



# STAATSKOERANT

## VAN DIE REPUBLIEK VAN SUID-AFRIKA

REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

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## KANTOOR VAN DIE STAATSPRESIDENT

No. 1030.

28 Mei 1986

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 50 van 1986: Wysigingswet op Finansiële Instellings,  
1986.

## STATE PRESIDENT'S OFFICE

No. 1030.

28 May 1986

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 50 of 1986: Financial Institutions Amendment Act,  
1986.

Wet No. 50, 1986

WYSIGINGSWET OP FINANSIEËLE INSTELLINGS, 1986

## ALGEMENE VERDUIDELIKENDE NOTA:

- I** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.
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- Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.
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## WET

Tot wysiging van die Versekeringswet, 1943, ten einde die bevoegdhede van die registrator om die registrasie van 'n versekeraar in te trek, uit te brei; die mate waarin uitstaande premies ten opsigte van korttermyn- en verpligte derdeparty-versekeringsbesigheid deur versekeraars as bates behandel kan word, verder te beperk; die oorbetaling van korttermyn-versekeringspremies deur tussengangers ontvang, verder te reël; die versekerde bedrag en die omvang van die risiko onder polisse wat na aanleiding van sekere voorwaardelike transaksies uitgereik word, te beperk; die verkryging, sonder voorafgaande goedkeuring van die registrator, van 'n belang van 'n kwart of meer in 'n geregistreerde versekeraar, te belet; die verbod aangaande onderskeid, aanmoediging en verlening van krediet vir die betaling van premies ten opsigte van sekere polisse te hersien; tot wysiging van die Wet op Pensioenfondse, 1956, ten einde die omvang van die waardeerde se verslag oor sy ondersoek na die finansiële toestand van 'n pensioenfonds, uit te brei; 'n pensioenfonds te verplig om 'n skema vir die uitskakeling van 'n tekort deur die waardeerde van 'n fonds aangemeld, voor te lê; die voorwaardes waarop geregistreerde pensioenfondse behuisingslenings aan hulle lede kan toestaan, te hersien en die trefwydte van die verbod wat op sodanige lenings betrekking het, uit te brei; die registrator te magtig om ongewenste praktyke en besigheidsmetodes deur pensioenfondse te verbied en sekere boetes te verhoog; tot wysiging van die Wet op Beheer van Effektebeurse, 1985, ten einde die omskrywing van "president" uit te brei en die Suid-Afrikaanse Reserwebank te voeg by die lys van instellings in artikel 3 (3) van genoemde Wet aangewys; en om vir bykomstige aangeleenthede voorsiening te maak.

(Engelse teks deur die Staatspresident geteken.)  
(Goedgekeur op 19 Mei 1986.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:

Wysiging van artikel 4ter van Wet 27 van 1943 soos ingevoeg deur artikel 5 van Wet 10 van 1965 en vervang deur artikel 3 van Wet 39 van 1969.

1. Artikel 4ter van die Versekeringswet, 1943, word hierby gewysig deur die volgende subartikels by te voeg, terwyl die bestaande artikel subartikel (1) word:

"(2) Wanneer die registrator daarvan oortuig is dat 'n geregistreerde versekeraar opgehou het om—

- (a) ten opsigte van enige soort versekeringsbesigheid, nuwe polisse van so 'n aard en omvang uit te reik dat dit die voortgesette registrasie van die versekeraar vir daardie soort versekeringsbesigheid regverdig; of
- (b) sy versekeringsbesigheid te dryf op 'n wyse wat met die bepalings van hierdie Wet bestaanbaar is of andersins gewens is,

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## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

## GENERAL EXPLANATORY NOTE:

- I** Words in bold type in square brackets indicate omissions from existing enactments.
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- Words underlined with solid line indicate insertions in existing enactments.
- 

## ACT

To amend the Insurance Act, 1943, so as to extend the powers of the registrar to cancel the registration of an insurer; to further limit the extent to which outstanding premiums in respect of short term and compulsory third party insurance business may be treated as assets by insurers; to further regulate the transmission of short-term insurance premiums received by intermediaries; to limit the insured sum and the scope of the risk under policies issued in pursuance of certain conditional transactions; to prohibit the acquisition without the registrar's prior consent of any interest of one-quarter or more in a registered insurer; to revise the prohibition concerning differentiation, inducement and granting of credit for the payment of premiums with regard to certain policies; to amend the Pension Funds Act, 1956, so as to extend the scope of the valuator's report on his investigation as to the financial condition of a pension fund; to impose on a pension fund the obligation to submit a scheme for the elimination of a deficiency reported by the valuator of a fund; to revise the conditions on which housing loans may be granted by registered pension funds to their members and to widen the scope of the prohibition relating to such loans; to authorize the registrar to prohibit undesirable practices and business methods by pension funds and to increase certain fines; to amend the Stock Exchanges Control Act, 1985, so as to extend the definition of "president" and to include the South African Reserve Bank as a designated institution in section 3 (3) of the said Act; and to provide for incidental matters.

(English text signed by the State President.)  
(Assented to 19 May 1986.)

**BE IT ENACTED** by the State President and the Parliament of the Republic of South Africa, as follows:—

1. Section 4ter of the Insurance Act, 1943, is hereby amended by the addition of the following subsections, the existing section 5 becoming subsection (1):

- "(2) When the registrar is satisfied that a registered insurer has ceased—
- (a) to issue in respect of any class of insurance business new policies of such a nature and volume as to warrant the continued registration of the insurer for that class of insurance business; or
  - (b) to carry on his insurance business in a manner consistent with the provisions of this Act or which is otherwise desirable,

Amendment of  
section 4ter of  
Act 27 of 1943,  
as inserted by  
section 5 of  
Act 10 of 1965  
and substituted by  
section 3 of  
Act 39 of 1969.

## Wet No. 50, 1986

## WYSIGINGSWET OP FINANSIELE INSTELLINGS, 1986

Wysiging van artikel 15 van Wet 27 van 1943, soos vervang deur artikel 13 van Wet 73 van 1951 en gewysig deur artikel 10 van Wet 79 van 1959, artikel 11 van Wet 10 van 1965, artikel 3 van Wet 41 van 1966 en artikel 5 van Wet 101 van 1976.

