
BOARD NOTICE

BOARD NOTICE 107 OF 2013

FINANCIAL SERVICES BOARD

FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002

BI-ANNUAL COMPLIANCE REPORT FOR CATEGORY II AND IIA FINANCIAL SERVICES PROVIDER, 2013

In terms of section 17(4) of the Financial Advisory and Intermediary Services Act, 2002 ("the Act"), I, German Emmanuel Anderson, the Deputy Registrar of Financial Services Providers, determine the manner in which bi-annual compliance reports for Categories II and IIA Financial Services Providers must be submitted, and the matters which the reports must have regard to. This determination was made after consultation with the Advisory Committee on Financial Services Providers.

- (a) Written reports for the reporting periods, by completing the attached schedule, or by electronically completing the schedule on the web site of the Financial Services Board (www.fsb.co.za), must be submitted two months after the reporting date.
- (b) Answers must not be provided in columns that are shaded in grey in the schedule.
- (c) In this Notice, unless the context indicates otherwise –
 - (i) any word or expression shall have the meaning that it was assigned in the Act;
 - (ii) **"Code of Conduct"** means any Code published under section 15 of the Act;
 - (iii) **"Code of Conduct for Discretionary FSPs"** means the Code of Conduct for Discretionary FSPs, 2003;
 - (iv) **"Determination of Fit and Proper Requirements"** means the Determination of Fit and Proper Requirements for Financial Services Providers, 2008;
 - (v) **"Exemption in respect of Services under Supervision"** means the Exemption in respect of Services under Supervision in terms of Requirements and Conditions, 2008 (BN 104 of 2008);
 - (vi) **"FICA"** means the Financial Intelligence Centre Act, 2001;
 - (vii) **"Forex Investment Business Code of Conduct"** means the Code of Conduct for Authorised Financial Services Providers, and their Representatives, involved in Forex Investment Business, 2004;

- (viii) **"FSP", "financial services provider" or "provider"** means an authorised financial services provider, and includes, where applicable, any representative of the provider;
- (ix) **"General Code of Conduct" or "General Code"** means the Code of Conduct for Authorised Financial Services Providers and their Representatives, 2003;
- (x) **"key individual"** means a key individual as defined in section 1(1) of the Act including sole proprietors as defined in section 1(1) of the Determination of Fit and Proper Requirements;
- (xi) **"Regulations"** means the Financial Advisory and Intermediary Services Regulations, 2003;
- (xii) **"reporting date"** means 30 June 2013 and 31 December 2013;
- (xiii) **"reporting period"** means the period from the latest of-
 - (aa) the date of authorisation as financial services provider in terms of section 8 of the Act;
 - (bb) the first day of the month following the reporting period for the previous compliance report; or
 - (cc) the date of appointment of the compliance officer of the FSP,until the reporting date.

This Determination is called the Bi-Annual Compliance Report for Categories II and IIA FSPs, 2013, and comes into operation on the date of publication thereof.



GE ANDERSON,
Deputy Registrar of Financial Services Providers

SCHEDULE

Bi-Annual Compliance Report for Category II and IIA FSPs for the reporting periods ended 30 June 2013 and 31 December 2013

Scope

In accordance with section 17(4) of the Act, I/we (the approved Compliance Officer(s) of the Financial Services Provider hereby report as follows as regards compliance with the Act by (the full name of the FSP and the FSP Number) and any representatives of the FSP, for the reporting period (date reporting period started) to (reporting date).

	Question	Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
	SECTION 1 – GENERAL				
1	Conditions and restrictions by Registrar <i>Sections 7 and 8(4)(a) and (5)(b) of Act</i>				
1.1	Does the FSP have procedures in place to ensure that it is able to comply with the licensing condition requiring the FSP to update its business information within 15 days of any change/s occurring?				
1.2	Did the FSP change legal status as an entity (e.g. from CC to (Pty) Ltd) since obtaining a licence?				
1.3	<i>If the answer to Question 1.2 is YES –</i> Did the FSP obtain a new licence as contemplated in section 8 of the Act?				
1.4	Does the FSP verify in all instances that any FSP that it gives an instruction to, or receives an instruction from, is authorised to render the relevant financial services without any restrictions in the licence in relation to a specific financial product?				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
1.5	Financial products in respect of which FSP renders financial services <i>Condition 5 imposed by Registrar in terms of section 8(4) of the Act</i>				
1.5.1	Is the FSP regulated in terms of any other law (within or outside South Africa)? (Please note that this does not include membership of professional bodies.)				
1.5.2	<i>If the answer to Question 1.5.1 is YES -</i> Provide details of the Regulator (Name of Regulator and registration and/or licensing number/s with the Regulator, if applicable) in a separate annexure and indicate the annexure number in column 4.				
1.5.3	Does the FSP render financial services on any financial product that is not specifically defined in the Act or regulated in terms of any other legislation?				
1.5.4	<i>If the answer to Question 1.5.3 is YES – Questions 1.5.4.1 to 1.5.4.4 must be answered</i>				
1.5.4.1	Provide details of the financial products concerned in a separate annexure and indicate the annexure number in column 4.				
1.5.4.2	Does the FSP disclose in writing, to clients that these financial products are not regulated in terms of the FAIS Act?				
1.5.4.3	Does the FSP conduct due diligence on these financial products and on the product suppliers who offer or issue them?				
1.5.4.4	Does the FSP provide clients with details of the unregulated financial products?				
1.6	Financial products in respect of which FSP renders financial services <i>Authorisation in terms of licence</i>				
1.6.1	Does the FSP have procedures in place to ensure that the rendering of financial services is done within the limitation on categories and sub-categories for which it is licensed?				
1.6.2	Did any non-compliance occur in respect of the limitation on categories and sub-categories during the reporting period?				
1.6.3	<i>If the answer to Question 1.6.2 is YES -</i> Provide details of such non-compliance as well as steps taken to reasonably ensure that such				

