

BOARD NOTICE 92 OF 2012**FINANCIAL SERVICES BOARD****FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002****COMPLIANCE REPORT FOR CATEGORY IV FSPs, 2012**

In terms of section 17(4) of the Financial Advisory and Intermediary Services Act, 2002 ("the Act"), I, Dube Phineas Tshidi, the Registrar of Financial Services Providers, determine the manner in which the compliance report for Category IV FSPs must be submitted, and the matters which such reports 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, online the schedule on the web site of the Financial Services Board (www.fsb.co.za), must be submitted by 31 October 2012.
- (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;
 - (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 of compliance as an area 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) **"Exemption of Services under Supervision"** means the Exemption of Services under Supervision in terms of Requirements and Conditions, 2008,
 - (vi) **"FICA"** means the Financial Intelligence Centre Act, 2001;
 - (vii) **"FSP", "financial services provider" or "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) “**key individual**” means a key individual as defined in the Act, including sole proprietors as defined in the Determination of Fit and Proper Requirements;
- (x) “**Regulations**” means the Financial Advisory and Intermediary Services Regulations, 2003;
- (xi) “**reporting date**” means 31 August 2012;
- (xii) “**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;
 - (bb) the first day of the month following the reporting period for the 2011 compliance report; or
 - (cc) where a compliance officer is appointed, the date of appointment,until the reporting date.

This Determination is called the Compliance Report for Category IV FSPs, 2012, and comes into operation on the date of publication thereof.



D P TSHIDI,
Registrar of Financial Services Providers

SCHEDULE

Compliance Report for Category IV FSPs for the reporting period ended 31 August 2012

Scope

In accordance with section 17(4) of the Act, I/we (the approved compliance officer(s) of the FSP) hereby report as follows as regards compliance with the Act by (full name of the FSP and the FSP Number) and any representatives of the FSP, for the reporting period (date reporting period started) to 31 August 2012.

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop-mental area	Note No. Comment/Annexure
1					
1.1					
1.2					
1.3					
1.4					

SECTION 1 – GENERAL

Conditions and restrictions by Registrar Sections 7 and 8(4)(a) and (5) (b) of Act

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 occurring?

Did the FSP change its legal status as an entity (e.g. from CC to (Pty) Ltd) since obtaining its licence?

If the answer to Question 1.2. is YES -
Did the FSP obtain a new licence as contemplated in section 8 of the Act?

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 specific financial services without any licence restriction in relation to a specific financial product?

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop - mental area	5 Note No. Comment/ Annexure
1.5 Financial products in respect of which an FSP renders financial services <i>Condition 5 imposed by Registrar in terms of section 8(4) of Act</i>					
1.5.1 Is the FSP regulated in terms of any other law (within or outside South Africa)? (Please note that this does not include membership of professional bodies.)					
1.5.2 <i>If the answer to Question 1.5.1 is YES -</i> Provide details of the Regulator (Name of Regulator and registration and licensing number/s with the Regulator, if applicable) in a separate annexure and indicate the annexure number in column 5.					
1.5.3 Does the FSP render financial services 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 the structure)?					
1.5.4 <i>If the answer to Question 1.5.3 is YES -</i> Provide details of the financial products concerned in a separate annexure and indicate the annexure number in column 5.					
1.6 Financial products in respect of which FSP renders financial services <i>Authorisation in terms of licence of FSP</i>					
1.6.1 Does the FSP have procedures in place to ensure that the rendering of financial services is done within the limitation on Categories and subcategories for which the licence was issued?					
1.6.2 Did any non-compliance occur in respect of the limitation on Categories and subcategories during the reporting period?					
1.6.3 <i>If the answer to Question 1.6.2 is YES -</i> Provide full details of such non-compliance as well as steps taken to reasonably ensure that such non-compliance does not occur again, in a separate annexure. Indicate the annexure number in column 5.					

