

FSCA COMMUNICATION 13 OF 2024 (FAIS)

Submission of annual financial statements and other statutory returns by Financial Services Providers

1. PURPOSE

The purpose of this communication is to update authorised Financial Services Providers (FSPs) on the manner and process for future submissions of annual financial statements and other statutory returns as required in terms of section 19 of the Financial Advisory and Intermediary Services Act, No. 37 of 2002 (FAIS Act) and other applicable subordinate legislation.

2. BACKGROUND

- 2.1 Authorised FSPs are required, in terms of section 19(2)(b)(iii) of the FAIS Act, to submit annual financial statements to the Financial Sector Conduct Authority (FSCA) within four months after the end of the FSP's financial year or such longer period as may be allowed by the FSCA.
- 2.2 Furthermore, authorised FSPs are required, in terms of section 19(3) of the FAIS Act, to submit together with their annual financial statements a report by an Auditor in respect of money and assets held on behalf of clients (section 19(3) audit report).
- 2.3 The FSCA has in the past allowed authorised FSPs to submit annual financial statements and other statutory returns through the following means:
 - (a) Electronic upload via the FAIS e-Portal on the FSCA website;
 - (b) manual submissions via hand delivery, courier or postal services; and
 - (c) e-mail submissions.
- 2.4 To ensure improved efficiencies, enhanced response times and better tracking and monitoring of submissions, the FSCA will in future only accept electronically uploaded submissions of annual financial statements and other statutory returns by authorised FSPs. This will also assist in eliminating the risk of delayed, overlooked or lost documentation currently encountered with manual and email submissions.

3. ELECTRONIC PROCESS FOR FUTURE SUBMISSIONS OF ANNUAL FINANCIAL STATEMENTS AND OTHER STATUTORY RETURNS

- 3.1 All authorised FSPs must submit their annual financial statements, section 19(3) audit reports, liquidity reports and other relevant declarations via the FAIS e-Portal on the FSCA's website.

- 3.2 FSPs must ensure that the information captured on the FAIS e-Portal is accurate and complete.
- 3.3 FSPs must ensure that they have access to the FAIS e-Portal by ensuring that their approved Key Individuals and linked Compliance Officers register on the e-Portal (see steps for registration in the user guide attached to this Communication as an **Annexure**).
- 3.4 Annual financial statements and other reports will be considered as outstanding until they are correctly captured and submitted on the FAIS e-Portal.
- 3.5 The above manner of submission also applies to extension requests.

4. EFFECTIVE DATE

The process outlined in this Communication is effective from **1 April 2024** and replaces any previous communication relating to the manner of submission for annual financial statements, section 19(3) audit reports and other statutory returns by authorised FSPs.

5. ENQUIRIES

- 5.1 For more information about this Communication, please contact Mr. Akashen Rampersadh at akashen.rampersadh@fsca.co.za .
- 5.2 This Communication is available on the FSCA's website (www.fsca.co.za) at the following path: *Home > Regulatory Frameworks > Industry Communication > FAIS > FSCA Communication*



FARZANA BADAT
DEPUTY COMMISSIONER
FINANCIAL SECTOR CONDUCT AUTHORITY

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Annexure

User Guide
**SUBMISSION OF ANNUAL
FINANCIAL STATEMENTS, OTHER
STATUTORY RETURNS AND
EXTENSION REQUESTS**

Purpose of the user guide

The purpose of the user guide is to assist impacted financial institutions (Users) to submit Annual Financial Statements and other financial returns via the FAIS e-Portal.

1. Process

Please note that only the approved Key Individual (KI) or the linked Compliance Officer (CO) of an FSP can login/register to use the FAIS e-Portal to submit annual financial statements and other statutory returns and extension requests in respect of submitting financial statements.