Question	Column				Annexure number
	1	2	3	4	
	Yes	No	Not applicable		
	non-compliance does not occur again in a separate annexure and indicate the annexure number in column 4.				
1.7	Functions performed by FSP				
1.7.1	During the reporting period did the FSP render services as a pension fund administrator in terms of section 13B of the Pension Funds Act, 1956?				
1.7.2	Did the FSP act as asset consultant (advisor) to a pension fund during the reporting period?				
1.7.3	Is the FSP a licensed credit provider in terms of the National Credit Act, 2005?				
1.7.4	Did the FSP act as a promoter of unlisted shares and debentures (property syndicator) during the reporting period?				
1.7.5	Does the FSP manage investment deposit accounts and / or interest bearing deposit accounts in the name of client's e.g. corporate saver accounts or cash management accounts?				
1.7.5.1	<i>If the answer to question 1.7.6 is YES –</i> Were all transactions concluded based upon instructions from clients in whose names accounts are held?				
1.7.6	Does the FSP manage a private equity fund?				
1.7.7	Does the FSP have third party named portfolios (white label) agreements in place with managers of collective investment schemes?				
1.7.8	Does the FSP provide corporate financing services to its clients?				
1.8	Indicate whether the following form part of the main business of the FSP:				
1.8.1	Authorised user as defined in the Financial Markets Act. No 19 of 2012				
1.8.2	Bank as defined in the Banks Act, 1990				
1.8.3	Pension fund administrator as contemplated in section 13B in the Pension Funds Act, 1956				

Question	Column				
	1	2	3	4	Annexure number
	Yes	No	Not applicable		
1.8.4					
1.8.5					
1.8.6					
2					
2.1					
2.2					
3					
3.1					
3.2					
3.3					
3.4					
3.4.1					

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
3.4.2	<i>If the answer to Question 3.4.1 is YES – Provide full details thereof in a separate annexure and indicate the annexure number in column 4.</i>				
3.4.3	Is the key individual able to maintain the operational ability to fulfill the responsibilities imposed by the Act on FSPs, including (where applicable) oversight of the financial services rendered by the representatives of the FSP?				
4	Operational ability and financial soundness Parts VIII and IX of the Determination of Fit and Proper Requirements and section 19 of the Act				
4.1	Did the assets of the FSP (excluding goodwill, other intangible assets and investments in related parties) at all times exceed the FSP's liabilities (excluding loans validly subordinated in favour of all other creditors) and, in the case of a Category IIA FSP, did the assets exceed the liabilities by at least R3 million?				
4.2	Did the FSP at all times maintain current assets which were at least sufficient to meet the current liabilities of the FSP?				
4.3	Did the FSP at all times comply with the liquid asset requirements applicable to the FSP?				
4.4	Does the FSP prepare monthly accounting records as contemplated in section 19 of the Act?				
4.5	Does the FSP prepare audited financial statements on an annual basis, irrespective of the FSP's legal status?				
4.6	Has the FSP notified the Registrar of the details of the approved auditor in terms of section 19 of the Act?				
4.7	Has the FSP changed auditors during the reporting period?				
4.8	<i>If the answer to Question 4.7 is YES -</i> Did the FSP submit a profile change request to the Registrar in respect of the change of auditors?				
4.9	Did you (compliance officer) have unrestricted access to view the accounting records of the				

Question	Column				Annexure number
	1	2	3	4	
	Yes	No	Not applicable		
FSP at all times during the reporting period?					
4.9.1 <i>If the answer to question 4.9 is NO - In a separate annexure, give an explanation as to the reasons provided by the FSP for denying access to the accounting records. Indicate the annexure number in column 4.</i>					
4.10 Does the FSP have internal procedures and controls in place to ensure that the requirements as described in section 8(3) of the Determination of Fit and Proper Requirements are complied with?					
4.10.1 <i>If the answer to question 4.10 is NO - In a separate annexure, indicate the steps that will be taken to ensure that the relevant controls and procedures are implemented. Indicate the annexure number in column 4.</i>					
SECTION 2 – GENERAL CODE OF CONDUCT					
5 General Code of Conduct					
5.1 General provisions <i>Section 3 of General Code of Conduct and Board Notice 58 of 2010</i>					
5.1.1 Has the FSP adopted, maintained and implemented a conflict of interest management policy?					
5.1.2 <i>If the answer to Question 5.1.1 was YES – Questions 5.1.3 to 5.1.7 must be answered</i>					
5.1.3 Was this reporting period the FSP's first year of business?					
5.1.3.1 <i>If the answer to question 5.1.3 is YES – Provide a copy of the conflict of interest management policy of the FSP as a separate annexure. Indicate the annexure number in column 4.</i>					
5.1.4 If this reporting period was not the FSP's first year of business, did the FSP amend or revise the conflict of interest management policy during the reporting period?					
5.1.4.1 <i>If the answer to question 5.1.4 is YES –</i>					