Wysiging van artikel 20bis van Wet 27 van 1943, soos ingevoeg deur artikel 17 van Wet 10 van 1965 en gewysig deur artikel 7 van Wet 41 van 1966 en artikel 6 van Wet 94 van 1977.

kan die registrateur, met die toestemming van die Minister, bedoelde versekeraar by skriftelike kennisgewing verbied om, met ingang van 'n datum in die kennisgewing vermeld, enige polis vir daardie soort versekeringsbesigheid uit te reik, indien die registrateur die versekeraar in kennis gestel het van sy voorneme om die uitreiking van polisse vir daardie soort versekeringsbesigheid te verbied, en van die redes waarom hy voornemens is om dit te doen, en die versekeraar 'n tydperk van minstens 30 dae toegelaat het om vertoé in verband met die voorgenome verbod tot hom te rig. 5  
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(3) Wanneer die registrateur na die inwerkingtreding van die verbod ingevolge subartikel (2) oortuig is dat die versekeraar nie meer kragtens enige polis wat voor sodanige inwerkingtreding ten opsigte van die betrokke soort versekeringsbesigheid uitgereik is, aanspreeklik is nie, trek hy die registrasie ten opsigte van daardie soort versekeringsbesigheid in.” 15

2. Artikel 15 van die Versekeringswet, 1943, word hierby gewysig deur in paragraaf (d) die woorde wat subparagraaf (i) voorafgaan deur die volgende woorde te vervang:

“In die geval van korttermyn-versekeringsbesigheid of verpligte derdeparty-versekeringsbesigheid word geen uitstaande premie (het sy dit teen 'n versekeringsmakelaar of 'n agent van die versekeraar gedebiteer is al dan nie) in die opgawe ingesluit nie, indien daar aan die end van die boekjaar waarop die opgawe betrekking het en wat voor 1 Januarie 1987 eindig, meer as ses maande verloop het sedert die datum waarop die premie deur die eiennaar van die betrokke polis verskuldig geword het, of indien daar aan die end van die boek- 30  
jaar waarop die opgawe betrekking het en wat op of na 1 Januarie 1987 eindig meer as twee maande verloop het sedert die betaaldatum van die premie soos bedoel in subartikel (9) van artikel 20bis, en word die waarde van ander uitstaande premies of premies wat teen ver- 35  
sekeringsmakelaars of agente van die versekeraar gede-  
biteer is, aangegee teen 'n bedrag in die geheel hoogstens gelyk aan die volle bedrag van bedoelde pre-  
mies min—”.

3. Artikel 20bis van die Versekeringswet, 1943, word hierby gewysig—

(a) deur paragraaf (a) van subartikel (2) deur die volgende paragraaf te vervang:

“(a) Elke sodanige agent, makelaar of persoon wat so- 45  
danige premie ten behoeve van so 'n versekeraar ontvang, moet—

(i) ten opsigte van premies ontvang voor 1 Janu-  
arie 1987, binne veertien dae na ontvangs daar-  
van die betrokke bedrag aan bedoelde verse-  
keraar stuur; of

(ii) die bedrag daarvan onverwyld in 'n aparte trustrekening stort, en, ten opsigte van pre-  
mies ontvang voor [1 Oktober 1977 binne vyf-  
en-veertig dae, ten opsigte van premies ont-  
vang op of na 1 Oktober 1977 maar voor 1 55  
Januarie 1979, binne negentig dae, en, ten op-  
sigte van premies ontvang op of na 1 Januarie  
1979, binne sestig dae] 1 Januarie 1987, binne  
sestig dae, en ten opsigte van premies ontv-  
ang op of na 1 Januarie 1987, binne dertig dae 60

vanaf die einde van die maand waarin sodanige premies deur bedoelde agent, makelaar of persoon ontvang is, al die aldus gestorte geld aan die betrokke versekeraar stuur, en by die toepassing van hierdie subparagraaf word 65

## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

the registrar may, with the consent of the Minister, by notice in writing prohibit such insurer, with effect from a date specified in the notice, from issuing any policy for that class of insurance business, if the registrar has notified the insurer of his intention to prohibit the issuing of policies for that class and of the reasons why he intends doing so, and has allowed the insurer a period of at least 30 days for making representations to him in connection with the proposed prohibition.

(3) When, after the commencement of the prohibition under subsection (2), the registrar is satisfied that the insurer is no longer liable under any policy issued before such commencement in respect of the class of insurance business in question he shall cancel the registration in respect of that class of insurance business.”.

**2. Section 15 of the Insurance Act, 1943, is hereby amended by the substitution in paragraph (d) for the words preceding subparagraph (i) of the following words:**

“In respect of any short term insurance business or compulsory third party insurance business, no outstanding premium (irrespective of whether or not it has been debited to an insurance broker or an agent of the insurer) shall be included in the statement if at the end of the financial year to which the statement relates and which ends before 1 January 1987, more than six months have elapsed since the date on which such premium became due by the owner of the policy in question or if at the end of the financial year to which the statement relates and which ends on or after 1 January 1987, more than two months have elapsed since the due date of the premium as contemplated in subsection (9) of section 20bis and the value of any other outstanding premiums or premiums debited to insurance brokers or agents of the insurer shall be shown at an amount which in the aggregate does not exceed the full amount of such premiums reduced by—”.

Amendment of  
section 15 of  
Act 27 of 1943,  
as substituted by  
section 13 of  
Act 73 of 1951  
and amended by  
section 10 of  
Act 79 of 1959,  
section 11 of  
Act 10 of 1965,  
section 3 of  
Act 41 of 1966  
and section 5 of  
Act 101 of 1976.

**3. Section 20bis of the Insurance Act, 1943, is hereby amended—**

(a) by the substitution for paragraph (a) of subsection (2) of the following paragraph:

“(a) Every such agent, broker or person who receives such premiums on behalf of such insurer shall—

(i) in respect of premiums received before 1 January 1987, within fourteen days of receipt thereof, transmit the amount thereof to such insurer; or

(ii) forthwith deposit the amount thereof in a separate trust account and in respect of premiums received before [1 October 1977, within forty-five days, in respect of premiums received on or after 1 October 1977, but before 1 January 1979, within ninety days, and, in respect of premiums received on or after 1 January 1979 within sixty days] 1 January 1987, within sixty days, and in respect of premiums received on or after 1 January 1987, within thirty days of the end of the month during which such premiums were received by such agent, broker or person, transmit to such insurer all moneys so deposited, and for the purposes of this sub-

Amendment of  
section 20bis of  
Act 27 of 1943,  
as inserted by  
section 17 of  
Act 10 of 1965  
and amended by  
section 7 of  
Act 41 of 1966  
and section 6 of  
Act 94 of 1977.

## Wet No. 50, 1986

## WYSIGINGSWET OP FINANSIELE INSTELLINGS, 1986

premies met 'n betaaldatum van 1 Oktober 1977 of later geag ontvang te gewees het op die betaaldag van daardie premies, indien hulle nie op 'n vroeër datum ontvang is nie; of

(iii) bedoelde bedrag aan die betrokke versekeraar betaal, ten opsigte van premies ontvang voor [1 Januarie 1979, binne negentig dae, en ten opsigte van premies ontvang op of na 1 Januarie 1979, binne sestig dae] 1 Januarie 1987, binne sestig dae, en ten opsigte van premies ontvang op of na 1 Januarie 1987, binne dertig dae vanaf die einde van die maand waarin sodanige premies deur bedoelde agent, makelaar of persoon ontvang is, en by die toepassing van hierdie subparagraph word [premies met 'n betaaldatum vroeër as 1 Oktober 1977 geag ontvang te gewees het op die datum waarop dit deur die eienaars van die betrokke polis aan die versekeraar betaalbaar geword het, indien hulle nie op 'n vroeër datum ontvang is nie, en] premies met 'n betaaldatum van 1 Oktober 1977 of later [word] geag ontvang te gewees het op die betaaldag van daardie premies, indien hulle nie op 'n vroeër datum ontvang is nie.";

(b) deur paragraaf (a) van subartikel 3 deur die volgende paragraaf te vervang:

