

**NATIONAL TREASURY**

No. 1104

26 November 2010

**FINANCIAL INTELLIGENCE CENTRE ACT, 2001 (ACT NO. 38 OF 2001)  
AMENDMENT OF SCHEDULE 1 OF THE FINANCIAL INTELLIGENCE CENTRE ACT,  
2001**

By the powers vested in me under Section 73 of the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001) I, Pravin J Gordhan, Minister of Finance, hereby make the amendments to Schedule 1 of that Act set out in the Schedule hereto with effect from 1 December 2010.



**PRAVIN J GORDHAN  
MINISTER OF FINANCE**

## Schedule

### 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.

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## Schedule 1

### LIST OF ACCOUNTABLE INSTITUTIONS

- 1        **[An attorney]** A practitioner who practices as defined in section 1 of the Attorneys Act, 1979 (Act 53 of 1979).
- 2        A board of executors or a trust company or any other person that invests, keeps in safe custody, controls or administers trust property within the meaning of the Trust Property Control Act, 1988 (Act 57 of 1988).
- 3        An estate agent as defined in the Estate **[Agents]** Agency Affairs Act, 1976 (Act 112 of 1976).
- 4        **[A financial instrument trader as defined in the Financial Markets Control Act, 1989 (Act 55 of 1989)]** An authorised user of an exchange as defined in the Securities Service Act, 2004 (Act 36 of 2004).
- 5        **[A management company registered in terms of the Unit Trusts Control Act, 1981 (Act 54 of 1981)]** A manager registered in terms of the Collective Investment Schemes Control Act, 2002 (Act 45 of 2002), but excludes managers who only conduct business in Part VI of the Collective Investment Schemes Control Act (Act 45 of 2002).
- 6        A person who carries on the 'business of a bank' as defined in the Banks Act, 1990 (Act 94 of 1990).
- 7        A mutual bank as defined in the Mutual Banks Act, 1993 (Act 124 of 1993).
- 8        A person who carries on a 'long-term insurance business' as defined in the Long-Term Insurance Act, 1998 (Act 52 of 1998) **[including an insurance broker and an agent of an insurer]**.
- 9        **[A person who carries on a business in respect of which a gambling**

- license is required to be issued by a provincial licensing authority] A person who carries on the business of making available a gambling activity as contemplated in section 3 of the National Gambling Act, 2004 (Act 7 of 2004) in respect of which a license is required to be issued by the National Gambling Board or a provincial licensing authority.**
- 10 A person who carries on the business of dealing in foreign exchange.
- 11 A person who carries on the business of lending money against the security of securities.
- 12 **[A person who carries on the business of rendering investment advice or investment broking services, including a public accountant as defined in the Public Accountants and Auditors Act, 1991 (Act 80 of 1991 Auditing Professions Act, 2005 (Act 26 of 2005), who carries on such a business] A person who carries on the business of a financial services provider requiring authorisation in terms of the Financial Advisory and Intermediary Services Act, 2002 (Act 37 of 2002), to provide advice and intermediary services in respect of the investment of any financial product (but excluding a short term insurance contract or policy referred to in the Short-term Insurance Act, 1998 (Act 53 of 1998) and a health service benefit provided by a medical scheme as defined in section 1(1) of the Medical Schemes Act, 1998 (Act 131 of 1998).**
- 13 A person who issues, sells or redeems travellers' cheques, money orders or similar instruments.
- 14 The Postbank referred to in section 51 of the Postal Services Act, 1998 (Act 124 of 1998).
- 15 **[A member of a stock exchange licensed under the Stock Exchanges Control Act, 1985 (Act 1 of 1985).]**
- 16 The Ithala Development Finance Corporation Limited.
- 17 **[A person who has been approved or who falls within a category of persons approved by the Registrar of Stock Exchanges in terms of section 4(1)(a) of the Stock Exchanges Control Act, 1985 (Act 1 of 1985).]**

- 18 **[A person who has been approved or who falls within a category of persons approved by the Registrar of Financial Markets in terms of section 5(1)(a) of the Financial Markets Control Act, 1989 (Act 55 of 1989).]**
- 19 A person who carries on the business of a money remitter.