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
	Provide a copy of the amended conflict of interest management policy as a separate annexure. Indicate the annexure number in column 4.				
5.1.5	Are the employees, representatives and, where appropriate, associates of the FSP aware of the conflict of interest management policy?				
5.1.6	Has appropriate training and educational material been provided to the employees, representatives and where appropriate, associates?				
5.1.7	Has the conflict of interest management policy been published in appropriate media and is the policy easily accessible for public inspection at all reasonable times?				
5.1.8	If applicable, did the FSP or its representative(s) disclose to a client in writing any conflict of interest in respect of that client?				
5.1.9	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 clients or unless it is required to do so in terms of any legislation?				
6.	Insurance cover <i>Sections 5(e) and 13 of the General Code of Conduct and Board Notice 123 of 2009</i>				
6.1	Does the FSP have professional indemnity cover? If yes, the Statistical Information Sheet (Section 11) must be completed.				
6.1.1	<i>If the answer to Question 6.1 is YES –</i> Attach a copy of the latest insurance schedule in a separate annexure and indicate the annexure number in column 4.				
6.2	Does the FSP have fidelity insurance cover? If yes, the Statistical Information Sheet (Section 11) must be completed.				
6.2.1	<i>If the answer to Question 6.2 is YES –</i> Attach a copy of the latest insurance schedule in a separate annexure and indicate the annexure number in column 4.				
6.3	Does the FSP have guarantees in place as contemplated in section 13 of the General Code of				

Question		Column				Annexure number
		1	2	3	4	
		Yes	No	Not applicable		
	Conduct? If yes, the Statistical Information Sheet (Section 11) must be completed.					
6.3.1	If the answer to Question 6.3 is YES – Attach a copy of the latest guarantees in a separate annexure and indicate the annexure number in column 4.					
6.4	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?					
6.5	Did the FSP have any claims against its professional indemnity cover, fidelity insurance cover or guarantees during the reporting period? If yes, the Statistical Information Sheet (Section 11) must be completed.					
7	Disclosure requirements <i>Sections 4, 5 and 7 of General Code of Conduct</i>					
7.1	Is the FSP authorised as a Category I FSP?					
7.2	If the answer to question 7.1 is YES - questions 7.2.1 to 7.2.3.4 must be answered.					
7.2.1	Does the FSP have procedures in place to ensure that its disclosure documentation complies with sections 4 and 5 of the General Code of Conduct?					
7.2.2	Does the FSP have procedures in place to ensure that its disclosure documentation complies with section 7 of the General Code of Conduct?					
7.2.3	Does the FSP disclose the following information in terms of section 7(1)(c) of the General Code of Conduct to the client in writing:					
7.2.3.1	The name, class or type of financial product concerned;					
7.2.3.2	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 financial service concerned;					
7.2.3.3	Any material risk and where applicable investment risk associated with the product concerned;					

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
7.2.3.4	Extent of monetary obligations assumed by the client, the frequency thereof and consequences of non-compliance concerned.				
8	Direct marketing <i>Section 15 of General Code of Conduct</i>				
8.1	Is the FSP authorised as a Category I FSP? If the answer is YES, question 8.2 must be answered.				
8.2	Does the FSP act as a direct marketer as defined in section 1 of the General Code of Conduct?				
8.3	If the answer to Question 8.2 is YES – questions 8.3.1 to 8.3.3 must be answered				
8.3.1	Does the FSP have recording systems in place to record all telephonic conversations with clients in the course of direct marketing?				
8.3.2	Does the FSP have appropriate procedures and systems in place to store and retrieve recordings?				
8.3.3	Does the FSP have procedures in place to ensure that it complies with section 15 (read with sections 4, 5 and 7) of the General Code of Conduct?				
8.3.4	<i>If the answer to Question 8.3.3 is NO - In a separate annexure, provide details on how and when (provide specific time frame) such procedures will be put in place. Indicate the annexure number in column 4.</i>				
9	Furnishing of advice and record of advice <i>Sections 8 and 9 of General Code of Conduct</i>				
9.1	Did the FSP furnish advice as a regular feature of its business during the reporting period?				
9.2	If the answer to question 9.1 is YES – questions 9.2.1 to 9.2.5 must be answered				
9.2.1	Does the FSP have procedures in place to ensure that an analysis of the client's financial				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
	situation and objectives is performed before advice is furnished?				
9.2.2	<i>If the answer to Question 9.2.1 is NO -</i> In a separate annexure, provide details on how these procedures will be implemented. Indicate the annexure number in column 4.				
9.2.3	Does the FSP have procedures in place to ensure compliance with section 8(1)(d) of the General Code of Conduct relating to replacement products?				
9.2.4	Does the FSP keep a record of advice and provide it to its clients in accordance with section 9 of the General Code of Conduct? Provide details of instances of non-compliance found as well as steps taken to reasonably ensure that such non-compliance does not occur again in a separate annexure and provide the annexure number in column 4.				
9.2.5	Did the FSP conclude any transactions in terms of section 8(4)(a) of the General Code of Conduct during the reporting period? If the answer is YES, the Statistical Information Sheet (Section 11) must be completed.				
10	Custody of financial products and funds <i>Section 10 of General Code of Conduct</i>				
10.1	Does the FSP receive or hold funds on behalf of clients in accounts other than in separate bank accounts in the name of clients; or receive or hold financial products on behalf of clients and those financial products are not held in safe custody by a custodian appointed by the client?				
10.2	<i>If the answer to question 10.1 is YES – questions 10.2.1 to 10.2.4 must be answered</i>				
10.2.1	Does the FSP issue written confirmation of receipts to clients when funds and/or premiums are received from clients without the mediation of a bank?				
10.2.2	In a separate annexure, provide a list of products (sub-categories of licence) in respect of which the FSP receives funds and/or premiums. Indicate the annexure number in column 4.				
10.2.3	Does the FSP have procedures in place to ensure that client funds and/or premiums can be readily and clearly distinguished from private assets or funds of the FSP?				