"(a) So 'n agent, makelaar of persoon moet onverwyld wanneer geld deur hom aan 'n versekeraar verskuldig word, kies om ingevolge of subparagraph (i) of subparagraph (ii) of subparagraph (iii) van paragraaf (a) van subartikel (2) oor te betaal, en moet daardie versekeraar skriftelik van die keuse deur hom gedoen in kennis stel, en so 'n agent, makelaar of persoon wat sy keuse wil verander, moet van die verandering minstens negentig dae skriftelike kennis gee aan elke versekeraar aan wie hy van so 'n keuse of so 'n verandering kennis gegee het: Met dien verstande dat so 'n agent, makelaar of persoon—

(i) nie na die inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1986, mag kies om ingevolge subparagraph (i) van paragraaf (a) van subartikel (2) oor te betaal nie;

(ii) wat voor bedoelde inwerkingtreding gekies het om ingevolge subparagraph (i) van paragraaf (a) van subartikel (2) oor te betaal, sodanige keuse moet verander na 'n keuse om ingevolge subparagraph (ii) of (iii) van paragraaf (a) van subartikel (2) oor te betaal, en voor 30 September 1986 aan elke betrokke versekeraar skriftelike kennis moet gee van die keuse.";

(c) deur paragraaf (c) van subartikel (3) deur die volgende paragraaf te vervang:

"(c) So 'n waarborg moet ten gunste van die registrator en in 'n by regulasies voorgeskrewe vorm wees ten bate van al die betrokke versekeraars, en wel vir 'n bedrag wat volgens die sertifikaat van die betrokke agent, makelaar of persoon se ouditeur gelyk is aan minstens—

(i) vir die periode tot 31 Desember 1986, vyf-en-twintig persent van die premies wat deur bedoelde agent, makelaar of persoon gedurende sy jongste boekjaar aan geregistreerde versekeraars verskuldig geword het, nadat geldte deur bedoelde versekeraars aan daardie agent, makelaar of persoon verskuldig in re-

## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

- paragraph premiums with a due date of 1 October 1977 or later shall be deemed to have been received on the due date of such premiums if not received on an earlier date; or
- (iii) pay the amount thereof to such insurer, in respect of premiums received before [1 January 1979, within ninety days, and, in respect of premiums received on or after 1 January 1979, within sixty days] 1 January 1987, within sixty days, and in respect of premiums received on or after 1 January 1987, within thirty days of the end of the month during which such premiums were received by such agent, broker or person, and for the purposes of this subparagraph [premiums with a due date earlier than 1 October 1977 shall be deemed to have been received on the date on which they became due to the insurer by the owners of the policies in question, if not received on an earlier date, and] premiums with a due date of 1 October 1977 or later shall be deemed to have been received on the due date of such premiums, if not received on an earlier date.”;
- (b) by the substitution for paragraph (a) of subsection (3) of the following paragraph:
- “(a) Every such agent, broker or person shall forthwith upon becoming indebted to any insurer, elect to remit in terms of either subparagraph (i) or subparagraph (ii) or subparagraph (iii) of paragraph (a) of subsection (2), and in writing advise such insurer of the election made by him, and any such agent, broker or person who desires to change his election, shall give not less than ninety days' written notice of the change to every insurer to whom he has given notice of such election or of any such change: Provided that such agent, broker or person—
- (i) shall not after the commencement of the Financial Institutions Amendment Act, 1986, elect to remit in terms of subparagraph (i) of paragraph (a) of subsection (2);
- (ii) who, before such commencement elected to remit in terms of subparagraph (i) of paragraph (a) of subsection (2), shall change such election to an election to remit in terms of either subparagraph (ii) or (iii) of paragraph (a) of subsection (2), and give written notice of the election before 30 September 1986 to every insurer concerned.”;
- (c) by the substitution for paragraph (c) of subsection (3) of the following paragraph:
- “(c) Such guarantee shall be in favour of the registrar and in a form prescribed by regulation for the benefit of all such insurers, and shall be for an amount certified by the auditor of the agent, broker or person concerned to be equal to not less than—
- (i) for the period up to 31 December 1986, twenty-five per cent of the premiums which became due to registered insurers by such agent, broker or person in his last financial year after setting off any moneys which were owing to such agent, broker or person by such insurers,

Wet No. 50, 1986

## WYSIGINGSWET OP FINANSIEËLE INSTELLINGS, 1986

- kening gebring was, maar bedra nie minder as [tienduisend of meer as honderduisend rand nie of, met ingang van 1 Oktober 1977, minder as] honderdduisend rand of meer as tweehonderd-en-vyftig duisend rand nie; 5  
 (ii) met ingang van 1 Januarie 1987, 20 persent van die premies wat deur so 'n agent, makelaar of persoon in sy laaste finansiële jaar aan geregistreerde versekeraars verskuldig geword het, maar bedra nie minder as R100 000 nie.”; 10 en  
 (d) deur subartikel (9) deur die volgende subartikel te vervang:  
 “(9) By die toepassing van hierdie artikel beteken—  
 “betaaldatum”— 15  
 (i) met betrekking tot 'n premie—  
 (a) in die geval van 'n nuwe polis, die aanvangsdatum van die polis;  
 (b) in die geval van 'n bestaande polis wat hernieu is, die hernuwingsdatum van die 20 polis; en  
 (c) in die geval van 'n uitbreiding van, of ander verandering aan, 'n bestaande polis, die aanvangsdatum van sodanige uitbreiding of ander verandering; 25  
 (ii) met betrekking tot 'n paaiement van 'n premie, die aanvangsdatum van die tydperk ten opsigte waarvan die paaiement betaalbaar is;  
 “deposito-premie” 'n voorlopige premie waarop ooreengekom word in die geval waar dit onmoontlik is om op die betaaldatum van die premie die juiste premie te bepaal, en wat 'n redelike skatting van die premie verteenwoordig;  
 “premie” ook 'n deposito-premie en 'n paaiement van 'n premie.”. 35

Wysiging van artikel 23C van Wet 27 van 1943, soos ingevoeg deur artikel 9 van Wet 99 van 1980.

4. Artikel 23C van die Versekeringswet, 1943, word hierby gewysig deur paragraaf (b) van subartikel (1) deur die volgende paragraaf te vervang:

- “(b) waar vereis word dat 'n nuwe polis uitgeneem word—  
 (i) [hy die skuldenaar in kennis stel dat hy 'n vrye keuse het ten opsigte van die versekeraar by en die tussenganger deur wie die polis uitgeneem word; of  
 (ii) ] om onroerende goed te verseker wat verhipoteker word of moet word om 'n skuld of ander verpligting te beveilig, die premies wat kragtens die 45 polis betaalbaar is, redelik is in verhouding tot premies wat in die algemeen ten opsigte van so 'n polis gehef word: Met dien verstande dat 'n sertifikaat van die registerateur waarin hy verklaar dat na sy mening die betrokke premies redelik is, by 50 die toepassing van hierdie subparagraph voldoene bewys is dat daardie premies redelik is; of  
 (ii) vir enige ander doel, of indien die premies wat kragtens die polis betaalbaar is, beskou word nie redelik te wees nie soos bedoel in subparagraph (i), hy die skuldenaar in kennis stel dat hy 'n vrye keuse het ten opsigte van die versekeraar by of die tussenganger deur wie die polis uitgeneem word: Met dien verstande dat indien die polis 'n lewenspolis of 'n tuisdienspolis is, die versekerde voordeel slegs in die geval van dood of ongeskiktheid van die skuldenaar betaalbaar is en die bedrag van sodanige voordeel nie die verwagte bedrag van die skuld soos in die betrokke leningsooreenkoms bepaal, of ander verpligting wat uit die betrokke transaksie voortspruit, oorskry nie: Met dien ver- 55  
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## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