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop - mental area	5 Note No. Comment/ Annexure
1.7					
	Functions performed by FSP				
1.7.1					
	Did the FSP render financial services as a short-term insurance underwriting manager during the reporting period?				
1.7.2					
	During the reporting period did the FSP render services as a pension fund administrator in terms of section 13B of the Pension Funds Act, 1956?				
1.7.3					
	Did the FSP act as an asset consultant (advisor) to a pension fund during the reporting period?				
1.7.4					
	Is the FSP also a licensed credit provider in terms of the National Credit Act, 2005?				
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 the FSP's relation to the group of companies) in a separate annexure and indicate the annexure number in column 5.				
2.2					
	<i>If the answer to question 2.1 is YES –</i> Does the FSP have service level agreements in place with other FSPs within the group?				
3					
	Key individuals <i>Section 8(1) and (4)(b) of Act and Determination of Fit and Proper Requirements</i>				
3.1					
	Are all people involved in a managing/overseeing function in relation to the rendering of financial services, appointed as key individuals?				
3.2					
	In a separate annexure, provide information on the structure with regards to key individuals (what their position is in the organisation, where are they situated). Indicate the annexure number in column 5.				
3.3					
	Does the FSP have procedures in place to ensure that it complies with section 8(4) (b) of the Act in the case of replacement of key individuals?				

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop - mental area	5 Note No. Comment/ Annexure
3.4 Fit and Proper Requirements for key individuals <i>Determination of Fit and Proper Requirements</i>					
3.4.1 Did any changes occur in the personal circumstances of any key individual during the reporting period that adversely affected the fitness and propriety of the person, as it relates to Part II of the Determination of Fit and Proper Requirements?					
3.4.2 <i>If the answer to Question 3.4.1 is YES -</i> Provide full details thereof in a separate annexure and indicate the annexure number in column 5.					
3.4.3 Does the key individual have the operational ability to fulfill the responsibilities imposed by the Act on FSPs, including (where applicable) oversight of the financial services rendered by the representative of the FSP?					
3.4.4 Have all approved key individuals enrolled for or passed the first level regulatory examination?					
3.4.5 A list of all approved key individuals must be provided as a separate annexure and it must be indicated whether the key individual has passed, failed, enrolled for or not yet enrolled for the first level regulatory exam. Indicate the annexure number in column 5.					
4 Operational ability and financial soundness <i>Parts VIII and IX of Determination of Fit and Proper Requirements and section 19 of Act</i>					
4.1 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?					
4.2 Does the FSP prepare monthly accounting records in terms of section 19 of the Act?					
4.3 Did the FSP prepare audited financial statements, irrespective of the type of legal entity?					
4.4 Did you (compliance officer) have unrestricted access to view the accounting records of the FSP at all times during the reporting period?					
4.4.1 <i>If the answer to question 4.4 is NO -</i> In a separate annexure, give an explanation as to the reasons for the FSP denying access to the accounting records. Indicate the annexure number in column 5.					

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop - mental area	5 Note No. Comment/ Annexure
4.5					
4.5.1					
<p>Does the FSP have internal procedures and controls in place to ensure that the requirements as described in section 8(3) of the Determination of Fit and Proper Requirements are complied with?</p> <p><i>If the answer to question 4.5 is NO - In a separate annexure, indicate the steps that will be taken to ensure that relevant controls and procedures are put in place. Indicate the annexure number in column 5.</i></p>					
SECTION 2 – GENERAL CODE OF CONDUCT					
General Code of Conduct					
General provisions <i>Section 3 of General Code of Conduct and Board Notice 58 of 2010</i>					
5.1.1					
Has the FSP adopted, maintained and implemented a conflict of interest management policy?					
5.1.2					
<i>If the answer to Question 5.1.1 was YES – Questions 5.1.3 to 5.1.7 must be answered</i>					
5.1.3					
Was this reporting period the FSP's first year of business?					
5.1.3.1					
<i>If the answer to question 5.1.3, is YES – Provide a copy of the conflict of interest management policy of the FSP as a separate annexure. Indicate the annexure number in column 5.</i>					
5.1.4					
If this reporting period was not the FSP's first year of business, did the FSP amend or revise the conflict of interest management policy during the reporting period?					
5.1.4.1					
<i>If the answer to question 5.1.4 is YES – Provide a copy of the amended conflict of interest management policy as a separate annexure. Indicate the annexure number in column 5.</i>					

