

Question	Column				
	1	2	3	4	5
	Yes	No	Not applicable	Develop-mental area	Note No. Comment/Annexure
<b>2. Key Individuals</b> <i>Section 8(1) and 8(4)(b) of Act</i> <i>Determination of Fit and Proper Requirements for Financial Services Providers</i>					
2.1. Did any changes occur in your personal circumstances that affected the Fit and Proper Requirements?					
2.2. If the answer to question 2.1 is YES - Provide details the change of the personal circumstances of any key individual in a separate attachment and list it under comments in column 5.					
2.3. Did you comply with the condition in terms of Column 4 of Table A or column 3 of Table B and C of the Determination of Fit and Proper Requirements of Financial Services Providers?					
<b>3. Licence of the FSP</b> <i>Section 8(8) of the Act</i>					
3.1. Is a certified copy of the licence of the FSP displayed within every business premises of the FSP?					
3.2. Can a copy of such a licence be obtained on request?					
3.3. Is a reference to the fact that a licence is held contained in all business documentation?					
<b>4. Staff compliment</b>					
4.1. Does the FSP have any other employees that are assisting the key individual or provider in the rendering of financial services?					
4.2. Provide the number of employees that the FSP employ and provide the roles and responsibilities of the other employees in column 5.					
<b>5. Insurance cover</b> <i>Sections 5(e) and 13 of the General Code of Conduct</i>					
5.1. Does the FSP have professional indemnity cover? Provide the extent (numeric terms) of the cover in column 5					
5.2. Does the FSP have fidelity insurance cover? Provide the extent (numeric terms) of the cover in column 5					
5.3. Does the FSP have guarantees in place as contemplated in section 13 of the General Code of Conduct? Provide the extent (numeric terms) of the guarantees in column 5					

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5.4. Does the FSP disclose to clients in terms of section 5(e) of the General Code of Conduct whether it holds guarantees or professional indemnity or fidelity insurance cover?					
<b>6. Compliance function</b> <i>Section 17 of the Act and Chapter IV of Regulations</i>					
6.1. Is the compliance function established as part of the risk management framework of the business of the FSP in compliance with section 17(3) of the Act and Regulation 5?					
6.2. Has there been compliance with section 17(3) of the Act?					
<b>7. Maintenance of records</b> <i>Section 18 of the Act and the General Code of Conduct</i>					
7.1. Does the FSP have appropriate procedures and systems in place to record the following as contemplated in section 18 of the Act and section 3(2) of the General Code of Conduct:					
7.1.1. cases of non-compliance with the Act and reasons for such non-compliance;					
7.1.2. known premature cancellations of transactions or financial products by clients of the provider; and					
7.1.3. all written and verbal communications to clients relating the rendering of financial services?					
7.2. Does the FSP have appropriate procedures and systems in place to record verbal communications with clients relating to the rendering of financial services?					
7.3. Are any records stored in an electronic format?					
7.3.1. <i>If the answer to question 7.3 is YES -</i> Are the records accessible and readily reducible to written or printed form?					
7.4. Does the FSP utilise off-site storing facilities?					
7.5. Does the FSP utilise the services of a third party to store records?					
7.5.1. <i>If the answer to question 7.5 is YES -</i> Can the records be provided for inspection within seven days of a request?					
7.6. Are these records stored in a manner that is in accordance with acceptable standards that it will be safe from destruction?					

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7.7. Does the FSP have process in place to ensure that records are kept for a period of five years after termination, to knowledge of the provider, of the product concerned or, in any other case, after the rendering of the financial service concerned?					
<b>8. General Code of Conduct</b>					
<b>8.1. General provisions</b> <i>Section 3 of the General Code of Conduct</i>					
8.1.1. Does the FSP have an internal policy with regard to conflict of interest (as described in section 3 of the General Code of Conduct)?					
8.1.2. Did the FSP during the reporting period receive non-cash incentives and / or other indirect considerations for the rendering of financial services from another provider, product supplier or other person?					
8.1.3. <i>If the answer to question 8.1.2 is YES -</i> Did the FSP disclose the non-cash incentives and other indirect considerations to its clients where applicable?					
8.1.4. Does the FSP have procedures and internal controls in place to ensure that it does not disclose any confidential information acquired from clients without obtaining written consent from the client beforehand?					
8.1.5. Does the FSP enter into a written contractual relationship with its clients before render financial services?					
<b>8.2. Disclosure requirements</b> <i>Sections 4, 5 and 7 of the General Code of Conduct</i>					
8.2.1. Does the FSP have procedures and internal controls in place to ensure that all the relevant information in terms of sections 4, 5 and 7 of the General Code of Conduct is disclosed to clients?					
8.2.2. Is the disclosure documentation:					
8.2.2.1. provided in plain language;					
8.2.2.2. provided timeously so as to afford the client reasonable sufficient time to make an informed decision about the proposed transactions;					
8.2.2.3. not misleading;					