Question		Column				Annexure number
		1	2	3	4	
		Yes	No	Not applicable		
10.2.4	Does the FSP collect short-term insurance premiums from clients on behalf of product suppliers?					
10.2.5	<i>If the answer to question 10.2.4 is YES – questions 10.2.5.1 and 10.2.5.2 must be answered</i>					
10.2.5.1	Does the FSP collect premiums in accordance with section 45 of the Short-term Insurance Act, 1998?					
10.2.5.2	Does the FSP have an IGF Guarantee in terms of section 45 of the Short-term Insurance Act, 1998? If YES, Provide a copy of the IGF schedule as a separate annexure and indicate the annexure number in column 4.					
10.6	Do any representatives of the FSP collect premiums on behalf of the FSP in accordance with the provisions stipulated in section 45 of the Short-term Insurance Act, 1998?					
10.7	Do any representatives of the FSP receive or hold financial products or funds, belonging to clients, on behalf of the FSP?					
10.8	Does the FSP have procedures in place to ensure that client financial products can be readily/clearly distinguished from the private assets of the FSP?					
11	Risk management <i>Sections 11 and 12 of General Code of Conduct</i>					
11.1	Does the FSP have and employ appropriate risk management resources, procedures, systems and controls as described in sections 11 and 12 of the General Code of Conduct?					
11.2	Does the FSP have a documented risk management plan?					
11.2.1	<i>If the answer to Question 11.2 is NO – In a separate annexure, indicate the steps that the FSP has taken to put a risk management plan in place. Indicate the annexure number in column 4.</i>					
12	Advertising <i>Section 14 of General Code of Conduct</i>					

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
12.1	Does the FSP advertise its financial services?				
12.2	<i>If the answer to Question 12.1 is YES - questions 12.2.1 to 12.2.3 must be answered</i>				
12.2.1	Does the FSP have procedures in place to ensure that advertisements and advertising communications and material comply with section 14 of the General Code of Conduct?				
12.2.2	If the FSP advertised financial services by telephone during the reporting period, did the FSP maintain an electronic, voice logged record of all communications?				
12.2.3	Was reference to the fact that a licence is held contained in all advertisements used by the FSP during the reporting period?				
13	Complaints <i>Sections 16 to 19 of General Code of Conduct</i>				
13.1	Does the FSP have a complaint policy and resolution system in place that complies with sections 16 to 19 of the General Code of Conduct?				
13.2	Were any complaints against the FSP referred to the FAIS Ombud during the reporting period?				
13.2.1	<i>If the answer to Question 13.2 is YES –</i> Provide the following details: number of complaints referred to the FAIS Ombud, type of complaint (what the complaint was about) as well as outcome of the complaint. Indicate the annexure number in column 4.				
14	Maintenance of records <i>Section 18 of Act and General Code of Conduct</i> <i>Section 22 of FICA</i>				
14.1	Does the FSP have appropriate procedures and systems in place to record the information contemplated in section 18 of the Act and section 3(2) of the General Code of Conduct?				
14.2	Can all documents be inspected by the Registrar within 7 days from the date of request?				
14.3	Are all records stored in a manner that ensures that such records will be safe from				

Question		Column				Annexure number
		1	2	3	4	
		Yes	No	Not applicable		
	destruction?					
14.4	Does the FSP have a process in place to reasonably ensure that records are kept for a period of five years after termination of the product concerned or, in any other case, after the rendering of the financial service concerned?					
14.5	Does the FSP have electronic back-ups for all electronic records?					
14.6	<i>If the answer to Question 14.5 is YES – questions 14.6.1 and 14.6.2 must be answered</i>					
14.6.1	Does the FSP have procedures (e.g. disaster recovery procedures) in place to ensure that back-ups are tested on a sample basis in order to reasonably ensure that records can be retrieved in a proper manner?					
14.6.2	In a separate annexure, indicate the last time such back-ups were tested and the result of the test. Indicate the annexure number in column 4.					
15	Termination of agreement or business <i>Section 20 of General Code of Conduct</i>					
15.1	Does the FSP have procedures in place to ensure compliance with section 20 of the General Code of Conduct?					
15.2	Does the FSP have a business continuity plan and procedures in place to ensure that its clients will be serviced if the business is terminated for any reason?					
15.3	<i>If the answer to question 15.2 is NO –</i> In a separate annexure, provide an explanation as to what steps will be taken to put a plan in place. Indicate the annexure number in column 4.					
16	Waiver of rights <i>Section 21 of the General Code of Conduct</i>					
16.1	Does the FSP have procedures in place to ensure that the FSP does not request or induce a client in any manner to waive any right or benefit conferred on the client by the General Code					