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
5.1.5	Are the employees, representatives and, where appropriate, associates aware of the conflict of interest management policy?				
5.1.6	Has appropriate training and educational material been provided to the employees, representatives and, where appropriate, associates?				
5.1.7	Has the conflict of interest management policy been published in appropriate media and is the policy easily accessible for public inspection at all reasonable times?				
5.1.8	If applicable, did the FSP and any representative disclose to clients in writing any conflict of interest in respect of the client?				
5.1.9	Does the FSP have procedures and internal controls in place to ensure that it 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?				
6	Insurance cover Sections 5(e) and 13 of General Code of Conduct and Board Notice 123 of 2009				
6.1	Does the FSP have professional indemnity cover? If yes, the Statistical Information Sheet (Section 8) must be completed.				
6.1.1	<i>If the answer to Question 6.1 is YES –</i> Attach a copy of the latest insurance schedule in a separate annexure and indicate the annexure number in column 5.				
6.2	Does the FSP have fidelity insurance cover? If yes, the Statistical Information Sheet (Section 8) must be completed.				
6.2.1	<i>If the answer to Question 6.2 is YES –</i> Attach a copy of the latest insurance schedule in a separate annexure and indicate the annexure number in column 5.				
6.3	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 8) must be completed.				

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
6.3.1					
	If the answer to Question 6.3 is YES – Attach a copy of the latest guarantee in a separate annexure and indicate the annexure number in column 5.				
6.4					
	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?				
6.5					
	Did the FSP have any claims against the FSP's professional indemnity cover, fidelity insurance cover or guarantees during the reporting period that were as a result of financial services rendered?				
7					
	Disclosure requirements <i>Sections 4, 5 and 7 of General Code of Conduct</i>				
7.1					
	Does the FSP have procedures in place to ensure that the disclosure documentation complies with sections 4 and 5 of the General Code of Conduct?				
7.2					
	Does the FSP have procedures in place to ensure that the disclosure documentation complies with section 7 of the General Code of Conduct?				
7.3					
	Does the FSP disclose the following information in terms of section 7(1)(c) of General Code of Conduct to the client in writing:				
7.3.1					
	The name, class or type of financial product concerned;				
7.3.2					
	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;				
7.3.3					
	Any material risk and where applicable investment risk associated with the product concerned;				
7.3.4					
	Extent of monetary obligations assumed by the client, the frequency thereof and consequences of non-compliance concerned.				

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
8					
Direct marketing <i>Section 15 of General Code of Conduct</i>					
8.1					
	Does the FSP act as a direct marketer as defined in the General Code of Conduct?				
8.2					
	If the answer to Question 8.1 is YES – questions 8.2.1 to 8.2.3 must be answered				
8.2.1					
	Does the FSP have recording systems in place to record all telephonic conversations with the clients in the course of direct marketing?				
8.2.2					
	Does the FSP have appropriate procedures and systems in place to store and retrieve recordings?				
8.2.3					
	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?				
8.2.3.1					
	<i>If the answer to Question 8.2.3 is NO –</i> 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.				
9					
	Furnishing of advice and record of advice <i>Sections 8 and 9 of General Code of Conduct</i>				
9.1					
	Is the FSP licensed to furnish advice?				
9.2					
	Did the FSP furnish advice as a regular feature of its business during the reporting period?				
9.3					
	If the answer to question 9.2 is YES – questions 9.3.1 to 9.3.4 must be answered				
9.3.1					
	Does the FSP have procedures in place to ensure that an analysis of the client's financial situation and objectives is performed before advice is furnished?				
9.3.1.1					
	<i>If the answer to Question 9.3.1 is NO –</i> In a separate annexure, provide details on how these procedures will be put in place. Indicate the annexure number in column 5.				

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop-mental area	5 Note No. Comment/Annexure
9.3.2					
9.3.3					
9.3.4					
10 Custody of financial products and funds <i>Section 10 of General Code of Conduct</i>					
10.1					
10.2					
10.2.1					
10.2.2					
10.2.2.1					
10.2.3					

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Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
10.3					
10.4					
11					
11.1					
11.2					
12					
12.1					
12.2					
12.2.1					
12.2.2					
12.2.3					
13					
13.1					

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop- mental area	5 Note No. Comment/ Annexure
13.2					
13.2.1					
14					
14.1					
14.2					
14.3					
14.4					
14.5					
14.6					
14.6.1					
14.6.2					

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop - mental area	5 Note No. Comment/ Annexure
15 Termination of agreement or business <i>Section 20 of General Code of Conduct</i>					
15.1 Does the FSP have procedures in place to ensure that it complies with section 20 of the General Code of Conduct?					
15.2 Does the FSP have a business continuity plan and procedures in place to ensure that their clients will be serviced if the business is terminated for any reason?					
15.2.1 <i>If the answer to Question 15.2 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.</i>					
16 Waiver of rights <i>Section 21 of General Code of Conduct</i>					
16.1 Does the FSP have procedures in place to ensure that the FSP does not request or induce a client to waive any right or benefit conferred on the client under 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.					
16.2 Does the FSP have procedures in place to ensure that it complies with section 21 of the General Code of Conduct?					
SECTION 3 - REPRESENTATIVES					
17 Representatives <i>Sections 13 and 14 of Act and section 8(8) of Determination of Fit and Proper Requirements</i>					
17.1 Does the FSP have representatives? If YES, the Statistical Information Sheet (Section 8) must be completed.					

