguished from private assets of the FSP?					
8.6 **Risk management** *Sections 11 and 12 of the General Code of Conduct*					
8.6.1 Does the FSP have and effectively employ risk management resources, procedures, systems and controls as described in sections 11 and 12 of the General Code of Conduct?					
8.6.2 Does the FSP have a documented Risk Management Plan?					
8.6.3 In a separate annexure, provide details as to how the Risk Management Plan is monitored. Indicate the annexure number in column 5.					
8.7 **Advertising** *Section 14 of the General Code of Conduct*					
8.7.1 Does the FSP advertise its financial services?					
8.7.2 ***If the answer to Question 8.7.1 is YES -***					

Question	Column 1	Column 2	Column 3	Column 4	Column 5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
8.7.2.1 Does the FSP have procedures in place to ensure that all advertisements and advertising communications and/or material comply with section 14 of the General Code of Conduct?					
8.7.2.2 If the FSP advertised any of its financial services by telephone during the reporting period, did the FSP maintain an electronic, voice logged record of all communications?					
8.7.2.3 Is a reference to the fact that a licence is held contained in all advertisements that were placed during the reporting period?					
8.8 **Complaints** *Section 16 to 19 of the General Code of Conduct*					
8.8.1 Does the FSP have a complaints policy and resolution system in place that complies with sections 16 to 19 of the General Code of Conduct?					
8.8.2 Provide the following details on complaints referred to the Ombud during the reporting period: number of complaints referred to the Ombud, type of complaint (what the complaint was about) as well as outcome of the complaint. Indicate the annexure number in column 5.					
8.9 **Termination of agreement or business** *Section 20 of the General Code of Conduct*					
8.9.1 Does the FSP have procedures in place to ensure that it complies with section 20 of the General Code of Conduct?					
8.9.2 Does the FSP have a business continuity plan and procedures in place to ensure that your clients will be serviced if the business is terminated for any reason?					
8.9.3 *If the answer to Question 8.9.2 is NO* – In a separate annexure, provide an explanation as to what steps will be taken to put a plan in place (include time frame as well). Indicate the annexure number in column 5.					
8.10 **Waiver of rights** *Section 21 of the General Code of Conduct*					
8.10.1 Does the FSP have procedures in place to ensure that it does not request or induce a client to waive					

Question			Column				
			1	2	3	4	5
			Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
		any right or benefit conferred on the client by, or in terms of, any provision of the General Code of Conduct? Provide full details of any non-compliance found as well as steps taken to reasonably ensure that such non-compliance does not occur again as a separate annexure .Indicate the annexure number in column 5.					
	8.10.2	Does the FSP have procedures in place to ensure that it complies with the provisions of Section 21 of the General Code of Conduct?					
9	**Money laundering control procedures**						
9.1	Is the FSP an accountable institution in terms of Schedule 1 of FICA?						
9.2	***If the answer to Question 9.1 is YES, questions 9.3 to 9.13 must be answered -***						
9.3	Does the FSP have in place all the necessary policies, procedures and systems to ensure full compliance with FICA and other applicable anti-money laundering or terrorist financing legislation as required in terms of paragraph 8(1)(e) of the Determination for Fit and Proper Requirements?						
9.4	Was this reporting period the FSP's first year of business?						
	9.4.1	*If the answer to question 9.4 is YES –* Provide a copy of the internal rules used by the FSP as a separate annexure. Indicate the annexure number in column 5.					
9.5	Did the FSP amend/revise the internal rules during the reporting period?						
	9.5.1	*If the answer to question 9.5 is YES –* Provide a copy of the amended internal rules as a separate annexure. Indicate the annexure number in column 5.					
9.6	Does the FSP make use of a standard internal rules document supplied by a third party?						
	9.6.1	*If the answer to question 9.6 is YES –* Was the document modified to apply to your specific FSP?					