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- but shall not be for less than [ten thousand rand or more than one hundred thousand rand or, with effect from 1 October 1977, for less than] one hundred thousand rand or for more than two hundred and fifty thousand rand;
- (ii) with effect from 1 January 1987, 20 per cent of the premiums which became due to registered insurers by such agent, broker or person in his last financial year but shall not be for less than R100 000.”; and
- 10 (d) by the substitution for subsection (9) of the following subsection:
- 15 “(9) For the purposes of this section—  
“deposit premium” means a provisional premium which is agreed upon in the event of it being impossible at the due date of the premium to determine the exact premium, and which represents a reasonable estimate of the premium;  
“due date” means—
- 20 (i) in relation to a premium [means]—  
(a) in the case of a new policy, the inception date of the policy;  
(b) in the case of an existing policy which has been renewed, the renewal date of the policy; and  
(c) in the case of any extension or other change of an existing policy, the inception date of such extension or other change;
- 25 (ii) in relation to an instalment of a premium, the inception date of the period in respect of which the instalment is payable;  
“premium” includes a deposit premium and an instalment of a premium.”.

30 4. Section 23C of the Insurance Act, 1943, is hereby amended by the substitution for paragraph (b) of subsection (1) of the following paragraph:

- 35 “(b) where it is required that a new policy is to be taken out—  
(i) [he informs the debtor that he has a free choice in respect of the insurer with and the intermediary through whom the policy is to be taken out; or  
(ii) to insure immovable property which has been or is to be mortgaged to secure a debt or other obligation, the premiums payable under the policy are reasonable in relation to premiums generally charged in respect of any such policy: Provided that a certificate from the registrar in which he states that in his opinion the premiums in question are reasonable, shall for the purposes of this subparagraph be sufficient proof of the reasonableness of such premiums; or  
(ii) for any other purpose, or if the premiums payable under the policy are considered not to be reasonable as contemplated in subparagraph (i), he informs the debtor that he has a free choice in respect of the insurer with and the intermediary through whom the policy is to be taken out: Provided that if the policy is a life policy or a home service policy, the insured benefit shall be payable only upon the death or the disablement of the debtor and the amount of such benefit shall not exceed the expected amount of the debt as determined in terms of the loan agreement or other obligation arising from the transaction in question:]

Amendment of  
section 23C of  
Act 27 of 1943,  
as inserted by  
section 9 of  
Act 99 of 1980.

## Wet No. 50, 1986

## WYSIGINGSWET OP FINANSIELE INSTELLINGS, 1986

Vervanging van artikel 27 van Wet 27 van 1943, soos gewysig deur artikel 24 van Wet 73 van 1951, artikel 21 van Wet 10 van 1965 en artikel 10 van Wet 39 van 1969.

Herroeping van artikel 27bis van Wet 27 van 1943, soos ingevoeg deur artikel 22 van Wet 10 van 1965 en gewysig deur artikel 11 van Wet 39 van 1969.

Vervanging van artikel 51 van Wet 27 van 1943.

Vervanging van artikel 59 van Wet 27 van 1943, soos vervang deur artikel 17 van Wet 99 van 1980.

Wysiging van artikel 16 van Wet 24 van 1956, soos gewysig deur artikel 16 van Wet 86 van 1984.

stande voorts dat indien dit later sou blyk dat die werklike bedrag van die skuld of ander verpligting van die verwagte bedrag verskil, niks in hierdie voorbehoudsbepaling 'n paslike wysiging van die bedrag van die voordeel belet nie." 5

**5. Artikel 27 van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang:**

"Verkryging van aandele of ander belang moet deur registrator goedgekeur word." 10  
**27. Geen verkryging van aandele of 'n ander belang in die besigheid van 'n geregistreerde versekeraar wat 'n kwart of meer beloop van die waarde van al die aandele of ander belang in daardie besigheid is van krag nie, tensy daardie verkryging vooraf skriftelik deur die registrator goedgekeur is."**

**6. Artikel 27bis van die Versekeringswet, 1943, word hierby herroep.** 15

**7. Artikel 51 van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang:**

"In lewensversekeringsbesigheid word onderskeid, aanmoediging en krediet vir een-twaalfde van eerste jaar se premies verbied." 20  
**51. (1) 'n Versekeraar mag geen onderskeid maak of veroorloof nie tussen een lewenspolis en 'n ander wat betref hulle bepalings en voorwaardes tensy die waardeerder van die versekeraar homself tevrede gestel het dat die onderskeid op aktuariele gronde geregtverdig is.**

(2) Niemand mag regstreeks of onregstreeks aan enige ander persoon as aanmoediging aan so 'n ander persoon om 'n binnelandse lewenspolis uit te neem, enige teenprestasie betaal, toestaan of gee, of aanbied om dit te betaal, toe te staan of te gee nie, en niemand mag wetens as so 'n aanmoediging so 'n teenprestasie ontvang nie. 25

(3) 'n Versekeraar aanvaar nie 'n verpligting kragtens 'n binnelandse lewenspolis nie tensy hy minstens een-twaalfde van die eerste jaar se premie ontvang het of oortuig is dat daardie gedeelte van die premie deur aftrekorder, kredietkaart, debietorder of ander instrument deur die registrator goedgekeur, betaal sal word." 30

**8. Artikel 59 van die Versekeringswet, 1943, word hierby deur die volgende artikel vervang:**

"Toepassing van artikels 34, 36 tot en met 40 [50] 51 en 57A op tuisdiensbesigheid." 40

**9. Artikel 16 van die Wet op Pensioenfondse, 1956, word hierby gewysig deur subartikel (7) deur die volgende subartikel te vervang:**

"(7) 'n Verslag ooreenkomstig een of ander van voorgaande subartikels deur 'n waardeerder gedoen moet, waarvan toepassing, die volgende besonderhede bevat, te wete—  
(a) die getal persone ten opsigte van wie verpligte bereken is, onderverdeel volgens aktiewe lede, uitgestelde pensioentrekkers en gevestigde pensioentrekkers, met onderskeidelik hulle ooreenstemmende jaarlikse pensioendraende besoldiging, jaarlikse uitgestelde pensioene en jaarlikse gevestigde pensioene: Met dien verstande dat waar die getal aktiewe lede, uitgestelde pensioentrekkers en gevestigde pensioentrekkers in 50  
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## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

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Provided further that nothing in this proviso shall prevent an appropriate variation of the amount of the benefit if the actual amount of the debt or other obligation should subsequently prove to differ from the expected amount.”.

5. The following section is hereby substituted for section 27 of the Insurance Act, 1943:

10 “Acquisition of shares or other interest to be approved by registrar.

