



GENERAL EXCISE DUTY  
Wet van algemene belastinge op goedte en dienste wat in die land word vervaardig of ingevoer word  
[ ]  
Wet van algemene belastinge wat in soogt dat hierdie instansie in  
gevallen sou geskied.

## REPUBLIC OF SOUTH AFRICA

# GOVERNMENT GAZETTE

## STAATSKOERANT

### VAN DIE REPUBLIEK VAN SUID-AFRIKA

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

No. 2 of 1996: South African Reserve Bank Amendment Act, 1996.

#### PRESIDENT'S OFFICE

#### KANTOOR VAN DIE PRESIDENT

No. 459.

No. 459.

15 Maart 1996

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

No. 2 van 1996: Wysigingswet op die Suid-Afrikaanse Reserwebank, 1996.

**GENERAL EXPLANATORY NOTE:**

- [ ] Words in bold type in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

**ACT**

To amend the South African Reserve Bank Act, 1989, so as to replace, insert or delete certain definitions; to redetermine the primary objective of the South African Reserve Bank; to further regulate the appointment of certain directors of the Bank; to replace or delete certain obsolete expressions and provisions; to supplement the powers of the Bank in respect of transactions in certain financial instruments; to prescribe corrective steps in the event of the acquisition of shares in the Bank in excess of the permissible maximum shareholding; and to extend the provisions regarding an offence in connection with gold coins; and to provide for matters connected therewith.

(*English text signed by the President.*)  
*(Assented to 12 March 1996.)*

**B**E IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

**Amendment of section 1 of Act 90 of 1989, as amended by section 1 of Act 10 of 1993**

1. Section 1 of the South African Reserve Bank Act, 1989 (hereinafter referred to as the principal Act), is hereby amended—

(a) by the substitution for the definition of “bank” of the following definition:

“‘bank’ means a bank as defined in section 1(1) of the Banks Act, 1990 (Act No. 94 of 1990), and, for the purposes of section 10A, includes a [permanent mutual building society referred to in section 4(2)(a) of the Mutual Building Societies Act, 1965 (Act No. 24 of 1965)] mutual bank;”;

(b) by the insertion after the definition of “Deputy Governor” of the following definition:

“‘financial instrument’ means—

(a) any security as referred to in the definition of ‘securities’ in section 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985);  
(b) any financial instrument as defined in section 1 of the Financial Markets Control Act, 1989 (Act No. 55 of 1989), irrespective, in the

**ALGEMENE VERDUIDELIKENDE NOTA:**

[ ] Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordenings aan.

                 Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

**WET**

Tot wysiging van die Wet op die Suid-Afrikaanse Reserwebank, 1989, ten einde sekere omskrywings te vervang, in te voeg of te skrap; die primêre oogmerk van die Suid-Afrikaanse Reserwebank opnuut te bepaal; die aanstelling van sekere direkteure van die Bank verder te reël; sekere verouderde uitdrukings en bepalings te vervang of te skrap; die bevoegdhede van die Bank ten opsigte van transaksies in sekere finansiële instrumente aan te vul; regstellende stappe voor te skryf in die geval van die verkryging van aandele in die Bank bo die toelaatbare maksimum aandeelhouding; en die bepalings betreffende 'n misdryf in verband met goudmunte uit te brei; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Engelse teks deur die President geteken.)  
(Goedgekeur op 12 Maart 1996.)

**D**AAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

**Wysiging van artikel 1 van Wet 90 van 1989, soos gewysig deur artikel 1 van Wet 10 van 1993**

5     1. Artikel 1 van die Wet op die Suid-Afrikaanse Reserwebank, 1989 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur die omskrywing van "bank" deur die volgende omskrywing te vervang:

"bank" 'n bank soos omskryf in artikel 1(1) van die Bankwet, 1990 (Wet No. 94 van 1990), en, by die toepassing van artikel 10A, ook 'n [permanente onderlinge bouvereniging bedoel in artikel 4(2)(a) van die Wet op Onderlinge Bouverenigings, 1965 (Wet No. 24 van 1965)] onderlinge bank;";

(b) deur na die omskrywing van "Departement van Finansies" die volgende omskrywing in te voeg:

"finansiële instrument"—

(a) 'n effek soos bedoel in die omskrywing van 'effekte' in artikel 1 van die Wet op Beheer van Effektebeurse, 1985 (Wet No. 1 van 1985);