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8.2.2.4. where provided in writing, in clear and readable print size, spacing and format?					
8.2.3. Did the FSP ensure that it disclosed relevant information in terms of sections 4 and 5 of the General Code of Conduct to its clients where applicable?					
8.2.4. Does the FSP disclose the information in terms of section 4 and 5 of the General Code of Conduct to its clients in a standardised format?					
8.2.5. If the answer to question 8.2.4 is YES -					
8.2.5.1. Does the FSP have procedures in place to ensure that the information is updated when required?					
8.2.5.2. Do the FSP ensure that the information is adequate and appropriate in the circumstances of the particular financial services, taking into account the factually established or reasonably assume level of knowledge of the client?					
8.2.6. Does the FSP provide clients with financial services in respect of financial products of one specific product supplier?					
8.2.7. Does the FSP disclose the information in terms of section 7(c) of the General Code of Conduct to the client in writing?					
8.2.8. If the answer to question 8.2.7 is YES - Does the FSP prepare a disclosure document to the client on its own business documentation?					
8.2.9. Did the FSP ensure that it disclosed, where applicable the following information in terms of sections 7 of the General Code of Conduct to its clients:					
8.2.9.1. Name, class or type of financial product concerned					
8.2.9.2. the nature, extent and frequency of any incentive, remuneration, consideration, commission, fee or brokerage which will or may become payable to the provider, directly or indirectly, by any product supplier or any other person as a result of the rendering of the financial service					
8.2.9.3. any material or investment risk associated with the product					
8.2.9.4. extent of monetary obligations assumed by the client, the frequency thereof and consequences of non-compliance					
<b>8.3. Furnishing of advice and record of advice</b> <i>Section 8 and 9 of the General Code of Conduct</i>					
8.3.1. Is the FSP licensed to furnish advice?					

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<i>If the answer to question 8.3.1 is YES –</i>					
8.3.2. Does the FSP have procedures in place to ensure that an analysis of the client's financial situation and objectives are performed when advice is furnished?					
8.3.3. Does the FSP use a standardised computer programme to do the analysis?					
8.3.4. Did the FSP conducted an analysis, for purpose of the advice, based on the information obtained relating the client's financial situation, financial product experience and objectives in terms of all clients?					
8.3.5. Does the FSP have procedures in place relating to replacement products to ensure compliance with section 8(1)(d) of the General Code of Conduct?					
8.3.6. Did the FSP when providing advice to any client during the reporting period rely on section 8(4) (a) or (b) of the General Code of Conduct?					
8.3.7. <i>If the answer to question 8.3.2.6 is YES –</i> Provide the number of instances during the reporting period where section 8(4)(a) or (b) was utilised in column 5.					
8.3.8. Does the FSP keep a record of advice as contemplated in section 9(1) of the Act?					
8.3.9. Does the FSP provide your clients with the record of advice as contemplated in section 9(2) of the General Code of Conduct?					
8.3.10. Did the FSP keep a record of advice and provide your clients in accordance with section 9 of the General Code of Conduct?					
8.3.11. Does the FSP render continuous advisory services to clients and review their investments on an annual basis?					
<b>8.4. Custody of Financial Products and Funds</b> <i>Section 10 of the General Code of Conduct</i>					
8.4.1. Does the FSP receive or hold financial products or funds of or on behalf of clients when rendering financial services?					
8.4.2. <i>If the answer to question 8.4.1 is YES -</i>					
8.4.2.1. Does the FSP have an approved auditor or accounting officer in terms of section 19 of the Act read with the exemption published in Board Notice 104 of 2004?					

