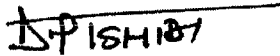


NOTICE 173 OF 2009**FINANCIAL SERVICES BOARD****FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002****EXEMPTION OF CERTAIN FSPs AND REPRESENTATIVES FROM
QUALIFICATION REQUIREMENTS**

I, Dube Phineas Tshidi, Registrar of Financial Services Providers, hereby exempt under section 44(4) of the Financial Advisory and Intermediary Services Act, 2002, certain persons from section 13(2)(a) of the Act and paragraph 10(3)(a) to (c) of the Determination of Fit and Proper Requirements, 2008, to the extent and subject to the conditions set out in the Schedule.



D P Tshidi
Registrar of Financial Services Providers

SCHEDULE

EXEMPTION OF CERTAIN FSPs AND REPRESENTATIVES FROM QUALIFICATION REQUIREMENTS

Definitions

1. In this Schedule, "the Act" means the Financial Advisory and Intermediary Services Act, 2002, any word or expression to which a meaning is assigned in the Act shall have that meaning, and unless the context otherwise indicates-

"Determination of Fit and Proper Requirements" means the Determination of Fit and Proper Requirements for Financial Services Providers, 2008;

"financial product" means health policies, disability policies and life policies issued under the Long-term Insurance Act, 1998, which provide only risk benefits, excluding-

- (a) fund policies and fund member policies;
- (b) investment policies which guarantee a minimum return of any premium paid at a specified future date or dates, and where such minimum is ascertainable in Rand terms at inception;
- (c) health policies, disability policies and life policies which provide risk benefits and have a guaranteed investment value or a materially equivalent value;
- (d) annuities which guarantee a minimum annuity, ascertainable in Rand terms at inception, for the term of the policy ; and
- (e) any long-term policy which combines any of the policy features in paragraphs (b) to (d);

"FSP" means JDG Trading (Pty Ltd (FSP 3247), Ellerine Furnishers (Pty) Ltd (FSP 36219), Lewis Stores (Pty) Ltd (FSP 2815) and Shoprite Checkers (Pty) Ltd (FSP 7732);

"representative" means an individual appointed during 30 September 2004 and 31 December 2007 to render financial services on behalf of an FSP and who on 31 December 2009 renders financial services in respect of a financial product on behalf of an FSP.

2. A reference to the respective policies in the definition of financial product shall have the meaning assigned in the Long-term Insurance Act, 1998, including any subordinate measure made thereunder."

Extent and duration of exemption

3. (a) An FSP and a representative are hereby exempted from section 13(2)(a) of the Act and paragraph 10(3)(a) to (c) of the Determination of Fit and Proper Requirements, respectively, subject to the following conditions:
 - (i) The representative must comply with paragraph 10(3)(a) to (c) of the Determination of Fit and Proper Requirements by 31 December 2011;

- (ii) the representative must render financial services under the supervision of a key individual of the FSP, as supervisor, and such supervision must be performed in accordance with paragraph 4 of the Exemption of Services under Supervision in terms of Requirements and Conditions, 2008;
- (iii) the representative must comply with paragraph 10(3)(d) and (e) of the Determination of Fit and Proper Requirements within the periods provided for;
- (iv) an appropriate qualification, recognised by the registrar, must be developed and registered with SAQA by one or more of the FSPs on or before 31 December 2010;
- (v) the FSP must, within three months of date of publication of this Exemption, furnish the registrar with a project plan that sets out the development, registration and implementation of the appropriate qualification to ensure that representatives will comply with the prescribed requirements by 31 December 2011; and
- (vi) the FSP must, within three months of date of publication of this Exemption, furnish the registrar with a list of names and identity numbers of the representatives to whom this Exemption applies.

(b) This Exemption expires on 31 December 2011.

Amendment and withdrawal of Exemption

4. This Exemption is subject to-
- (a) amendment thereof published by the registrar by notice in the *Gazette*;
 - and
 - (b) withdrawal in like manner.

Short title

5. This Exemption is called the Exemption of Certain FSPs and Representatives from Qualification Requirements, 2009.