(b) 'n finansiële instrument soos omskryf in artikel 1 van die Wet op Beheer van Finansiële Markte, 1989 (Wet No. 55 van 1989), ongeag, in die geval van so 'n instrument wat 'n instrument is wat

- case of such instrument that is an instrument creating or acknowledging indebtedness, of the term for which it has been issued;
- (c) any right or other benefit in respect of or accruing to a security referred to in paragraph (a) or a financial instrument referred to in paragraph (b); and
- (d) any other instrument, right or benefit declared by the Minister by notice in the *Gazette* to be a financial instrument for the purposes of section 10(1)(h);";
- (c) by the insertion after the definition of "Minister" of the following definition:
- "‘mutual bank’ means a mutual bank as defined in section 1(1) of the Mutual Banks Act, 1993 (Act No. 124 of 1993);";
- (d) by the deletion of the definition of "mutual building society";
- (e) by the deletion of the definition of "Republic"; and
- (f) by the deletion of the definition of "territory".

### **Substitution of section 3 of Act 90 of 1989**

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2. The following section is hereby substituted for section 3 of the principal Act:

#### **"Primary objective of Bank"**

3. The primary objective of the Bank shall be to protect the value of the currency of the Republic in the interest of balanced and sustainable economic growth in the Republic.

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### **Amendment of section 4 of Act 90 of 1989, as amended by section 9 of Act 51 of 1991, section 2 of Act 10 of 1993 and section 72 of Act 129 of 1993**

3. Section 4 of the principal Act is hereby amended—

- (a) by the substitution for subsection (1) of the following subsection:

“(1) The Bank shall be managed by a board of fourteen directors, 25 consisting of—

(a) a Governor, three Deputy Governors (one of whom shall be designated by the [Minister] President of the Republic as Senior Deputy Governor) and three other directors, which Governor, Deputy Governors and other directors shall be appointed by the [Minister] President of the Republic after consultation with the Minister and the Board; and

(b) seven directors elected by the shareholders.”;

- (b) by the deletion of paragraph (b) of subsection (2); and

- (c) by the substitution for subsection (4) of the following subsection:

“(4) No person shall be appointed or elected as or remain a director—

(a) if he or she is not [a South African citizen] resident in the Republic; or

(b) if he or she is a director, officer or employee of a bank or a mutual [building society] bank; or

(bA) if he or she is a Minister or a Deputy Minister in the Government of the Republic; or

(c) if he or she is a member of—

(i) Parliament; or

(ii) [the legislative assembly of a self-governing territory as defined in section 38(1) of the National States Constitution Act, 1971 (Act No. 21 of 1971);] a provincial legislature referred to in section 125 of the Constitution.

[(iii) the National Assembly referred to in section 2 of the South

West African Legislative and Executive Authority Establishment Proclamation, 1985 (Proclamation No. R. 101 of 1985); or

(iv) the President’s Council.]”.

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- 'n skuld skep of 'n bewys van 'n skuld is, die termyn waarvoor dit uitgereik is;
- (c) enige reg of ander voordeel ten opsigte van 'n effek bedoel in paragraaf (a) of 'n finansiële instrument bedoel in paragraaf (b), of wat so 'n effek of instrument toekom; en
- 5 (d) enige ander instrument, reg of voordeel wat deur die Minister by kennisgewing in die *Staatskoerant* tot 'n finansiële instrument vir die doeleindes van artikel 10(1)(h) verklaar is;";
- (c) deur die omskrywing van "gebied" te skrap;
- 10 (d) deur na die omskrywing van "Minister" die volgende omskrywing in te voeg:  
" 'onderlinge bank' 'n onderlinge bank soos omskryf in artikel 1(1) van die Wet op Onderlinge Banke, 1993 (Wet No. 124 van 1993);";
- (e) deur die omskrywing van "onderlinge bouvereniging" te skrap; en
- 15 (f) deur die omskrywing van "Republiek" te skrap.

### **Vervanging van artikel 3 van Wet 90 van 1989**

2. Artikel 3 van die Hoofwet word hierby deur die volgende artikel vervang:

#### **"Primêre oogmerk van Bank"**

3. Die primêre oogmerk van die Bank is om die waarde van die geldeenheid van die Republiek in die belang van gebalanseerde en handhaafbare ekonomiese groei in die Republiek te beskerm."