27. No acquisition of shares or any other interest in the business of a registered insurer amounting to one-quarter or more of the value of all the shares or other interest in that business, shall be of any force or effect unless that acquisition has previously been approved by the registrar in writing.”.

Substitution of section 27 of Act 27 of 1943, as amended by section 24 of Act 73 of 1951, section 21 of Act 10 of 1965 and section 10 of Act 39 of 1969.

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6. Section 27bis of the Insurance Act, 1943, is hereby repealed.

Repeal of section 27bis of Act 27 of 1943, as inserted by section 22 of Act 10 of 1965 and amended by section 11 of Act 39 of 1969.

7. The following section is hereby substituted for section 51 of the Insurance Act, 1943:

20 “In life insurance business differentiation, inducements and credit for one-twelfth of first year's premiums are prohibited.

51. (1) No insurer shall make or permit any differentiation as between one life policy and another, in regard to their terms and conditions unless the valuator of the insurer has satisfied himself that the differentiation is justified on actuarial grounds.

(2) No person shall pay, allow or give, or offer to pay, allow or give, directly or indirectly, to any other person, as an inducement to such other person to take out a domestic life policy any valuable consideration and no person shall knowingly receive as such an inducement any such valuable consideration.

(3) No insurer shall assume an obligation under a domestic life policy, unless he has received at least one-twelfth of the first year's premium or is satisfied that such portion of the premium will be paid by stop order, credit card, debit order or other instrument approved by the registrar.”.

Substitution of section 51 of Act 27 of 1943.

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35 8. The following section is hereby substituted for section 59 of the Insurance Act, 1943:

“Application to home service business of sections 34, 36 to 51 and 57A.

59. The provisions of sections 34, 36 to [50] 51, both inclusive, and 57A shall apply *mutatis mutandis* in connection with home service business.”.

Substitution of section 59 of Act 27 of 1943, as substituted by section 17 of Act 99 of 1980.

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9. Section 16 of the Pension Funds Act, 1956, is hereby amended by the substitution for subsection (7) of the following subsection:

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“(7) A report made by a valuator in terms of any of the preceding subsections shall include, where applicable, the following particulars, namely—

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(a) the number of persons in respect of whom liabilities have been calculated, subdivided into active members, deferred pensioners, and vested pensioners with their corresponding annual pensionable emoluments, annual deferred pensions, and annual vested pensions, respectively: Provided that where the number of active members, deferred pensioners or vested pensioners in any

Amendment of section 16 of Act 24 of 1956, as amended by section 16 of Act 86 of 1984.

## Wet No. 50, 1986

## WYSIGINGSWET OP FINANSIEËLE INSTELLINGS, 1986

<p>enige groep minder as vyf is, die ooreenstemmende jaarlikse pensioendraende besoldiging, jaarlikse uitgestelde pensioene of jaarlikse gevestigde pensioene, na gelang van die geval, nie getoon hoef te word nie.</p> <p>(b) (i) 'n beskrywing van die soorte bates deur die fonds besit;</p> <p>(ii) die balansstaat-waarde van die netto bates van die fonds na aftrekking van lopende verpligtinge en enige verpligting voortspruitend uit die verpanning, verhipotekering of ander beswaring van die bates van die fonds, tesame met volledige besonderhede van sodanige aftrekings;</p> <p>(iii) die aktuariële waarde van hierdie netto bates vir die doeleindes van 'n vergelyking met die fonds se opgelope verpligtinge;</p> <p>(iv) 'n beskrywing van die grondslag aangewend vir berekening van die aktuariële waarde van elkeen van die onderskeie soorte bates, tesame met voldoende besonderhede van elke grondslag om 'n onafhanklike waardeerder in staat te stel om die finansiële gesondheid van daardie grondslag te beoordeel;</p> <p>(c) (i) die fonds se opgelope verpligtinge, met dieselfde onderverdeling as dié in paragraaf (a) bedoel, maar as die getal persone in enige groep minder as vyf is, kan dié groep by 'n ander groep gevoeg word, en vir die doel van hierdie subartikel beteken 'opgelope verpligtinge'—</p> <p>(aa) die aktuariële verpligting ten opsigte van verstreke diensvoordele van aktiewe lede, met behoorlike voorsiening vir toekomstige salarisverhogings waar dit die voordele ten opsigte van verstreke diens beïnvloed en met behoorlike inagneming van verhogings in pensioene of uitgestelde pensioene teen die koerse in die statute van die fonds bepaal; plus</p> <p>(bb) die aktuariële verpligtinge ten opsigte van pensioene wat betaal word en uitgestelde pensioene, met behoorlike voorsiening vir verhogings teen die koerse in die statute van die fonds bepaal; plus</p> <p>(cc) enige ander aktuariële verpligting;</p> <p>(ii) 'n beskrywing van die grondslag aangewend vir berekening van die aktuariële waarde van opgelope verpligtinge, tesame met voldoende besonderhede van die grondslag om 'n onafhanklike waardeerder in staat te stel om die finansiële gesondheid van die grondslag te kan beoordeel;</p> <p>(d) 'n vergelyking van die aktuariële waarde van bates met die opgelope verpligtinge op die grondslae bedoel in paragrawe (b) (iv) en (c) (ii), wat die gevolgtlike surplus of tekort en, in die geval van 'n tekort, die persentasieverhouding van bates tot verpligtinge aantoon;</p> <p>(e) (i) in die geval van 'n tekort, die oorsake of waarskynlike oorsake daarvan; en</p> <p>(ii) die stapte gedoen of aanbeveel om enige tekort in paragraaf (d) bedoel uit te skakel en die verwagte tydperk waarbinne dit bereik sal word;</p> <p>(f) 'n vergelyking van bydrae-koerse wat vir die toekoms aanbeveel word met dié wat onmiddellik voor die waardasie gegeld het, ingedeel volgens die onderskeie kategorieë van lede soos toepaslik en volgens koerse vir lede, normale koerse vir werkgewers om verpligtinge ten opsigte van toekomstige diens na te kom en spesiale koerse vir werkgewers om enige tekort soos in paragraaf (d) bedoel, te delg, en wat die verwagte skommelings in die bydraes met die verloop van tyd en die mate waarin enige surplus soos in paragraaf (d) bedoel in aanmerking geneem is, aantoon; en</p> <p>(g) sodanige ander besonderhede as wat die waardeerder vir die doeleindes van hierdie Wet ter sake bekou."</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p> <p>60</p> <p>65</p>
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## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

group is less than five, the corresponding annual pensionable emoluments, annual deferred pensions or annual vested pensions, as the case may be, need not be shown;