Question	Column				Annexure number
	1	2	3	4	
	Yes	No	Not applicable		
	of Conduct? Provide details of any instances of non-compliance of section 21 as well as steps taken to reasonably ensure that such non-compliance does not occur again in a separate annexure and indicate the annexure number in column 4.				
16.2	Does the FSP have procedures in place to ensure compliance with section 21 of the General Code of Conduct?				
	SECTION 3 - REPRESENTATIVES				
17	Representatives Sections 13 and 14 of the Act and section 8(b) of Determination of Fit and Proper Requirements				
17.1	Does the FSP have representatives? If YES, the Statistical Information Sheet (Section 11) must be completed.				
17.2	<i>If the answer to question 17.1 is YES, questions 17.3 to 17.10 must be answered</i>				
17.3	Does the FSP have any juristic representatives? If YES, the Statistical Information Sheet (Section 11) must be completed.				
17.4	<i>If the answer to Question 17.3 is YES – questions 17.4.1 to 17.4.3 must be answered</i>				
17.4.1	Does the FSP have an agreement with each juristic representative? If YES attach a copy of the agreement as a separate annexure and indicate the annexure number in column 4.				
17.4.2	Are all employees of the juristic representative, who renders financial services on behalf of the provider, appointed as representatives of the provider in terms of section 13 of the Act?				
17.4.3	Does the FSP have procedures in place to ensure that juristic representatives have the necessary operational ability to render financial services to clients?				
17.5	Does the FSP have procedures in place (including documentation) to enable representatives to provide clients with confirmation, certified by the provider, of their status as representatives				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
	as provided for in section 13(1)(b)(i) of the Act?				
17.6	Does the key individual/s have the operational ability to fulfill the responsibilities imposed by the Act on FSPs, including oversight of the financial services provided by the representatives of the FSP?				
17.7	Competency of representatives <i>Section 13(2)(a) of the Act, Parts II, III and VI of Determination of Fit and Proper Requirements and Board Notice 151 of 2008</i>				
17.7.1	Does the FSP have procedures in place to ensure that representatives comply with the personal character qualities of honesty and integrity and the competency requirements as set out in Parts II and III of the Determination of Fit and Proper Requirements?				
17.7.2.	Does the FSP have adequate processes in place to monitor whether all representatives have passed the First Level Regulatory examination by the applicable date?				
17.8	Representatives rendering services under supervision				
17.8.1	Does the FSP have representatives who, on the reporting date, render financial services under supervision as contemplated in paragraph 3 of the Exemption in respect of Services under Supervision?				
17.8.2	If the answer to question 17.8.1 is YES –questions 17.8.2.1 to 17.8.2.5 must be answered				
17.8.2.1	Confirm the number of representatives rendering services under supervision as well as the number of supervisors, as at the reporting date, on the Statistical Information Sheet (Section 11).				
17.8.2.2	Does the FSP have procedures in place to monitor the compliance of supervisors with paragraph 4(7)(a) to (f) of the Exemption in respect of Services under Supervision? If YES, attach a copy of the procedures as a separate annexure and indicate the annexure number in column 4.				
17.8.2.3	Does the FSP have procedures in place to ensure that there is a formal, documented supervision plan in place for representatives that are rendering services under supervision?				

Question	Column				Annexure number
	1	2	3	4	
	Yes	No	Not applicable		
17.8.2.4	Does the FSP have procedures in place to ensure that the fact that a representative is rendering financial services under supervision is disclosed to clients?				
17.8.2.5	Was any non-compliance found in terms of representatives under supervision? If YES, submit full details of such non-compliance as well as steps taken to reasonably ensure that such non-compliance does not occur again in a separate annexure. Indicate the annexure number in column 4.				
17.9	Representatives' compliance with Code of Conduct <i>Section 13(2)(b) of Act and sections 3A and 5(f) of General Code of Conduct</i>				
17.9.1	Does the FSP have procedures in place to determine whether representatives adhered to the requirements stipulated in the Codes of Conduct applicable to the FSP?				
17.9.2	If the answer to Question 17.9.1 is YES— questions 17.9.2.1 to 17.9.2.4 must be answered				
17.9.2.1	In a separate annexure, describe the procedures that the FSP has in place to determine whether the representatives adhered to said requirements. Indicate the annexure number in column 4.				
17.9.2.2	During the reporting period did any representatives of the FSP receive any financial interest for giving preference to the quantity of business secured for the provider to the exclusion of the quality of financial service rendered to clients as contemplated in section 3A(1)(b)(i) of the General Code of Conduct?				
17.9.2.3	During the reporting period did any representatives of the FSP receive any financial interest for giving preference to a specific product supplier, where the representative may have recommended more than one product supplier to a client as contemplated in section 3A(1)(b)(ii) of the General Code of Conduct?				
17.9.2.4	During the reporting period did any representatives of the FSP receive any financial interest for giving preference to a specific product of a product supplier, where the representative was able to recommend more than one product of that product supplier to the client as contemplated in section 3A(1)(b)(iii) of the General Code of Conduct?				
17.10	Debarment of representatives				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
	<i>Section 14 of Act</i>				
17.10.1	Does the FSP have procedures in place to debar a representative if the representative does not comply with the personal character qualities of honesty and integrity and the competency requirements set out in Parts II and V of the Determination of Fit and Proper Requirements?				
17.10.2	Has the FSP taken steps to debar representatives who have not complied with the qualification requirements in Column Two of Table E in Part X of the Determination of Fit and Proper Requirements?				
17.10.2.1	<i>If the answer to question 17.10.2 is YES –</i> In a separate annexure, provide full details thereof. Indicate the annexure number in column 4.				
	SECTION 4 – MONEY LAUNDERING CONTROL PROCEDURES				
18	Money laundering control procedures				
18.1	Is the FSP an accountable institution listed in Schedule 1 of FICA?				
18.2	<i>If the answer to question 18.1 is YES, Questions 18.3 to 18.15 must be answered–</i>				
18.3	Has the FSP registered with the Financial Intelligence Centre in terms of section 43B of FICA?				
18.4	Does the FSP have all the necessary policies, procedures and systems in place to ensure full compliance with FICA and other applicable anti-money laundering or terrorist financing legislation as required in terms of paragraph 8(1)(e) of the Determination of Fit and Proper Requirements?				
18.5	Was this reporting period the FSP's first year of business?				
18.5.1	<i>If the answer to question 18.5 is YES –</i> Provide a copy of the internal rules used by the FSP as a separate annexure and indicate the annexure number in column 4.				
18.6	If this reporting period was not the FSP's first year of business, did the FSP amend/revise the				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
	internal rules during the reporting period?				
18.6.1	<i>If the answer to question 18.6 is YES –</i> Provide a copy of the amended rules in a separate annexure and indicate the annexure number in column 4.				
18.7	Does the FSP make use of a standard internal rules document supplied by a third party?				
18.7.1	<i>If the answer to question 18.7 is YES –</i> Was the document modified to apply to this FSP?				
18.8	Does the FSP establish and verify the identity of all clients as required in terms of FICA?				
18.8.1	<i>If the answer to question 18.8 is NO –</i> In a separate annexure provide details of why such verification was not done, and indicate the steps taken to reasonably address the non-compliance. Indicate the annexure number in column 4.				
18.9	Did the FSP provide employees with ongoing or refresher training during the reporting period as recommended by the Financial Intelligence Centre?				
18.9.1	<i>If the answer to question 18.9 is YES –</i> Did the training include an assessment to determine the employees' understanding?				
18.10	Does the FSP have procedures in place to report property associated with terrorist and related activities in terms of section 28A of FICA?				
18.11	Does the FSP have procedures in place to ensure that its staff is able to identify suspicious transactions and report such transactions accordingly?				
18.12	Does the FSP have procedures in place to rate its clients in order to establish which clients pose a higher risk of money laundering and financing terrorism?				
18.13	Does the FSP perform identification and verification of clients on behalf of another accountable institution, as envisaged in paragraph 4 of the Exemptions in terms of FICA (GNR. 1596 of 2002)? If yes, provide details of the accountable institution on whose behalf this function is performed under the Statistical Information Sheet (Section 11)				