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
17.2	If the answer to Question 17.1 is YES, questions 17.3 to 17.9 must be answered				
17.3	Does the FSP have any juristic representatives?				
17.4	If the answer to Question 17.3 is YES – questions 17.4.1 to 17.4.3 must be answered				
17.4.1	Does the FSP have an agreement with each juristic representative? If YES attach a copy of an agreement as a separate annexure and indicate the annexure number in column 5.				
17.4.2	Are all employees of the juristic representative that are rendering financial services on behalf of the provider appointed as representatives of the provider in terms of section 13 of the Act?				
17.4.3	Does the FSP have procedures in place to ensure that juristic representatives have the necessary operational ability to render financial services to clients?				
17.5	Does the FSP have procedures in place (including documentation) to enable representatives to provide clients with confirmation, as certified by the provider, of their status as representative as provided for in section 13(1)(b)(i) of the Act?				
17.6	Is the key individual/s able to maintain the operational ability to fulfill the responsibilities imposed by the Act on FSPs, including oversight of the financial services provided by the representative of the FSP?				
17.7	Competency of representatives <i>Section 13(2)(a) of Act, Parts II, III and VI of Determination of Fit and Proper Requirements and Board Notice 151 of 2008</i>				
17.7.1	Does the FSP have procedures in place to ensure that representatives comply with the personal character qualities of honesty and integrity and the competency requirements as set out in Parts II and III of the Determination of Fit and Proper Requirements?				
17.7.2	Has the FSP identified all representatives who have not yet passed the First Level Regulatory Examination?				

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop - mental area	5 Note No. Comment/ Annexure
17.7.2.1					
17.7.3					
17.8					
17.8.1					
17.8.2					
17.8.2.1					
17.8.2.2					
17.8.2.3					
17.8.2.4					

If the answer to Question 17.7.2 is YES-
Does the FSP have adequate processes in place to monitor whether the representatives who have not passed the First Level Regulatory Examination have done so by the applicable date?

As a separate annexure indicate the number of representatives and provide details on the total number of representatives that have passed, failed, enrolled for or not yet enrolled for the first level regulatory exam. Indicate the annexure number in column 5.

Representatives rendering services under supervision
Board Notice 151 of 2008

Does the FSP have representatives who, on the reporting date, render financial services under supervision as contemplated in paragraph 3 of the Exemption of Services under Supervision?

If the answer to question 17.8.1 is YES – questions 17.8.2.1 to 17.8.2.5 must be answered

Confirm the number of representatives rendering services under supervision as well as the number of supervisors, as at the reporting date, on the Statistical Information Sheet (Section 8).

Does the FSP have procedures in place to monitor the compliance of supervisors with paragraph 4(7)(a) to (f) of the Exemption of Services under Supervision? If YES, attach a copy of the procedures as a separate annexure and indicate the annexure number in column 5.

Does the FSP have procedures in place to ensure that there is a formal, documented supervision plan in place for representatives that are rendering services under supervision?

Does the FSP have procedures in place to ensure that the fact that a representative is rendering financial services under supervision is disclosed to clients?