### **Wysiging van artikel 4 van Wet 90 van 1989, soos gewysig deur artikel 9 van Wet 51 van 1991, artikel 2 van Wet 10 van 1993 en artikel 72 van Wet 129 van 1993**

3. Artikel 4 van die Hoofwet word hierby gewysig—
- (a) deur subartikel (1) deur die volgende subartikel te vervang:  
"(1) Die Bank word bestuur deur 'n raad van veertien direkteure, bestaande uit—  
(a) 'n President, drie Vise-presidente (van wie een deur die [Minister] President van die Republiek as Senior Vise-president aangewys word) en drie ander direkteure, welke President, Vise-presidente en ander direkteure deur die [Minister] President van die Republiek aangestel word na oorleg met die Minister en die Raad; en  
(b) sewe direkteure deur die aandeelhouers gekies.>";
- (b) deur paragraaf (b) van subartikel (2) te skrap; en
- 35 (c) deur subartikel (4) deur die volgende subartikel te vervang:  
"(4) Niemand word as 'n direkteur aangestel of gekies of bly as sodanig aan nie—  
(a) indien hy of sy nie [**'n Suid-Afrikaanse burger is wat**] sy of haar verbyl in die Republiek [woon] het nie; of  
(b) indien hy of sy 'n direkteur, beämptie of werknemer van 'n bank of 'n onderlinge [bouvereniging] bank is; of  
(bA) indien hy of sy 'n Minister of 'n Adjunk-minister in die Regering van die Republiek is; of  
(c) indien hy of sy 'n lid is van [die]—  
(i) die Parlement; of  
(ii) [**wetgewende vergadering van 'n selfregerende gebied soos omskryf in artikel 38(1) van die Grondwet van die Nasionale State, 1971 (Wet No. 21 van 1971);**] 'n provinsiale wetgewer bedoel in artikel 125 van die Grondwet.  
(iii) Nasionale Vergadering bedoel in artikel 2 van die Proklamasie op die Instelling van Wetgewende en Uitvoerende Gesag vir Suidwes-Afrika, 1985 (Proklamasie No. R. 101 van 1985); of  
(iv) Presidentsraad.]".

**Amendment of section 6 of Act 90 of 1989, as amended by section 9 of Act 51 of 1991**

**4.** Section 6 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

“(a) in the case of the Governor or a Deputy Governor or of a Government representative, by the appointment by the [Minister] President of the Republic of another person after consultation with the Minister and the Board; and”.

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**Amendment of section 10 of Act 90 of 1989, as amended by section 3 of Act 10 of 1993**

**5.** Section 10 of the principal Act is hereby amended—10

(a) by the substitution for paragraph (h) of subsection (1) of the following paragraph:

“(h) buy [and], sell or deal in [securities] financial instruments and, in accordance with the provisions of any law regulating the safe deposit of securities, hold such financial instruments in safe custody, or cause such financial instruments to be held in safe custody, for other persons;”; and

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(b) by the substitution for paragraph (v) of subsection (1) of the following paragraph:

“(v) perform the functions assigned to the Bank by the Banks Act, 1990 (Act No. 94 of 1990), and the Mutual [Building Societies Act, 1965 (Act No. 24 of 1965)] Banks Act, 1993 (Act No. 124 of 1993).”.

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**Amendment of section 11 of Act 90 of 1989, as amended by section 5 of Act 10 of 1993**

**6.** Section 11 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Bank may appoint inspectors (in either a permanent or a temporary capacity) to carry out inspections of the affairs, or of any part thereof, of a bank [as defined in the Banks Act, 1990 (Act No. 94 of 1990),] or a mutual [building society as defined in the Mutual Building Societies Act, 1965 (Act No. 24 of 1965)] bank.”.

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**Substitution of section 12 of Act 90 of 1989, as substituted by section 6 of Act 10 of 1993**

**7.** The following section is hereby substituted for section 12 of the principal Act:

**“Inspection of affairs of person, partnership, close corporation, company or other juristic person not registered as bank or mutual bank”**

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**12.** (1) If the Governor or a Deputy Governor has reason to suspect that any person, partnership, close corporation, company or other juristic person who or which is not registered in terms of the Banks Act, 1990 (Act No. 94 of 1990), as a bank or in terms of the [Mutual Building Societies Act, 1965 (Act No. 24 of 1965)] Mutual Banks Act, 1993 (Act No. 124 of 1993), as a mutual [building society] bank, is carrying on the business of a bank or a mutual [building society] bank, he or she may direct the Registrar of Banks referred to in section 4 of the Banks Act, 1990, to cause the affairs or any part of the affairs of such person, partnership, close corporation, company or other juristic person to be inspected by an inspector appointed under section 11(1), in order to establish whether or not the business of a bank or mutual [building society] bank, as the case may be, is being carried on by that person, partnership, close corporation, company or other juristic person.