- 5      (b) (i) a description of the classes of assets held by the fund;
- 10     (ii) the balance sheet value of the nett assets of the fund after deduction of current liabilities and any liability arising from the pledge, hypothecation or other encumbrance of the assets of the fund, together with full particulars of such deductions;
- 15     (iii) the actuarial value of these nett assets for the purposes of a comparison with the fund's accrued liabilities;
- 20     (iv) a description of the basis employed in calculating the actuarial value of each of the various classes of assets together with adequate particulars of each basis so as to enable an independent valuator to judge the financial soundness of such basis;
- 25     (c) (i) the fund's accrued liabilities, with the same subdivision as contemplated in paragraph (a), but if the number of persons in any group is less than five, such group may be combined with another group, and for the purpose of this subsection 'accrued liabilities' means—
  - (aa) the actuarial liability in respect of past service benefits of active members, with due allowance for future salary increases where these affect the benefits in respect of past service and with due allowance for increases in pensions or deferred pensions at the rates stipulated in the rules of the fund; plus
  - (bb) the actuarial liabilities in respect of pensions in course of payment and deferred pensions, with due allowance for increases at the rates stipulated in the rules of the fund; plus
  - (cc) any other actuarial liability;
- 30     (ii) a description of the basis employed in calculating the actuarial value of the accrued liabilities together with adequate particulars of the basis so as to enable an independent valuator to judge the financial soundness of such basis;
- 35     (d) a comparison of the actuarial value of assets with the accrued liabilities, on the bases contemplated in paragraphs (b) (iv) and (c) (ii), showing the resultant surplus or deficiency, and in the case of a deficiency, the percentage ratio of assets to liabilities;
- 40     (e) (i) in the case of a deficiency, the causes or probable causes thereof; and
  - (ii) the measures taken or recommended to eliminate any deficiency referred to in paragraph (d) and the expected period within which this will be achieved;
- 45     (f) a comparison of contribution rates recommended for the future with those obtaining immediately before the valuation, subdivided for the various categories of members as appropriate and into rates for members, normal rates for employers to meet liabilities in respect of future service, and special rates for employers to amortize any deficiency as contemplated in paragraph (d), and showing the expected variations in contributions with the passage of time and the extent to which any surplus as contemplated in paragraph (d) has been taken into account; and
- 50     (g) such other particulars as the valuator deems relevant for the purposes of this Act.”

**Wet No. 50, 1986**

Wysiging van artikel 18 van Wet 24 van 1956.

**WYSIGINGSWET OP FINANSIELE INSTELLINGS, 1986**

**10.** Artikel 18 van die Wet op Pensioenfondse, 1956, word hierby gewysig—

- (a) deur die volgende subartikel na subartikel (1) in te voeg:

“(1A) Wanneer ‘n opgawe ingevolge hierdie Wet 5 aantoon dat ‘n geregistreerde fonds ‘n tekort het, lê die fonds binne drie maande vanaf die datum van sodanige opgawe ‘n skema aan die registrator voor waarin uitteengesit word die reëlings wat getref is of wat volgens voorneme getref sal word om die tekort uit te skakel, 10 tesame met ‘n verslag daaroor deur ‘n waardeerder.”;

- (b) deur subartikel (2) deur die volgende subartikel te vervang:

“(2) Indien die registrator bevind dat [so] ‘n skema voorgelê ingevolge subartikel (1) of (1A) nie met die 15 bepalings van hierdie Wet onbestaanbaar is nie, en oortuig is dat die reëlings daarin uiteengesit voldoende behoort te wees om die doeleinnes van hierdie artikel te verwesenlik, keur hy die skema goed.”; en

- (c) deur subartikel (3) deur die volgende subartikel te vervang:

“(3) Indien die registrator nie aangaande die in subartikel (2) bedoelde sake oortuig is nie, versoek hy die fonds om sodanige wysigings van die skema aan te bring, of om so ‘n nuwe skema voor te lê, as wat hom 25 in staat sal stel om aldus oortuig te wees, en die fonds moet binne ‘n tydperk deur die registrator voorgeskryf, wat nie minder as 30 dae vanaf die datum van die versoek moet wees nie, aan die versoek voldoen en gelykydig aan die registrator ‘n verslag deur die in [sub- 30 artikel] subartikels (1) en (1A) vermelde waardeerder of ouditeur oor bedoelde wysigings of bedoelde nuwe skema verstrek, en die bepalings van subartikel (2) is van toepassing op so ‘n gewysigde skema of nuwe skema wat die fonds mag voorlê.”.

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Wysiging van artikel 19 van Wet 24 van 1956, soos gewysig deur artikel 13 van Wet 80 van 1959, artikel 9 van Wet 58 van 1966, artikel 1 van Wet 80 van 1969, artikel 2 van Wet 23 van 1970, artikel 7 van Wet 91 van 1972, artikel 23 van Wet 101 van 1976, artikel 11 van Wet 94 van 1977, artikel 11 van Wet 80 van 1978, artikel 14 van Wet 103 van 1979, artikel 39 van Wet 99 van 1980, artikel 14 van Wet 82 van 1982, artikel 20 van Wet 46 van 1984 en artikel 17 van Wet 86 van 1984.

**11.** Artikel 19 van die Wet op Pensioenfondse, 1956, word hierby gewysig—

- (a) deur paragraaf (b) van subartikel (5) deur die volgende paragraaf te vervang:

“(b) ‘n Lening in paragraaf (a) beoog, word nie na die 40 inwerkingtreding van die Wysigingswet op Finansiële Instellings, 1986, toegestaan nie—

- (i) tensy verseker deur—

(aa) ‘n eerste verband op die onroerende eiendom ten opsigte waarvan dit toege- 45 staan word; of

(bb) ‘n pand van die voordele waarop die lid kragtens die statute van die fonds gereg- tig is; of

(cc) sowel daardie verband as daardie pand; 50

(ii) ten opsigte van ‘n onroerende eiendom, indien die betrokke lid teenoor die fonds aanspreeklik is ten opsigte van ‘n lening aan hom toegestaan ten opsigte van ander onroerende eiendom;

(iii) teen ‘n laer rentekoers as dié wat van tyd tot tyd by regulasie voorgeskryf word;

(iv) tensy die kapitaalbedrag oor ‘n tydperk van hoogstens 30 jaar aflosbaar is in gelyke week-likse of maandelikse paaiememente wat die rente 60 op die uitstaande kapitaalbedrag insluit.”;

- (b) deur in subparagrawe (i) en (iii) van paragraaf (c) van subartikel (5) die uitdrukking “vyf-en-sewentig” deur die uitdrukking “90” te vervang;

- (c) deur na paragraaf (c) van subartikel (5) die volgende 65 paragraaf in te voeg:

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## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

10. Section 18 of the Pension Funds Act, 1956, is hereby amended—

5 (a) by the insertion after subsection (1) of the following subsection:

“(1A) When any return under this Act indicates a deficiency in a registered fund, the fund shall, within three months from the date of such return, submit a scheme to the registrar setting out the arrangements which have been made or which it is intended to make to eliminate the deficiency, together with a report thereon by a valuator.”;

10 (b) by the substitution for subsection (2) of the following subsection:

15 “(2) If the registrar finds that [such] a scheme submitted in terms of subsection (1) or (1A) is not inconsistent with the provisions of this Act and is satisfied that the arrangements set out therein should suffice to accomplish the objects of this section, he shall approve the scheme.”; and

20 (c) by the substitution for subsection (3) of the following subsection:

25 “(3) If the registrar is not satisfied regarding the matters referred to in subsection (2), he shall request the fund to make such amendments to the scheme, or to submit such new scheme, as will enable him to be so satisfied, and the fund shall comply with the request within a period prescribed by the registrar, not being less than 30 days from the date of the request, and shall at the same time furnish to the registrar a report on such amendments or such new scheme by the valuator or auditor mentioned in [subsection] subsections (1) and (1A), and the provisions of subsection (2) shall apply to any such amended scheme or new scheme which the fund may submit.”.