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
17.8.2.5					
Was any non-compliance found in terms of representatives under supervision? If YES, submit full details of such non-compliance as well as steps taken to reasonably ensure that such non-compliance does not occur again in a separate annexure. Indicate the annexure number in column 5.					
17.9					
Representatives' compliance with Code of Conduct <i>Section 13(2)(b) of Act, Board Notice 58 of 2010 and General Code of Conduct</i>					
17.9.1					
Does the FSP have procedures in place to determine whether representatives adhered to the requirements stipulated in the Codes of Conduct applicable to the FSP?					
17.9.2					
If the answer to Question 17.9.1 is YES – questions 17.9.2.1 to 17.9.2.4 must be answered					
17.9.2.1					
In a separate annexure, describe the procedures that the FSP has in place to determine whether the representatives adhered to said requirements. Indicate the annexure number in column 5.					
17.9.2.2					
Did any representatives of the FSP receive any financial interest for giving preference to the quantity of business secured for the provider to the exclusion of the quality of financial services rendered to clients after section 3A of the General Code of conduct became effective?					
17.9.2.3					
Did any representatives of the FSP receive any financial interest for giving preference to a specific product supplier, where the representative may have recommended more than one product supplier to a client after section 3A of the General Code of conduct became effective?					
17.9.2.4					
Did any representatives of the FSP receive any financial interest for giving preference to a specific financial product of a product supplier, where the representative was able to recommend more than one product of the product supplier to the client after section 3A of the General Code of conduct became effective?					

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop - mental area	5 Note No. Comment/ Annexure
17.10 Debarment of representatives <i>Section 14 of Act</i>					
17.10.1 Does the FSP have procedures in place to debar a representative if the representative does not comply with the personal character qualities of honesty and integrity and the qualifications as set out in Parts II and V of the Determination of Fit and Proper Requirements?					
17.10.2 Has the FSP taken steps to debar representatives in respect of non-compliance with Column Two of Table E of the Determination of Fit and Proper Requirements?					
17.10.2.1 <i>If the answer to question 17.10.2 is YES – In a separate annexure, provide full details thereof. Indicate the annexure number in column 5.</i>					
SECTION 4 – MONEY LAUNDERING CONTROL PROCEDURES					
18 Money Laundering Control Procedures					
18.1 Is the FSP an accountable institution in terms of Schedule 1 of FICA?					
18.2 <i>If the answer to Question 18.1 is YES, questions 18.3 to 18.15 must be answered</i>					
18.3 Has the FSP registered with the Financial Intelligence Centre in terms of section 43B of FICA?					
18.4 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?					
18.5 Was this reporting period the FSP's first year of business?					

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Developmental area	5 Note No. Comment/Annexure
18.5.1 <i>If the answer to question 18.5 is YES –</i> Provide a copy of the internal rules used by the FSP as a separate annexure. Indicate the annexure number in column 5.					
18.6 If this reporting period wasn't the FSP's first year of business, did the FSP amend/revise the internal rules during the reporting period?					
18.6.1 <i>If the answer to question 18.6 is YES –</i> Provide a copy of the amended internal rules as a separate annexure. Indicate the annexure number in column 5.					
18.7 Does the FSP make use of a standard internal rules document supplied by a third party?					
18.7.1 <i>If the answer to question 18.7 is YES –</i> Was the document customised to apply to the specific FSP?					
18.8 Does the FSP establish and verify the identity of clients as required in terms of FICA in all instances?					
18.8.1 <i>If the answer to question 18.8 is NO –</i> In a separate annexure provide details of why such verification was not done, and indicate the steps taken to reasonably address the non-compliance is addressed. Indicate the annexure number in column 5.					
18.9 Did the FSP provide employees with ongoing or refresher training as recommended by the Financial Intelligence Centre during the reporting period?					
18.9.1 <i>If the answer to question 18.9 is YES –</i> Did the training include an assessment to determine the employees' level of understanding?					
18.10 Does the FSP have procedures in place to report property associated with terrorist and related activities in terms of section 28A of FICA?					
18.11 Does the FSP have procedures in place to ensure that staff are able to identify suspicious transactions and report them accordingly?					

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
18.12					
18.13					
18.14					
18.15					
18.16					
18.16.1					
18.16.1.1					
18.16.2					
18.16.3					
18.16.4					

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Developmental area	5 Note No. Comment/ Annexure
19					
19.1					
19.2					
19.2.1					
19.3					
19.4					
19.5					
19.6					
19.7					
19.8					

SECTION 5 – COMPLIANCE FUNCTION

19 Compliance function
Section 17 of Act, Chapter IV of Regulations and Board Notice 127 of 2010

19.1 Is the compliance function established as part of the risk management framework of the business of the FSP in compliance with section 17(3) of the Act and regulation 5 of the Regulations?

19.2 Was any aspect in this report as a "Developmental Area" (Column 4) that was also indicated as a developmental area in the compliance report for the previous reporting period?

19.2.1 *If the answer to question 19.2 is YES –*
In a separate annexure, provide details thereof, the reasons for continued non-compliance, and corrective actions to be taken. Indicate the annexure number in column 5.