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8.4.2.2. Does the FSP issue written confirmation of receipts to clients when documents of title are lodged with the FSP or when funds are received into safe custody without the mediation of a bank?					
8.4.2.3. Does the FSP have procedures in place to ensure that the client financial products or funds are readily discernible from private assets or funds of the FSP?					
8.4.3. Does the FSP collect short term insurance premium from clients in accordance with section 45 of the Short-term Insurance Act, 1998 (Act No. 53 of 1998)?					
<b>8.5. Risk management</b> <i>Sections 11 and 12 of the General Code of Conduct</i>					
8.5.1. Does the FSP have and employ appropriate risk management resources, procedures, systems and controls within the contemplation of sections 11 and 12 of the General Code of Conduct?					
<b>8.6. Advertising</b> <i>Section 14 of the General Code of Conduct</i>					
8.6.1. Does the FSP have procedures in place to ensure that all advertisements and advertising communications and material comply with section 14 of the General Code of Conduct?					
8.6.2. Did the FSP advertise any of its services by telephone during the reporting period?					
8.6.2.1. <i>If the answer to question 8.6.2 is YES -</i> Does the FSP maintain an electronic, voice logged record of all communications?					
8.6.3. Is a reference to the fact that a licence is held contained in all advertisements?					
<b>8.7. Direct Marketing</b> <i>Paragraph 15 of the General Code of Conduct</i>					
8.7.1. Does the FSP act as a direct marketer?					
8.7.2. <i>If the answer to question 8.7.1 is YES -</i>					
8.7.2.1. Does the FSP have recording systems in place to record all telephone conversations with clients in the course of direct marketing?					
8.7.2.2. Does the FSP have appropriate procedures and systems in place to store and retrieve recordings?					
8.7.2.3. Does the FSP have procedures in place to ensure that it complies with section 15 of the General Code of Conduct?					

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8.7.2.4. Did the FSP ensure that it disclosed relevant information in terms of sections 15(1) to (4) and (6) of the General Code of Conduct to its clients?					
<b>8.8. Complaints</b> <i>Section 16 to 19 of the General Code of Conduct</i>					
8.8.1. Does the FSP have a complaints resolution systems and procedures in place that comply with sections 16 to 19 of the General Code of Conduct?					
8.8.2. Did the FSP receive any complaints from clients during the reporting period?					
8.8.2.1. <i>If the answer to question 8.8.2 is YES -</i> Does the FSP keep records of complaints received together with an indication whether or not any such complaint has been resolved as contemplated in section 18 of the Act?					
<b>8.9. Waiver of rights</b> <i>Section 21 of the General Code of Conduct</i>					
8.9.1. Does the FSP have procedures in place to ensure that its representatives do not request or induce a client to waive any right or benefit conferred on the client by or in terms of any provision of the General Codes of Conduct?					
<b>9. Exemptions</b> <i>Sections 44 and 45 of the Act</i>					
<b>9.1. Exemption in respect of certain applicants for authorisation,</b> <i>Board Notice 94 of 2004 and Board Notice 104 of 2004</i>					
9.1.1. Was the FSP subject to the exemption granted in terms of Board Notice 94 of 2004?					
9.1.2. <i>If the answer to question 9.1.1 is YES -</i> Did the FSP during the period contemplated in the exemption comply with paragraph 4 of the exemption?					
9.1.3. Was the FSP subject to the exemption granted in terms of paragraph 3(1)(a) of Board Notice 104 of 2004?					
<b>9.2. Exemption of certain office holders</b> <i>Board Notice 97 of 2004</i>					
9.2.1. Did the FSP utilise the exemption in terms of Board Notice 97 of 2004?					

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<b>10. Money laundering control procedures</b>					
10.1. Does the FSP have control procedures in place to ensure that it complies with paragraph 4(2) of the Determination for Fit and Proper Requirements for Financial Services Providers, 2003?					
10.2. Is the FSP an accountable institution in terms of Schedule A of the FICA?					
10.3. If the answer to question 10.2 is YES –					
10.3.1. Does the FSP have internal rules in terms of FICA? Please attach a copy of internal rules in terms of FICA as an annexure to this report and indicate the annexure number in column 5					
10.3.2. Does the FSP have a money laundering control compliance officer? Please attach in a separate annexure the name, ID number and telephone number of the money laundering control compliance officer and indicate the Annexure in column 5					
10.3.3. Did you ensure that the FSP obtained the information relating to its clients as provided for in term of the FICA?					
10.3.4. Did the FSP during the reporting period provide all its employees with training relating to FICA?					
10.3.5. Did any other accountable institution rely on the verification of clients by the FSP in terms of Exemption 4 of FICA?					
<b>11. Financial soundness</b>					
11.1. Did the FSP during the reporting period have controls in place to ensure that it complies with paragraph 5(2) of the Fit and Proper Requirements for Financial Services Providers read with the exemption in terms of Board Notice 96 of 2003?					
11.2. Does the FSP in terms of section 19 of the Act prepare monthly accounting records?					
<b>SECTION 2 – DISCRETIONARY FSPs</b>					
<b>12. Particular duties/obligations relating to discretionary FSPs</b>					
<b>12.1. Prohibitions and duties of discretionary FSP</b> <i>Section 3 of the Code of Conduct for Discretionary FSPs, 2003</i>					
12.1.1. Does the FSP have procedures in place to ensure that it does not sell to or provide a third party with client's detail, unless oblige by, or in terms of, any law					