Amendment of  
section 18 of  
Act 24 of 1956.

35 11. Section 19 of the Pension Funds Act, 1956, is hereby amended—

40 (a) by the substitution for paragraph (b) of subsection (5) of the following paragraph:

45 “(b) A loan contemplated in paragraph (a) shall not be granted after the commencement of the Financial Institutions Amendment Act, 1986—

50 (i) unless secured by—

45 (aa) a first mortgage on the immovable property in respect of which it is granted; or

55 (bb) a pledge of the benefits to which the member is entitled in terms of the rules of the fund; or

50 (cc) both such mortgage and such pledge;

55 (ii) in respect of immovable property if the member concerned is liable to the fund in respect of a loan granted to him in respect of other immovable property;

55 (iii) at a lower rate of interest than that which may from time to time be prescribed by regulation;

60 (iv) unless the capital sum is redeemable over a period not exceeding 30 years in equal weekly or monthly instalments, which shall include the interest on the capital sum outstanding.”;

(b) by the substitution in subparagraphs (i) and (iii) of paragraph (c) of subsection (5) for the expression “seventy-five” of the expression “90”;

(c) by the insertion after paragraph (c) of subsection (5) of the following paragraph:

Amendment of  
section 19 of  
Act 24 of 1956,  
as amended by  
section 13 of  
Act 80 of 1959,  
section 9 of  
Act 58 of 1966,  
section 1 of  
Act 80 of 1969,  
section 2 of  
Act 23 of 1970,  
section 7 of  
Act 91 of 1972,  
section 23 of  
Act 101 of 1976,  
section 11 of  
Act 94 of 1977,  
section 11 of  
Act 80 of 1978,  
section 14 of  
Act 103 of 1979,  
section 39 of  
Act 99 of 1980,  
section 14 of  
Act 82 of 1982,  
section 20 of  
Act 46 of 1984  
and section 17 of  
Act 86 of 1984.

Wet No. 50, 1986

## WYSIGINGSWET OP FINANSIEËLE INSTELLINGS, 1986

"(cA) Die persentasies bedoel in subparagrawe (i) en (iii)

van paragraaf (c), kan tot 100 persent verhoog word, onderworpe aan die verskaffing aan die fonds van 'n onherroeplike waarborg deur die werkewer van die lid, ten opsigte van soveel van die lening as wat 90 persent te bowe gaan."; en

(d) deur subartikel (5B) deur die volgende subartikel te vervang:

"(5B) Ondanks andersluidende bepalings van die statute van 'n geregistreerde fonds, mag so 'n fonds nie 10 regstreeks of onregstreeks, na die inwerkingtreding van die Wysigingswet op Finansiële Instellings, [1976] 1986—

(a) [nie] 'n lening aan 'n lid toestaan nie of van sy fondse beskikbaar stel, hetsy by wyse van 'n belegging of andersins, om op enige wyse deur die fonds of iemand anders aangewend te word vir 'n lening aan 'n lid nie behalwe 'n lening soos in subartikel (5) bedoel vir 'n doel vermeld in paragraaf (a) van subartikel (5) en wat aan die bepalings van para-

grawe (b) en (c) van daardie subartikel voldoen; [en] of

(b) [nie] 'n lening toestaan nie aan of belê nie in die aandele van—

(i) 'n maatskappy wat deur 'n beampte of 'n lid van die fonds of 'n direkteur van 'n maatskappy wat 'n werkewer is wat deelneem aan die skema of reëling waarby die fonds ingestel is, beheer word; of

(ii) 'n filiaalmaatskappy of 'n beheerde maatskappy (soos in die Maatskappywet, 1973 (Wet No. 61 van 1973), omskryf) van so 'n eersgenoemde maatskappy.”.

Invoeging van artikel 32A in Wet 24 van 1956.

12. Die volgende artikel word hierby na artikel 32 van die Wet op Pensioenfondse, 1956, ingevoeg: 35

"Verbod op sekere prakteke of metodes van besigheid doen." 40  
32A. (1) Met die toestemming van die Minister kan die registrateur by kennisgewing in die Staatskoerant 'n bepaalde praktek of metode van besigheid doen tot 'n onreëlmataig of ongewenste praktek of 'n ongewenste metode van besigheid doen verklaar vir 'n bepaalde kategorie pensioenfonds of vir alle pensioenfondse: Met dien verstaande dat die Minister nie tot sodanige verklaring toestem nie tensy die registrateur minstens 30 dae kennis in die Staatskoerant kennis gegee het van sy voorname om sodanige verklaring te doen en in die kennisgewing alle belanghebbende persone uitgenooi het om binne 21 dae vanaf sodanige kennisgewing skriftelike vertoe aan- 45 gaande die voorgenome verklaring tot hom te rig.

(2) Die betrokke pensioenfonds pas nie 'n praktek of metode van besigheid doen wat uit hoofde van so 'n kennisgewing vir hom onreëlmataig of ongewens verklaar is, toe nie na verloop van 21 dae vanaf die datum van genoemde kennisgewing in die Staatskoerant.

(3) Die registrateur kan 'n fonds wat, voor of na die datum van genoemde kennisgewing, 'n praktek of metode van besigheid doen toegepas het wat uit hoofde van so 'n kennisgewing onreëlmataig of ongewens is, skriftelik gelas om enigets deur die registrateur vermeld wat volgens die oordeel van die registrateur veroorsaak is of voortvloei uit bedoelde toepassing, reg te stel soos deur die registrateur vereis.

(4) 'n Pensioenfonds wat aldus gelas is om enigets

## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

- 5       “(cA) The percentages referred to in subparagraphs (i) and (iii) of paragraph (c), may be increased to 100 per cent, subject to the furnishing to the fund by the employer of the member of an irrevocable guarantee in respect of so much of the loan as may exceed 90 per cent.”; and
- 10      (d) by the substitution for subsection (5B) of the following subsection:
- “(5B) Notwithstanding anything to the contrary contained in the rules of a registered fund, such a fund shall not, directly or indirectly, after the commencement of the Financial Institutions Amendment Act, [1976] 1986—
- 15      (a) grant a loan to a member or make any of its funds available, whether by way of an investment or otherwise, to be utilised in any manner by the fund or someone else for a loan to a member, other than a loan [contemplated in subsection (5)] for a purpose mentioned in paragraph (a) of subsection (5) and which complies with the provisions of paragraphs (b) and (c) of that subsection; or
- 20      (b) grant a loan to, or invest in the shares of—
- 25       (i) a company controlled by an officer or a member of the fund or a director of a company which is an employer participating in the scheme or arrangement whereby the fund has been established; or
- 30       (ii) a subsidiary company or a controlled company (as defined in the Companies Act, 1973 (Act No. 61 of 1973)), of such a first-mentioned company.”.

12. The following section is hereby inserted after section 32 of the Pension Funds Act, 1956:

35      “Certain practices or methods of conducting business prohibited.