19.3 Has the FSP appointed a compliance officer in terms of section 17 of the Act?

19.4 *If the answer to question 19.3 is YES – questions 19.5 to 19.11 must be answered*

19.5 Are you appointed as an internal compliance officer of the FSP?

19.6 *If the answer to question 19.5 was YES-*
Are you also the appointed internal compliance officer for any other FSPs? If YES, in a separate annexure, provide the details of these FSPs. Indicate the annexure number in column 5.

19.7 Do you provide written reports on the compliance monitoring and recommendations relating to the FSP on a regular basis? If YES, the Statistical Information Sheet (Section 8) must be completed.

19.8 Does the FSP operate from only one business premises?

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
19.9	If the answer to Question 19.8 is NO – Questions 19.9.1 and 19.9.2 must be answered.				
19.9.1					
19.9.2					
19.10					
19.11					
20	Monitoring				
20.1					
20.2	If the answer to question 20.1 is YES, questions 20.3 to 20.8 must be answered				
20.3					
20.3.1					
20.4					

		Column					
Question		1		2	3	4	5
		Yes	No	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
20.4.1	<i>If the answer to Question 20.4 is YES – Were there any instances of non-compliance found during the monitoring conducted? If YES – the Statistical Information Sheet (Section 8) must be completed.</i>						
20.5	Did you (compliance officer) conduct monitoring in respect of the FSP's Risk Management Plan?						
20.5.1	<i>If the answer to Question 20.5 is YES – In a separate annexure, provide details as to how the Risk Management Plan is monitored. Indicate the annexure number in column 5.</i>						
20.6	Indicate the type of monitoring that you (compliance officer) performed during the reporting period:						
20.6.1	Financial products in which the FSP renders financial services.						
20.6.2	Representatives under supervision.						
20.6.3	Juristic representatives						
20.6.4	Disclosure documents to check compliance with sections 4 and 5 of the General Code of Conduct.						
20.6.5	Disclosure documents to check compliance with section 7 of the General Code of Conduct.						
20.6.6	Furnishing of advice and record of advice.						
20.6.7	Receipt of funds and/or collection of premiums.						
20.6.8	Waiver of rights.						
20.6.9	Money laundering control procedures.						
20.6.10	Exchange control regulations (in the case of a forex FSP).						

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop - mental area	Note No. Comment/ Annexure
20.6.11					
20.6.12					
20.6.13					
20.6.14					
20.6.15					
20.7					
20.8					
20.8.1					
21					
21.1					
21.2					
21.2.1					

Policies and procedures.

Conflict of interest management policy

Continuous Professional Development hours

Direct marketer's telesales script and/or telesales voice recordings to check compliance with section 15 of the General Code of Conduct.

Other. Please provide details on other monitoring done in a separate annexure and indicate the annexure number in column 5.

In a separate annexure, provide an explanation as to how you did the monitoring (methodology). Please also include the extent of monitoring. Indicate the annexure number in column 5.

Did you (compliance officer) conduct sampling during the reporting period?

If the answer to Question 20.8 is YES –

Was sampling applied to all reviews conducted? If the answer is NO, to what percentage of reviews conducted was sampling applied? Indicate the percentage on the Statistical Information Sheet (Section 8)

SECTION 6 – HEALTH SERVICE BENEFITS

Accreditation under section 65(3) of Medical Schemes Act, 1998 Section 8(7)(e) of Act

Is the FSP licensed to render financial services relating to health service benefits?

If the answer to question 21.1 is YES – questions 21.2.1 to 21.2.4 must be answered

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.

Question	Column				
	1 Yes	2 No	3 Not applicable	4 Develop- mental area	5 Note No. Comment/ Annexure
21.2.1.1					
21.2.2					
22.2.3					
22.2.4					

If the answer to Question 21.2.1 is YES – Was a profile change request submitted to the Registrar in order for the health services subcategory to be removed from the FSPs licence?

The details of the accreditation with the Council for Medical Schemes (ORG numbers for entities and BR numbers for key individuals) must be completed on the Statistical Information Sheet (Section 8).

Does the FSP have any corporate clients? If the answer is YES, the Statistical Information Sheet (Section 8) must be completed.

In a separate annexure, provide a list of product suppliers that the FSP utilises in respect of health services benefits. Indicate the annexure number in column 5.