Question		Column				
		1	2	3	4	5
		Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
9.7	Does the FSP establish and verify the identity of clients as required in terms of FICA in all instances?					
	9.7.1 If the answer to question 9.7 is NO – Provide details of non-compliance in a separate annexure. Indicate the annexure number in column 5.					
9.8	Did the FSP provide employees with ongoing or refresher training as recommended by the Financial Intelligence Centre during the reporting period?					
	9.8.1 If the answer to question 9.8 is YES – Did the training include an assessment to determine the employees' level of understanding?					
9.9	Does the FSP have procedures in place to report property associated with terrorist and related activities in terms of Section 28A of FICA?					
9.10	Does the FSP have procedures in place to ensure that their staff is able to identify suspicious transactions and report it accordingly?					
9.11	Does the FSP have procedures in place to risk rate the clients in order to establish which clients pose a higher risk associated with the combating of money laundering and financing terrorism to the entity?					
9.12	Does the FSP perform the identification and verification of clients function on behalf of another accountable institution, as envisaged in Exemption 4?					
9.13	Does the FSP rely on a third party (any other institution) for the identification and verification of clients in terms of exemption 4 under FICA?					
9.14	***If the answer to Question 9.1 is NO -***					
	9.14.1 Do you have procedures in place to ensure that the staff is able to identify suspicious transactions and report it accordingly?					
	9.14.2 Do you have procedures in place to ensure that it remains up to date with the requirements of the Financial Intelligence Centre in respect of identifying and reporting suspicious and unusual transactions?					

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
10 Operational ability and Financial soundness **Parts VIII and IX of the Determination of Fit and Proper Requirements**					
10.1 Did the FSP comply with the solvency requirements as required in terms of paragraph 9 of the Fit and Proper Requirements at all times during the reporting period?					
10.2 Does the FSP prepare monthly accounting records in terms of section 19 of the Act?					
10.3 Does the FSP have internal controls and procedures in place to ensure that the requirements as described in section (3) of the Determination of Fit and Proper Requirements are complied with?					
10.3.1 *If the answer to question 10.3 is NO -* In a separate annexure, indicate the steps that will be taken to ensure that the relevant controls and procedures are put in place. Indicate the annexure number in column 5.					
SECTION 2 – FOREX FSPs ***The Forex code covers forex investments which are investments in a financial product referred to in paragraph (e) of the definition of "financial product" in section 1(1) of the Act.***					
11 Particular duties/obligations relating to forex FSPs					
11.1 Is the FSP licensed to give advice and/or render intermediary services as a forex services provider? **If the answer is YES, Questions 11.2 to 11.20 must be answered.**					
11.2 In a separate annexure, provide details of the clearing firm that the FSP deals with as well as the name and contact details of the Regulator. Indicate the annexure number in column 5.					
11.3 Did the FSP provide clients with the name and contact details of the clearing firm?					
11.4 Did the FSP provide clients with the name and contact details of the Regulator under whose jurisdiction the activity of the clearing firm falls?					
11.5 Does the FSP act as a forex advisor in respect of managed accounts and/or self directed accounts?					

	Question	Column 1	2	3	4	5
		Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
11.5.1	*If the answer to Question 11.5 is YES -* In a separate annexure, provide a copy of a written application form utilised for clients' purposes that was approved by the Registrar. Indicate the annexure number in column 5.					
11.5.2	In the case of self-directed accounts provide full details in a separate annexure on how the FSP ensures that clients are sophisticated and have the necessary trading skills to start trading themselves. Indicate the annexure number in column 5.					
11.5.3	Does the FSP provide regular training sessions to educate and assist their trading skills?					
11.6	Did the FSP make any substantial/material changes to this application form without the prior approval of the Registrar?					
11.7	Does the FSP take reasonable steps to ensure that the forex investment to be advised on is suitable for the client?					
11.8	*If the answer to Question 11.7 is YES –* In a separate annexure, provide full details of the procedures that the FSP has in place to ensure that the client's objectives, risk appetite, financial situation and foreign investment experience are obtained in order to act in their best interests at all times. Indicate the annexure number in column 5.					
11.9	In a separate annexure, provide full details of the procedures that the FSP has put in place to ensure that risks associated with forex investment (including currency fluctuations), are disclosed to clients? Indicate the annexure number in column 5. If standard disclosure documents are used, please include a copy thereof as part of the annexure.					
11.10	Does the FSP have procedures in place to ensure that the forex investment intermediary, to whom clients are referred to, is an authorised FSP?					
11.11	Does the FSP have an appropriate written agreement in place to govern the relationship with forex intermediaries to whom clients are referred?					
11.12	Does the FSP ensure that clients comply with exchange control regulations (including tax legislation) when					