The following is a step-by-step process that Users should follow when completing information on the FAIS e-Portals:

1.1 Registered Users

Go to the FSCA website www.fsca.co.za

Select

>> Regulated Entities

>> E-Services

>> FAIS

>> FAIS e-Portal or

alternatively, you can click on the link below that will take you to the log-on page:

https://www.fsca.co.za/MagicScripts/mgrqispi.dll?APPNAME=Web&PRGNAME=Logon_New

Please Logon

[Click here to download the FAIS online system user guide](#)

[Click here to download the FAIS Beneficial Ownership Information user guide](#)

| | | |
|--------------------------------------|---|--|
| ID Number | <input type="text"/> | |
| Password | <input type="password"/> | |
| <input type="button" value="Logon"/> | <input type="button" value="Register"/> | <input type="button" value="Forgot Password"/> |

1.2 Unregistered Users

If a User is not registered on the FAIS e-Portal, the same steps outlined under Registered Users must be followed. Users will then be directed to the screen below:

Please Logon

[Click here to download the FAIS online system user guide](#)

[Click here to download the FAIS Beneficial Ownership Information user guide](#)

| | | |
|--------------------------------------|---|--|
| ID Number | <input type="text"/> | |
| Password | <input type="password"/> | |
| <input type="button" value="Logon"/> | <input type="button" value="Register"/> | <input type="button" value="Forgot Password"/> |

- Click on “Register” and a password will be sent to the e-mail address linked to the approved KI or CO of the FSP.
- Should you experience any technical difficulties with the registration you can request assistance by sending an e-mail to akashen.rampersadh@fsca.co.za

1.3 Additional online user

- The FSP is allowed to appoint an additional user to use the e-Portal to submit the financial statements and other statutory returns.
- The additional user can only be loaded by the approved KI or the linked CO
- This additional user will have limited access which will only be related to the submission of annual financial statements, other statutory returns and extension requests.

1.4 Capturing of Financial Statements

- Once logged in select the Financial Statements radio button as highlighted on the screen below. Enter the year (eg: 2023) and click on “Submit”

Name: TEST TEST TEST

FSP: 2 - TEST WITHOUT CO

- Compliance Reports
- Query FSP Detail
- Financial Statements
- Capture Liquidity Calculation for Cat II, IIA and III
- Annexure 6 Form A: Liquidity Calculation for Cat II, IIA and III
- Early Warning Notification
- Extension Request for Financial statements
- Update Contact Details
- Profile Changes
- Handover Report
- Irregularity Report
- Debarment
- Request Representative Register
- Search ID for Date of First Appointment (DOFA)
- Assets under Management (As at 30 June)
- Maintain Representative Register
- Maintain Representative Import users
- Maintain Intermediaries
- Maintain additional Online Users
- Regulatory Exams Certificates
- 3rd Party Storage Questionnaire
- Beneficial Ownership
- Feedback/Response

Year:

- After selecting submit you will be asked to answer the “Client Funds Question”, see below.

www.fscsa.co.za says

Please answer the Client Funds Question ===

Please answer the Client Funds Question ===

Please note that once you have completed the figures below and attached a copy of your financial statements that you must ensure that you select to submit the financial statements to the FSCA.

The financial statements will only be submitted to the FSCA once you have clicked on the "Submit the Returns" button below.

Please note that totals will only be calculated when the page was saved.

Do you collect Client Funds?

- If you answer the question “YES” you will be required to complete all the sections that appear on the drop down menu as shown below

Do you collect Client Funds? Yes ▾

Section: Income Statement Close Corporation ▾

| | | |
|--------------|--|-------|
| FINANCIAL SC | Income Statement Close Corporation | CAT I |
| | Balance Sheet Close Corporation | |
| | Financial Soundness Calculator Section A | |
| | Financial Soundness Calculator Section B | Notes |

- If you answer the question “NO” you will be required to complete all the sections that appear on the drop down menu as shown below

Do you collect Client Funds? No ▾

Section: Income Statement Close Corporation ▾

| | | |
|--------------|--|-------|
| FINANCIAL SC | Income Statement Close Corporation | CAT I |
| | Balance Sheet Close Corporation | |
| | Annexure A | |
| | Financial Soundness Calculator Section A | Notes |

IMPORTANT: Remember to click on “Save Changes” either at the top or bottom of the screen after completing each section

Attachments **Save Changes** Submit the Returns << Back to Selections Logout

*****NOTE:** All Category I FSPs that do hold or receive any client funds are required to complete FAIS Notice 82 of 2015 (Annexure A), after completion of Annexure A you will be required to complete the declaration at the end as well as download, sign and attach the declaration form under the attachments screen.