		Column			
Question		1	2	3	4
		Yes	No	Not applicable	Annexure number
18.14	Does the FSP rely on another accountable institution for the identification and verification of clients in terms of paragraph 4 of the Exemptions in terms of FICA (GNR. 1596 of 2002)? If yes, provide details of the accountable institution that performs this function on your behalf under the Statistical Information Sheet (Section 11).				
18.15	Does the FSP have procedures in place to ensure it can submit cash threshold reports in terms of section 28 of FICA?				
18.16	If the answer to question 18.1 is NO – questions 18.16.1 to 18.16.4 must be answered				
18.16.1	Is the FSP a reporting institution referred to in Schedule 3 of FICA?				
18.16.1.1	<i>If the answer to question 18.16.1 is YES-</i> Has the FSP registered with the Financial Intelligence Centre in terms of section 43B of FICA?				
18.16.2	Does the FSP have procedures in place to ensure that its staff is able to identify suspicious transactions and report such transactions accordingly?				
18.16.3	Does the FSP have procedures in place to ensure that it remains up to date with the requirements of the Financial Intelligence Centre in respect of identifying and reporting suspicious and unusual transactions?				
18.16.4	Does the FSP have procedures in place to ensure submission of cash threshold reports in terms of section 28 of FICA?				
SECTION 5 – COMPLIANCE FUNCTION					
19	Compliance function <i>Section 17 of Act and Chapter IV of Regulations and Board Notice 127 of 2010</i>				
19.1	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 of the Regulations?				
19.2	Has the FSP appointed a compliance officer in terms of section 17 of the Act?				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
19.3	<i>If the answer to question 19.2 is YES – questions 19.4 to 19.10 must be answered</i>				
19.4	Have you been appointed as an internal compliance officer of the FSP?				
19.5.1	<i>If the answer to question 19.4 is YES:</i> Have you also been appointed as the internal compliance officer of any other FSP? If YES, in a separate annexure, provide the details of the FSP. Indicate the annexure number in column 4.				
19.5.2	<i>If the answer to question 19.4 is YES:</i> Have you delegated the rendering of compliance services to another person? If the answer is YES, the statistical information sheet (section 11) must be completed.				
19.6	Do you provide written reports on the compliance monitoring and recommendations relating to the FSP on a regular basis? If YES, the Statistical Information Sheet (Section 11) must be completed.				
19.7	Does the FSP operate from only one business premises?				
19.8	<i>If the answer to 19.7 is NO – Questions 19.8.1 and 19.8.2 must be answered</i>				
19.8.1	Did you (and in the case of an internal compliance officer, any delegated employee) conduct regular visits to the other business premises, business units and / or branches of the FSP? If YES, the Statistical Information Sheet (Section 11) must be completed.				
19.8.2	Did you (and in the case of an internal compliance officer, any delegated employee) conduct regular visits to the business premises, business units and / or branches of the representatives of the FSP? If YES, the Statistical Information Sheet (Section 11) must be completed.				
19.9	Are you also the compliance officer appointed in terms of section 43(b) of FICA? If the answer is NO, the identity number of the compliance officer so appointed must be supplied in the Statistical Information Sheet (Section 11).				
19.10	Do you have any issues with regard to the FSP that are not covered by this report that you would want to bring to the attention of the Registrar? Attach a written copy of your comments as an annexure and indicate the annexure number in column 4.				
20	Monitoring				