SECTION 8 – STATISTICAL INFORMATION SHEET

8.1 REPRESENTATIVES AT REPORTING DATE		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NUMBER	NUMBER OF REPRESENTATIVES/KEY INDIVIDUALS
Number of representatives	17.1	
Number of representatives rendering services under supervision as contemplated in Paragraph 3 of the Exemption of Services under Supervision in terms of Requirements and Conditions, 2008	17.8.2.1	
Number of key individuals and representatives that acted as supervisors in respect of services under supervision	17.8.2.1	

8.2 TYPE OF INSURANCE COVER	RELEVANT QUESTION NUMBER	CURRENCY	EXTENT OF COVER (NUMERICAL AMOUNT)
Professional Indemnity Cover as contemplated in sections 5(e) and 13 of the General Code of Conduct	6.1		
Fidelity Insurance Cover as contemplated in sections 5(e) and 13 of the General Code of Conduct	6.2		
Guarantees in terms as contemplated in section 13 of the General Code of Conduct	6.3		

8.3 COMPLIANCE FUNCTION		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NUMBER	DETAILS
Number of reports issued to the FSP on the rendering of financial services.	19.7	
Total number of business premises, business units and / or branches in respect of the FSP.	19.9.1	
Total number of visits to the business premises, business units and / or branches of the FSP during the reporting period in order to perform monitoring procedures	19.9.1	
Total number of business premises, business units and / or branches in respect of the representatives of the FSP.	19.9.2	
Total number of visits to the business premises, business units and / or branches of the FSP's representatives during the reporting period in order to perform monitoring procedures	19.9.2	
Identity Number of the compliance officer appointed in terms of section 43(b) of FICA.	19.10	
Confirm what percentage of the transactions that were sampled was non-compliant with sections 4, 5 and 7 of the General Code of Conduct.	20.4.1	
Percentage of total sample that was non-compliant (calculation based upon the average of the selected samples)	20.8.1	

8.4 GENERAL CODE OF CONDUCT		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NUMBER	PERCENTAGE
Provide the percentage (%) of new financial transactions concluded as contemplated in section 8(4)(a) of the General Code of Conduct.	9.3.4	

8.5 HEALTH SERVICE BENEFITS		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NUMBER	DETAILS
Key individual accreditation number with the Council for Medical Schemes [BR number]	21.2.2	
FSP accreditation number with the Council for Medical Schemes (ORG number)	21.2.2	
Percentage of client base that is corporate clients	22.2.3	

COMPLETED AND SIGNED BY COMPLIANCE OFFICER(S):

Name(s) of compliance officer(s) of FSP
ID number(s) of compliance officer(s)
Name(s) of the compliance practice(s) (if applicable)
Reference number(s) of compliance officer(s)/practice(s)
Signature(s) of compliance officer(s)
Date
Telephone number
Fax number
E-mail address

COMPLETED AND SIGNED BY A KEY INDIVIDUAL OF THE FSP IN THE CASE OF A JURISTIC ENTITY, OR THE SOLE PROPRIETOR IN THE CASE OF A NATURAL PERSON TO ACKNOWLEDGE THAT THEY ARE AWARE THAT THE COMPLIANCE REPORT WILL BE FORWARDED TO THE REGISTRAR

Name of FSP
FSP number
Name of key individual/sole proprietor
ID number of the key individual/sole proprietor
Date appointed as key individual
Signature
Date

DECLARATION COMPLETED AND SIGNED BY COMPLIANCE OFFICER(S) SUBMITTING COMPLIANCE REPORT**Name(s) of compliance officer(s):** _____

Compliance report in terms of section 17(4) of the Act by compliance officer(s) for the reporting period _____ (insert date) until _____ (insert reporting date).

I/we _____ hereby report as follows as regards compliance by _____ (insert full names of FSP and FSP number) and any representatives of the FSP with the Act, for the reporting period.

Having completed the attached annual compliance report for the abovementioned FSP, I/we hereby confirm that, to the best of my/our knowledge and ability all the information contained in the attached annual compliance report is true and correct.

I/we are aware that the information contained in the attached annual compliance report may be subject to verification by the Registrar of Financial Services Providers, and should I/we knowingly submit false, incorrect or misleading information to the Registrar, this may impact on my/our compliance with the fit and proper requirements with regard to personal character qualities of honesty and integrity as determined by section 8(1) of the Act.

Signed on _____ (day) _____ (month) _____ (year).**Signature(s):** _____