1.5 How to complete Annexure A

Below is a screen shot of what Annexure A looks like, the form will expand depending on how you answer the questions.

| ANNEXURE A | |
|--|--------------------------|
| ANNUAL RETURN FOR EXEMPTION OF ELIGIBLE FSPs AND ELIGIBLE FSPs LIMITED BY PRODUCT FROM REQUIREMENTS PERTAINING TO AUDITED FINANCIAL STATEMENTS | |
| Name of FSP : | |
| FSP Number : | |
| 1. DEFINITIONS | |
| "Exemption Notice" means the Notice on the Exemption of Eligible FSPs and Eligible FSPs limited by product from Requirements pertaining to Audited Financial Statements, 2015, published by FAIS Notice No. 82 of 2015; and "the Exemption" means the exemption granted in terms of the Exemption Notice. | |
| 2. IMPORTANT NOTE | |
| 2.1. Failure by a financial services provider (provider) to meet the requirements and conditions of the Exemption will result in the Exemption not being applicable to that provider. | |
| 2.2. Acceptance by the Registrar's Office of unaudited financial statements based on the information contained in this return is not a confirmation or validation that the Exemption applies to the provider or that the provider meets the requirements and conditions of the Exemption. It is the duty and responsibility of the provider to ensure that it meets and continues to meet the requirements and conditions of the Exemption. | |
| 3. FREQUENCY OF SUBMISSION | |
| A provider must annually, in addition and simultaneously with its financial statements, submit this return to the Registrar in order for the Exemption to be applicable. | |
| 4. CATEGORY OF EXEMPTION | |
| Indicate by ticking the appropriate box in respect of which type of provider exemption is sought. | |
| 4.1 "eligible FSP" as defined in section 1 of the Exemption Notice ["eligible FSP" means an authorised Category I FSP who does not receive or holds premiums (contemplated in the Short-term Insurance Act, 1998, and the Long-term Insurance Act, 1998) or otherwise receive or hold clients' money or other assets.] | <input type="checkbox"/> |
| 4.2 An eligible FSP limited by product as defined in section 1 of the Exemption Notice ["eligible FSP limited by product" means a Category I FSP authorised to render financial services in respect of financial products belonging to Long-term Insurance subcategory A and/or friendly society benefits only and who receives or holds premiums as contemplated in the Long-term Insurance Act, 1998, or otherwise receive or hold clients' money or other assets.] | <input type="checkbox"/> |

When you get to the bottom of the form you will see the screen shot below, where you need to complete the declaration and download the part that needs to be signed.

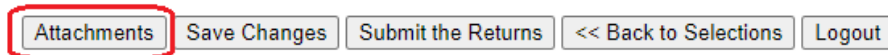
To download the declaration form click on **"Download Annexure A Declaration Form"** as highlighted below

| Section 11 - Declaration | |
|---|--|
| The declaration must be signed by the key individual of the provider or the provider in the case of a provider that is a sole proprietor | |
| I PREMLAL PALA declare that the information provided may be subject to verification by the Registrar of Financial Services Providers, and should I submit false or misleading information to the Registrar, this may impact on my compliance with the fit and proper requirements contemplated in section 6A of the Act | |
| I Agree <input type="checkbox"/> | Download Annexure A Declaration Form |

Below is an example of what the declaration form looks like,

| DECLARATION TO FAIS NOTICE 82 OF 2015 | |
|---|-------------|
| The declaration must be signed by the key individual of the provider or the provider in the case of a provider that is a sole proprietor | |
| I (name of provider/key individual) declare that the information provided in this form is true and correct. | |
| I am aware that the information provided may be subject to verification by the Registrar of Financial Services Providers, and should I submit false, incorrect or misleading information to the Registrar, this may impact on my compliance with the fit and proper requirements contemplated in section 6A of the Act. | |
| Signature: | Date: |

- It is a **mandatory requirement** that FSPs attach a signed copy of their Annual Financial Statements to ensure a complete submission.
- Follow the steps below to attach your statements and the signed declaration form to Annexure A (only if required)
- Click on “Attachments” either at the top or the bottom of the screen



- You will then go to the screen below

Financial Statement:Attachments

FSP No: 2 Name: TEST WITHOUT CO Year: 2023

Once you have uploaded your attachments please ensure that you click on the "Back to Financial Statement" button and then click on the "submit" button.
The Financial Statement report is only submitted to the FAIS Department once the report is submitted.