Question		Column				Annexure number
		1	2	3	4	
		Yes	No	Not applicable		
20.1	Does the FSP have an approved Compliance Officer?					
20.2	<i>If the answer to question 20.1 is YES, questions 20.3 to 20.8 must be answered</i>					
20.3	During the reporting period did you monitor whether the FSP or any of its employees receive or offer any immaterial financial interest to or from a third party?					
20.3.1	<i>If the answer to question 20.3 is YES- Were any instances of non-compliance identified i.e. where the monetary value of the financial interest exceeded an aggregate of R1 000 during the calendar year?</i>					
20.3.2	<i>If the answer to Question 20.3.1 is YES – In a separate annexure, provide a detailed report of the non-compliance and steps taken to prevent recurrence of the non-compliance. Indicate the annexure number in column 4.</i>					
20.4	Did you monitor whether the FSP has complied with sections 4, 5 and 7 of the General Code of Conduct?					
20.4.1	<i>If the answer to Question 20.4 is YES – Did you find any instances of non-compliance? If YES – the Statistical Information Sheet (Section 11) must be completed.</i>					
20.5	Did you) conduct monitoring in respect of the FSP's Risk Management Plan?					
20.5.1	<i>If the answer to Question 20.5 is YES – In a separate annexure, provide details as to how the Risk Management Plan is monitored. Indicate the annexure number in column 4.</i>					
20.6	<i>Indicate whether you monitored the following during the reporting period:</i>					
20.6.1	Financial products in respect of which the FSP renders financial services.					
20.6.2	Representatives under supervision.					
20.6.3	Juristic representatives					

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
20.6.4	Disclosure documents to verify compliance with sections 4 and 5 of the General Code of Conduct.				
20.6.5	Disclosure documents to verify compliance with section 7 of the General Code of Conduct.				
20.6.6	Furnishing of advice and record of advice.				
20.6.7	Receipt of funds and/or collection of premiums.				
20.6.8	Waiver of rights.				
20.6.9	Money laundering control procedures.				
20.6.10	Exchange control regulations (in case of a forex FSP).				
20.6.11	Policies and procedures.				
20.6.12	Mandates and application forms.				
20.6.13	Conflict of interest management policy				
20.6.14	Direct marketer's telesales script and/or telesales voice recordings to verify compliance with section 15 of the General Code of Conduct.				
20.6.15	Other. Please provide details of other type of monitoring in a separate annexure and indicate the annexure number in column 4.				
20.7	In a separate annexure, provide an explanation as to how you did the monitoring (methodology). Please also include the extent of monitoring. Indicate the annexure number in column 4.				
20.8	Did you conduct file sampling during the reporting period?				
20.8.1	If the answer to Question 20.8 is YES – Was sampling applied to all reviews conducted? If the answer is NO, to what percentage of reviews conducted was sampling applied? Indicate the percentage on the Statistical Information Sheet (Section 11)				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
	SECTION 6 – DISCRETIONARY FSPs				
21	Particular duties/obligations relating to discretionary FSPs				
21.1	Prohibitions and duties of discretionary FSP <i>Section 3 of Code of Conduct for Discretionary FSPs</i>				
21.1.1	Does the FSP have procedures in place to ensure that it does not:				
21.1.2	without the relevant client's written approval, sell or provide a third party with the client's detail, unless obliged by, or in terms of, any law to do so?				
21.1.3	directly or indirectly sell any financial products owned by the FSP to any client or buy for own account any financial product owned by the client?				
21.1.4	directly or indirectly engage in the netting of transactions?				
21.1.5	Did the FSP exercise a vote in a ballot conducted by a collective investment scheme or exercise voting rights on behalf of a client to gain control of a listed or unlisted company?				
21.1.6	If question 21.1.5 is answered YES, did the FSP have the client's prior written approval?				
21.2	Mandate <i>Section 5 of Code of Conduct for Discretionary FSPs</i>				
21.2.1	Did the Registrar approve all specimen mandate/s used by the FSP?				
21.2.2	Does the FSP have procedures in place to ensure that the FSP only renders intermediary services to clients in respect of whom signed mandates, which comply with section 5 of said Code, have been obtained?				
21.2.3	Does the FSP have procedures in place to ensure that all cash, assets and documents of title are returned to clients on termination of their mandates?				

Question	Column			
	1	2	3	4
	Yes	No	Not applicable	Annexure number
21.2.4	Does the FSP have procedures in place to ensure that clients are issued with final statement accounts on termination of the clients' mandates?			
21.2.5	Does the FSP have procedures in place to ensure that clients' investments are managed in terms of their mandates?			
21.2.6	Did the FSP invest any funds of clients in companies and/or structures in which the FSP, or any associated group or entity of the FSP, have an interest?			
21.2.6.1	<i>If the answer to Question 21.2.6 is YES -</i> Provide full details of such instances in a separate annexure and indicate the annexure number in column 4.			
21.3	Reporting to clients <i>Section 6 of Code of Conduct for Discretionary FSPs</i>			
21.3.1	Does the FSP have procedures in place to ensure that reports are furnished to clients within the periods required by section 6?			
21.3.2	Did the FSP comply with the requirements of section 6 in all instances?			
21.3.2.1	<i>If the answer to Question 21.3.2 is NO -</i> Provide details of any instances of non-compliance found as well as steps taken to reasonably ensure that such non-compliance does not occur again in a separate annexure and indicate the annexure number in column 4			
21.4	Administration			
21.4.1	Did the FSP hold and/or manage funds on behalf of clients during the reporting period?			
21.4.2	<i>If the answer to Question 21.4.1 is YES questions 21.4.3 to 21.4.7 must be answered -</i>			
21.4.3	As a separate annexure, submit an organogram of the FSP and details of the FSP's administrative system that is utilised for managing client assets. Indicate the annexure number in column 4.			