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(2) The provisions of sections 4, 5, 8 and 9 of the Inspection of Financial Institutions Act, 1984 (Act No. 38 of 1984), shall apply *mutatis mutandis* in respect of an inspection carried out in terms of subsection (1).”.

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**Wysiging van artikel 6 van Wet 90 van 1989, soos gewysig deur artikel 9 van Wet 51 van 1991**

4. Artikel 6 van die Hoofwet word hierby gewysig deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
5. ~~(a)~~ “(a) in die geval van die President of 'n Vise-president of van 'n Regeringsverteenwoordiger, deur die aanstelling deur die [Minister] President van die Republiek van 'n ander persoon na oorleg met die Minister en die Raad; en”.

**Wysiging van artikel 10 van Wet 90 van 1989, soos gewysig deur artikel 3 van Wet 10 van 1993**

- 10 5. Artikel 10 van die Hoofwet word hierby gewysig—  
 (a) deur paragraaf (h) van subartikel (1) deur die volgende paragraaf te vervang:  
 “(h) [effekte] finansiële instrumente koop [en], verkoop of daarin handel dryf en, ooreenkomsdig die bepalings van 'n wet wat die veilige bewaring van effekte reël, sodanige finansiële instrumente vir ander persone in veilige bewaring hou of laat hou;”; en  
 (b) deur paragraaf (v) van subartikel (1) deur die volgende paragraaf te vervang:  
 “(v) die werksaamhede verrig wat deur die Bankwet, 1990 (Wet No. 94 van 1990), en die Wet op Onderlinge [Bouverenigings, 1965 (Wet No. 24 van 1965)] Banke, 1993 (Wet No. 124 van 1993), aan die Bank opgedra word.”.

**Wysiging van artikel 11 van Wet 90 van 1989, soos gewysig deur artikel 5 van Wet 10 van 1993**

- 15 6. Artikel 11 van die Hoofwet word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:
- 20 25 “(1) Die Bank kan inspekteurs aanstel (hetys in 'n vaste of tydelike hoedanigheid) om die sake, of enige gedeelte daarvan, van 'n bank [soos omskryf in die Bankwet, 1990 (Wet No. 94 van 1990),] of 'n onderlinge [bouvereniging soos omskryf in die Wet op Onderlinge Bouverenigings, 1965 (Wet No. 24 van 1965),] bank te inspekteer.”.

30 **Vervanging van artikel 12 van Wet 90 van 1989, soos vervang deur artikel 6 van Wet 10 van 1993**

- 35 7. Artikel 12 van die Hoofwet word hierby deur die volgende artikel vervang:  
 “**Inspeksie van sake van persoon, vennootskap, beslote korporasie, maatskappy of ander regspersoon wat nie as bank of onderlinge bank geregistreer is nie**

- 40 45 50 12. (1) Indien die President of 'n Vise-president rede het om te vermoed dat 'n persoon, vennootskap, beslote korporasie, maatskappy of ander regspersoon wat nie ingevolge die Bankwet, 1990 (Wet No. 94 van 1990), as 'n bank of ingevolge die [Wet op Onderlinge Bouverenigings, 1965 (Wet No. 24 van 1965)] Wet op Onderlinge Banke, 1993 (Wet No. 124 van 1993), as 'n onderlinge [bouvereniging] bank geregistreer is nie, die besigheid van 'n bank of 'n onderlinge [bouvereniging] bank dryf, kan hy of sy die Registrateur van Banke bedoel in artikel 4 van die Bankwet, 1990, gelas om die sake of enige deel van die sake van so 'n persoon, vennootskap, beslote korporasie, maatskappy of ander regspersoon deur 'n inspekteur aangestel kragtens artikel 11(1) te laat inspekteer ten einde vas te stel of die besigheid van 'n bank of onderlinge [bouvereniging] bank, na gelang van die geval, deur daardie persoon, vennootskap, beslote korporasie, maatskappy of ander regspersoon gedryf word al dan nie.