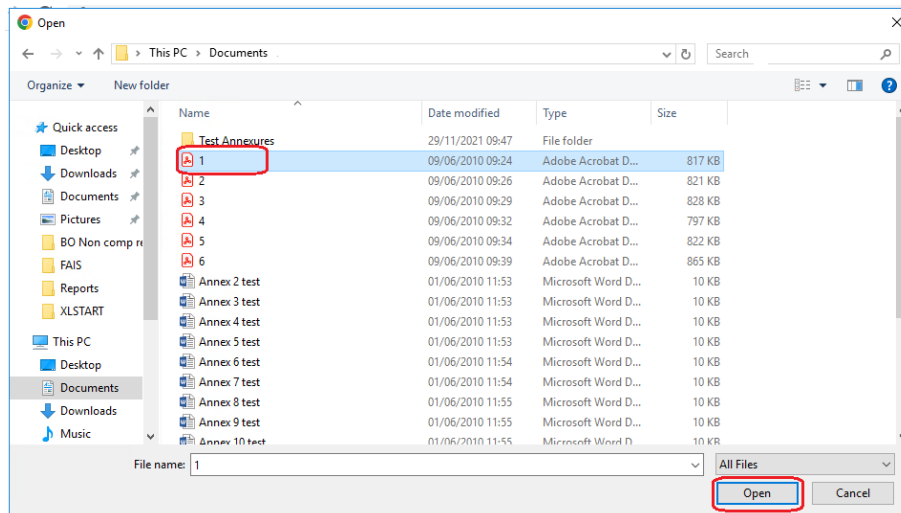
[<< Back to Financial Statement](#) [Logout](#)

| Nr | Attachment | Action |
|----|---|-----------------------------------|
| 1 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |
| 2 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |
| 3 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |
| 4 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |
| 5 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |
| 6 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |
| 7 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |
| 8 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |

- Click on “Choose File” as highlighted below

| Nr | Attachment | Action |
|----|--|-----------------------------------|
| 1 | Choose File No file chosen Upload attachment/comment | NO No attachment uploaded yet. |

- The screen below will appear where you will search for the saved statements, select them and click on “Open”



- The attachment will then show on the e-Portal as highlighted below, now click on “Uplaod Attachment”

| Nr | Attachment | Action |
|----|--|-----------------------------------|
| 1 | Choose File 1.pdf Upload attachment/comment | NO No attachment uploaded yet. |

- When the attachment is loaded successfully the “NO” under Action will change to “YES” as shown below, this does not mean that the statements have been submitted to the Authority.

| Nr | Attachment | Action |
|----|---|---|
| 1 | Choose File No file chosen Upload attachment/comment | YES Received the attachment successfully. Size is 836405 bytes. 1.pdf |

***** IMPORTANT:** After loading all your attachments you need to click on “Back to Financial Statement”

(see note at the top of the attachments page)

Financial Statement:Attachments

FSP Nr: 2 Name: TEST WITHOUT CO Year: 2023

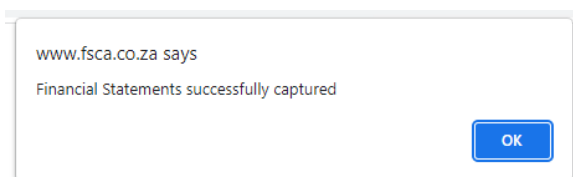
Once you have uploaded your attachments please ensure that you click on the "Back to Financial Statement" button and then click on the "submit" button.
The Financial Statement report is only submitted to the FAIS Department once the report is submitted.

<< Back to Financial Statement Logout

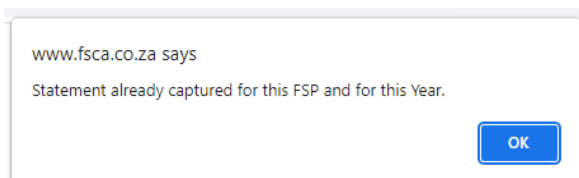
- After clicking on "Back to Financial Statement", you can click on "Submit the Returns"

Attachments Save Changes Submit the Returns << Back to Selections Logout

- Once the statements are successfully submitted you will receive the message below will be displayed.



- You can then click on "OK" and then "Logout"
- To check if the statements have been submitted successfully you can logon to the e-Portal, select "Financial Statements" and enter the year that you just submitted and click on "Submit", the message below will appear if the submission was successful.



- If e-Portal allows you to access the statements again then that means the submission was unsuccessful and you will have to repeat the submission step.