		Column				
Question		1	2	3	4	5
		Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
	giving advice on forex investment business? If any instances of non-compliance were found, please provide full details thereof as well as steps taken to reasonably ensure that such non-compliance does not occur again as a separate annexure and indicate annexure number in column 5.					
11.13	Does the FSP advise clients to invest by means of margin trading?					
11.14	*If the answer to Question 11.13 is YES –* In a separate annexure, provide full details of the procedure that the FSP has put in place to ensure that the minimum leverage required does not exceed widely used industry norms. Indicate the annexure number in column 5.					
11.15	In a separate annexure, provide full details of the procedure/s that the FSP has put in place to ensure all fees, charges, costs and commission payable to the different stakeholders involved in the investment process are fully and adequately disclosed. Indicate the annexure number in column 5.					
11.16	Does the FSP directly obtain reports and statements from the clearing firm or foreign forex services provider and make them available to clients in a hard copy format or by electronic means?					
11.17	If the reports and statements referred to in question 11.16 above are generated by the clearing firm or foreign forex service provider, can the contents of the statements be altered by the FSP before being made available to clients or viewed online?					
11.18	In a separate annexure, provide a full explanation setting out how client's funds which are held offshore will be treated if the FSP is wound up, liquidated or ceases to conduct business for any reason. Indicate the annexure in column 5.					
11.19	Does the FSP ensure that a foreign forex service provider which holds investments on behalf of clients, maintains insurance cover to guard against risk of loss due to fraud, dishonesty and negligence?					
11.20	Is the FSP a forex spot trader as defined in the Forex investment Business Code of Conduct? Provide full details of the clearing firm as well as the Regulator in a separate annexure and indicate the annexure number in column 5.					

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
SECTION 3 – HEALTH SERVICE BENEFITS					
12 Accreditation under section 65(3) of the Medical Schemes Act, 1998 *Section 8(7)(e) of the Act*					
12.1 Is the FSP licensed to render financial services relating to health service benefits?					
12.2 ***If the answer to question 12.1 is YES -***					
12.2.1 Was the accreditation of the FSP in terms of section 65(3) of the Medical Schemes Act, 1998, during the reporting period suspended, or withdrawn, or did it lapse? Please provide details of any such suspensions, withdrawals or lapses as an annexure to the report and indicate the annexure number in column 5.					
12.2.2 In a separate annexure, provide full details of the accreditation with the Council for Medical Schemes (ORG numbers for entities and BR numbers for Key Individuals as well as the expiry date of accreditation). Indicate the annexure number in column 5. Please also indicate whether the key individual has been fully accredited and/or is an apprentice broker.					
12.2.3 Does the FSP have any corporate clients? If the answer is YES, the Statistical Information Sheet (Section 5) must be completed.					
12.2.4 In a separate annexure, provide a list of product suppliers that the FSP utilises. Indicate the annexure number in column 5.					

SECTION 4 – ATTACHMENTS

Question number	Comments	Additional Information attached Annexure reference no

SECTION 5 – STATISTICAL INFORMATION SHEET

5.1 TYPE OF INSURANCE COVER	QUESTION NUMBER IT RELATES TO	CURRENCY	EXTENT OF COVER (NUMERICAL AMOUNT)
Professional Indemnity Cover as contemplated in sections 5(e) and 13 of the General Code of Conduct	5.1		
Fidelity Insurance Cover as contemplated in sections 5(e) and 13 of the General Code of Conduct	5.2		
Guarantees in terms as contemplated in section 13 of the General Code of Conduct	5.3		

5.2 FURNISHING OF ADVICE AND RECORD OF ADVICE		
TYPE OF INFORMATION REQUIRED	QUESTION NUMBER INFORMATION RELATES TO	PERCENTAGE
Provide the percentage (%) of new financial transactions done as a single needs analysis.	8.4.3.5	

5.3 HEALTH SERVICE BENEFITS		
TYPE OF INFORMATION REQUIRED	QUESTION NUMBER INFORMATION RELATES TO	PERCENTAGE
Percentage of client base that are corporate clients	12.2.3	

To be completed and signed by the financial services provider

Name of the FSP ....

FSP Number ....

Name of key individual ....

ID number of the key individual ....

Date appointed as key individual ....

Signature ....

Date ....

Please note that all unsigned reports will be regarded as "Not Submitted".