- (2) Die bepalings van artikels 4, 5, 8 en 9 van die Wet op Inspeksie van Finansiële Instellings, 1984 (Wet No. 38 van 1984), is *mutatis mutandis* van toepassing ten opsigte van 'n inspeksie wat ingevolge subartikel (1) uitgevoer word.”.

**Amendment of section 22 of Act 90 of 1989, as amended by section 16 of Act 85 of 1992**

8. Section 22 of the principal Act is hereby amended by the addition of the following subsection:

“(6) If the number of shares held by a shareholder in the Bank increases to more than 10 000 shares, he or she shall as soon as practicable dispose of the number of shares held by him or her in excess of 10 000.”.

**Amendment of section 23 of Act 90 of 1989**

9. Section 23 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection:

“(2) No shareholder referred to in subsection (2) or (6) of section 22 shall either directly or indirectly exercise any vote as a shareholder in respect of the number of shares in the Bank held by him or her in excess of 10 000, and no group of companies with interlocking directorates shall either directly or indirectly exercise any vote as shareholders in respect of the total number of shares in the Bank held by those companies in excess of 10 000.”.

**Amendment of section 34 of Act 90 of 1989**

10. Section 34 of the principal Act is hereby amended by the substitution for paragraph (j) of subsection (1) of the following paragraph:

“(j) sells, exchanges or otherwise disposes of any metal reproduction of [the Krugerrand, 1/2-Krugerrand, 1/4-Krugerrand or 1/10-Krugerrand] any gold coin contemplated in Schedule 2, or uses the word “Krugerrand”, “Natura” or “Protea”, or any derivative thereof or any combination thereof with any other word, in the furtherance of the sale, exchange or disposal in any other manner of such a reproduction or of any metal article of commerce;”.

**Repeal of section 39 of Act 90 of 1989**

11. Section 39 of the principal Act is hereby repealed.

**Short title**

12. This Act shall be called the South African Reserve Bank Amendment Act, 1996.

**Wysiging van artikel 22 van Wet 90 van 1989, soos gewysig deur artikel 16 van Wet 85 van 1992**

8. Artikel 22 van die Hoofwet word hierby gewysig deur die volgende subartikel by te voeg:

- 5       “(6) Indien die getal aandele wat ’n aandeelhouer in die Bank hou tot meer as 10 000 aandele toeneem, moet hy of sy so gou doenlik die getal aandele bo 10 000 wat hy of sy hou, van die hand sit.”.

**Wysiging van artikel 23 van Wet 90 van 1989**

9. Artikel 23 van die Hoofwet word hierby gewysig deur subartikel (2) deur die 10 volgende subartikel te vervang:

- 10       “(2) ’n Aandeelhouer bedoel in subartikel (2) of (6) van artikel 22 mag nie as aandeelhouer direk of indirek ten opsigte van die getal aandele in die Bank bo 10 000 wat hy of sy hou, ’n stem laat geld nie, en ’n groep maatskappye wat deur 15 aaneengeskakelde direksies verbind is, mag nie as aandeelhouers direk of indirek, ten opsigte van die totale getal aandele in die Bank bo 10 000 wat daardie maatskappye hou, ’n stem laat geld nie.”.

**Wysiging van artikel 34 van Wet 90 van 1989**

10. Artikel 34 van die Hoofwet word hierby gewysig deur paragraaf (j) van subartikel (1) deur die volgende paragraaf te vervang:

- 20       “(j) ’n metaal-weergawe van [die Krugerrand, 1/2-Krugerrand, 1/4-Krugerrand of 1/10-Krugerrand of] enige [ander] goudmunt beoog in Bylae 2, verkoop, verruil of op ’n ander wyse van die hand sit, of die woord “Krugerrand”, “Natura” of “Protea”, of enige afleiding daarvan of enige 25 kombinasie daarvan met enige ander woord, gebruik ter bevordering van die verkoop, verruiling of van-die-handsetting op enige ander wyse van so ’n weergawe of van enige ander handelsartikel van metaal.”.

**Herroeping van artikel 39 van Wet 90 van 1989**

11. Artikel 39 van die Hoofwet word hierby herroep.

**Kort titel**

- 30       12. Hierdie Wet heet die Wysigingswet op die Suid-Afrikaanse Reserwebank, 1996.