37A. (1) With the consent of the Minister the registrar may by notice in the *Gazette* declare a specific practice or method of conducting business to be an irregular or undesirable practice or an undesirable method of conducting business for any specified category of pension fund or for all pension funds: Provided that the Minister shall not consent to such declaration unless the registrar has given at least 30 days notice in the *Gazette* of his intention to make such declaration and has invited in the notice all interested persons to make written representations to him regarding the intended declaration, within 21 days of such notice.

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(2) Any pension fund in question shall not, after the expiry of 21 days from the date of the said notice in the *Gazette*, employ any practice or method of conducting business which by virtue of such notice has been declared to be irregular or undesirable.

(3) The registrar may in writing direct any fund which, before or after the date of such notice, employed any practice or method of conducting business which by virtue of the said notice is irregular or undesirable, to rectify as required by the registrar, anything specified by the registrar which in the opinion of the registrar was caused by or arose out of such employment.

(4) Any pension fund which has been so directed

Insertion of  
section 32A in  
Act 24 of 1956.

**Wet No. 50, 1986****WYSIGINGSWET OP FINANSIELË INSTELLINGS, 1986**

Wysiging van artikel 37 van Wet 24 van 1956, soos gewysig deur artikel 14 van Wet 65 van 1968 en artikel 19 van Wet 86 van 1984.

reg te stel, moet dit doen binne 60 dae nadat hy al dus gelas is of binne die langer tydperk wat die registrator goedkeur.”.

**13.** Artikel 37 van die Wet op Pensioenfondse, 1956, word hierby gewysig deur in subartikel (1) paragraaf (f) en die woorde wat daarop volg deur onderskeidelik die volgende paragraaf en woorde te vervang:

- “(f) die bepalings van artikel 10, [of] 31, 32A (2) of (4) oortree of versium om daaraan te voldoen, is aan ’n misdryf skuldig, en by veroordeling strafbaar—
  - (i) in die geval van ’n in paragraaf (a) bedoelde misdryf, met ’n boete van hoogstens R100 R200;
  - (ii) in die geval van ’n in paragraaf (b) of (c) bedoelde misdryf, met ’n boete van hoogstens R250 R500;
  - (iii) in die geval van ’n in paragraaf (d) of (e) bedoelde misdryf, met ’n boete van hoogstens R500 R1 000; en
  - (iv) in die geval van ’n in paragraaf (f) bedoelde misdryf, met ’n boete van hoogstens R1 000 of, indien die oortreder ’n indiwidu is, met gevengenisstraf vir ’n tydperk van hoogstens twaalf maande, of met daardie boete sowel as daardie gevengenisstraf.”.

Wysiging van artikel 1 van Wet 1 van 1985.

**14.** Artikel 1 van die Wet op Beheer van Effektebeurse, 1985, word hierby gewysig deur die omskrywing van “president” deur die volgende omskrywing te vervang—

“president” met betrekking tot ’n effektebeurs, die persoon wat die [diensdoende hoof van die] komitee van sodanige beurs [is] as die hoof- uitvoerende beampete van daardie beurs aanstel of in sy afwesigheid sy plaasvervanger, of as daar nie so ’n hoof- uitvoerende beampete of plaasvervanger is nie, dié ander persoon wat sodanige komitee aanstel om die funksies te verrig wat deur die president verrig moet of kan word.”.

Wysiging van artikel 3 van Wet 1 van 1985.

**15.** Artikel 3 van die Wet op Beheer van Effektebeurse, 1985, word hierby gewysig deur na subparagraaf (v) van die woorde wat na paragraaf (g) van subartikel (3) volg die volgende subparagraaf in te voeg:

“(vA) Die Suid-Afrikaanse Reserwebank,  
of”.

Wysiging van artikel 11 van Wet 1 van 1985.

**16.** Artikel 11 van die Wet op Beheer van Effektebeurse, 1985, word hierby gewysig deur subartikel (4) deur die volgende subartikel te vervang—

“(4) By voorlegging deur die regspersoon in subartikel (2) bedoel van ’n betrokke titelbewys of ander akte of dokument, en van die betrokke geldende lisensie ingevolge artikel [5] 9 uitgereik, aan ’n registrator of ander beampete belas met die instandhouding van ’n register kragtens ’n wet, bring sodanige registrator of beampete al die wissings, endossemente of inskrywings in sy registers aan wat nodig is as gevolg van die verkryging deur die betrokke effektebeurs van regspersoonlikheid ingevolge genoemde subartikel (2).”.

Kort titel.

**17. Hierdie Wet heet die Wysigingswet op Finansiële Instellings, 1986.**

## FINANCIAL INSTITUTIONS AMENDMENT ACT, 1986

Act No. 50, 1986

to rectify anything, shall do so within 60 days after being so directed or within such longer period as the registrar may approve.”.

13. Section 37 of the Pension Funds Act, 1956, is hereby amended by the substitution in subsection (1) for paragraph (f) and the words following thereafter of the following paragraph and words respectively:

- “(f) contravenes or fails to comply with the provisions of section 10, [or] 31, or 32A (2) or (4), shall be guilty of an offence, and liable on conviction—
- (i) in the case of an offence referred to in paragraph (a) to a fine not exceeding [R100] R200;
  - (ii) in the case of an offence referred to in paragraph (b) or (c) to a fine not exceeding [R250] R500;
  - (iii) in the case of an offence referred to in paragraph (d) or (e) to a fine not exceeding [R500] R1 000; and
  - (iv) in the case of an offence referred to in paragraph (f) to a fine not exceeding R1 000 or, if the offender is an individual, to imprisonment for a period not exceeding twelve months, or to both such fine and such imprisonment.”.

14. Section 1 of the Stock Exchanges Control Act, 1985, is hereby amended by the substitution for the definition of “president” of the following definition:

“‘president’, in relation to a stock exchange, means the person [for the time being at the head of] appointed by the committee of such exchange as chief executive officer of that stock exchange or in his absence his deputy or, if there is no such chief executive officer or deputy, such other person as may be appointed by such committee to perform the functions which shall or may be performed by the president;”.

15. Section 3 of the Stock Exchanges Control Act, 1985, is hereby amended by the insertion after subparagraph (v) of the words following paragraph (g) of subsection (3) of the following subparagraph:

“(vA) the South African Reserve Bank; or”.

16. Section 11 of the Stock Exchanges Control Act, 1985, is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) On production by the juristic person referred to in subsection (2) of a relevant title deed or other deed or document, and of the relevant valid licence issued in terms of section [5] 9, to a registrar or other officer charged with the maintenance of a register under any law, such registrar or officer shall effect all such alterations, endorsements or entries in his registers as may be necessary as a result of the acquisition of juristic personality by the stock exchange concerned in terms of the said subsection (2).”.

50 17. This Act shall be called the Financial Institutions Amendment Act, 1986. Short title.

Amendment of  
section 37 of  
Act 24 of 1956,  
as amended by  
section 14 of  
Act 65 of 1968  
and section 19 of  
Act 86 of 1984.

Amendment of  
section 1 of  
Act 1 of 1985.

Amendment of  
section 3 of  
Act 1 of 1985.

Amendment of  
section 11 of  
Act 1 of 1985.