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12.1.2. Does the FSP have procedures in place to ensure that it does not directly or indirectly sell any financial products owned by the FSP to any client or buy for own account any financial product owned by any client?					
12.1.3. Does the FSP have procedures in place to ensure that it does not directly or indirectly engage in the netting of transactions?					
12.1.4. Did the FSP exercise a vote in a ballot conducted by a collective investment scheme or exercise voting rights on behalf of clients without relevant client's prior approval?					
<b>12.2. Mandate</b> <i>Section 5 of the Code of Conduct for Discretionary FSPs, 2003</i>					
12.2.1. Did the Registrar approve all specimen mandate/s used by the FSP?					
12.2.2. Did the FSP amend any of its specimen mandate/s during the reporting period?					
12.2.3. <i>If the answer to question 12.2.2 is YES -</i> Did the Registrar approve the all substantial amendments to the specimen mandate/s?					
12.2.4. Did the FSP ensure that the FSP only deals with clients in respect of whom mandates which comply with paragraph 5 of the said Code have been obtained?					
<b>12.3. Reporting to clients</b> <i>Section 6 of the Code of Conduct for Discretionary FSPs, 2003.</i>					
12.3.1. Did you ensure that the FSP did send the client reports within the periods as required by the said section 6?					
<b>12.4. Nominee companies</b> <i>Section 7 of the Code of Conduct for Discretionary FSPs, 2003</i>					
12.4.1. Does the FSP hold client investments in its own nominee company?					
12.4.2. <i>If the answer to question 12.4.1 is YES,</i> Did the Registrar approve the nominee company as required by regulation 6 of the Regulations?					
<b>SECTION 3 – FOREX FSPs</b>					
<b>13. Particular duties/obligations relating to forex FSPs</b>					
13.1. Is the FSP licensed to render financial services relating to foreign currency denominated investment instruments?					

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13.2. <i>If the answer to question 13.1 is YES, Does the FSP render forex investment business as defined in the Forex Investment Business Code of Conduct?</i>					
13.3. <i>If the answer to question 13.2 is YES and FSP is licensed for subcategory 2.13 Question 13.3.1 must be answered and/or if the FSP is licensed for subcategory 1.15 Question 13.3.2 must be answered</i>					
<b>13.3.1. Special provisions applying to forex investment intermediaries</b> <i>Section 5 of the Forex Investment Business Code of Conduct</i>					
13.3.1.1. Does the FSP render forex investment intermediary services?					
13.3.1.2. Did the Registrar approve all specimen mandate/s used by the FSP?					
13.3.1.3. Did the FSP amend any of its specimen mandate/s during the reporting period?					
13.3.1.4. <i>If the answer to question 13.3.1.3 is YES - Did the Registrar approve all the substantial amendments to the specimen mandate/s?</i>					
13.3.1.5. Did the FSP ensure that the FSP only deals with clients in respect of whom mandates, which comply with section 5 of the said Code, have been obtained?					
<b>13.3.2. Special prohibitions applying to forex investment advisors</b> <i>Section 9 of the Forex Investment Business Code of Conduct</i>					
13.3.2.1. Does the FSP render forex investment advisory services?					
13.3.2.2. Did the Registrar approve all specimen application form/s used by the FSP?					
13.3.2.3. Did the FSP amend any of its specimen application form during the reporting period?					
13.3.2.4. <i>If the answer to question 13.3.2.3 is YES - Did the Registrar approve the all-substantial amendments to the specimen application form?</i>					
13.3.2.5. Did the FSP ensure that the FSP have only deals with clients in respect of whom application forms, which comply with section 9 of the said Code, have been obtained?					

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<b>SECTION 4 – HEALTH SERVICE BENEFITS</b>					
<b>14. Accreditation under section 65(3) of the Medical Schemes Act, 1998 Section 8(7)(e) of Act</b>					
14.1. Is the FSP licensed to render financial services relating to health service benefits?					
14.2. <i>If the answer to question 14.1 is YES</i> Was the accreditation of the FSP in terms of section 65(3) of the Medical Schemes Act, 1998, during the reporting period suspended, or withdrawn, or did it lapse?					

<b>SECTION 7 – ATTACHEMENTS</b>		
Question number	Comments	Additional Information attached Annexure reference no

To be completed by the key individual or provider

Name of key individual or provider \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Address \_\_\_\_\_

Telephone number \_\_\_\_\_  
Fax number \_\_\_\_\_

E-mail address \_\_\_\_\_