Question	Column			
	1	2	3	4
	Yes	No	Not applicable	Annexure number
21.4.4	As a separate annexure, submit details of the computer software packages and/or programmes that the FSP utilises in the administration process. Indicate the annexure number in column 4.			
21.4.5	Does the FSP outsource any of its functions? If YES, provide details of the outsourced functions (type of functions as well as whom it has been outsourced to) in a separate annexure and indicate the annexure number in column 4.			
21.4.6	Does the FSP manage assets on behalf of retirement funds and/or insurance companies?			
21.4.6.1	<i>If the answer to Question 21.4.6 is YES –</i> Does the FSP have procedures in place to ensure that the assets are held in the name of the client or in the name of an approved nominee company?			
21.4.7	Does the FSP maintain separate bank accounts in the name of the clients?			
21.5	Assets under management			
21.5.1	Did the FSP have assets under management as at the reporting date? If the answer is YES, the Statistical Information Sheet (Section 11.5) must be completed.			
21.6	Nominee companies <i>Section 8 of General Code of Conduct for Discretionary FSPs</i>			
21.6.1	Does the FSP hold client investments on behalf of clients?			
21.6.2	If the answer to Question 21.6.1 is YES – questions 21.6.2.1 to 21.6.2.3 must be answered			
21.6.2.1	Does the FSP hold client investments in its own nominee company approved by the Registrar as required in terms of regulation 6 of the Regulations?			
21.6.2.2	Does the FSP make use of another approved nominee company to hold client assets?			
21.6.2.3	As a separate annexure, attach a list of nominee companies that the FSP make use of to hold client assets. Also indicate whether the nominee company holds assets on behalf of pension funds, long-term insurers or short-term insurers. Indicate the annexure number in column 4.			

Question	Column			
	1	2	3	4
	Yes	No	Not applicable	Annexure number
21.7				
General functions				
21.7.1	Does the FSP manage clients' funds in wrap funds or structured funds on an administrative FSP's platform?			
21.7.1.1	<i>If the answer to question 21.7.1 is YES – In a separate annexure, provide details of the funds and underlying assets in the wrap funds or structured funds. Provide the annexure number in column 4.</i>			
21.7.2	Is the FSP authorised to render financial services in respect of long-term insurance products?			
21.7.2.1	<i>If the answer to Question 21.7.2 is YES – In a separate annexure, list the names of product suppliers that the FSP utilises. Indicate the annexure number in column 4.</i>			
21.7.3	Does the FSP render financial services as a Multi Manager?			
21.7.3.1	<i>If the answer to question 21.7.3 is YES – Did the FSP conduct a due diligence investigation on each of the underlying managers?</i>			
	SECTION 7 – FOREX FSPs <i>The Forex Investment Business Code of Conduct regulates forex investments which are investments in a financial product referred to in paragraph (e) of the definition of "financial product" in section 1(1) of the Act.</i>			
22	Particular duties relating to forex FSPs			
22.1	<i>If the FSP is licensed for subcategory 1.15 then Question 22.2 must be answered (and where applicable, questions 22.3.1 to 22.3.18 should also be answered)</i>			
22.2	Is the FSP licensed to render financial services as a forex services investment advisor?			
22.3	<i>If the answer to question 22.2 is YES – Questions 22.3.1 to 22.3.18 must be answered.</i>			
22.3.1	In a separate annexure, provide details of the clearing firm that the FSP deals with as well as			

Question	Column			
	1	2	3	4
	Yes	No	Not applicable	Annexure number
	the name and contact details of the Regulator in whose jurisdiction the clearing firm is located. Indicate the annexure in column 4.			
22.3.2	Did the FSP provide clients with the name and contact details of the clearing firm?			
22.3.3	Did the FSP provide clients with the name and contact details of the Regulator under whose jurisdiction the activity of the clearing firm falls?			
22.3.4	Does the FSP act as a forex advisor in respect of managed accounts and /or self-directed accounts?			
22.3.4.1	<i>If the answer to Question 22.3.4 is YES –</i> In a separate annexure, provide a copy of a written application form utilised for clients' purposes that was approved by the Registrar. Indicate the annexure number in column 4.			
22.3.5	In respect of self-directed accounts provide full details in a separate annexure on how the FSP ensures that clients are sophisticated and have the necessary trading skills to start trading themselves. Indicate the annexure number in column 4.			
22.3.6	Does the FSP provide regular training sessions to educate and assist the clients to optimise their trading skills?			
22.3.7	Did the FSP make any substantial /material changes to the application form referred to in question 22.3.4.1 without prior approval of the Registrar?			
22.3.8	Does the FSP take reasonable steps to ensure that the forex investment recommended to a client is suitable for the client?			
22.3.8.1	<i>If the answer to Question 22.3.8 is YES –</i> In a separate annexure, provide details of the procedures that the FSP has put in place to ensure that the client's objectives, risk appetite, financial situation and foreign investment product experience are obtained in order to act in the client's interests at all times. Indicate the annexure number in column 4.			
22.3.9	In a separate annexure, provide full details of the procedures that the FSP has put in place to ensure that risks associated with forex investments (including currency fluctuations), are			

Question	Column			
	1	2	3	4
	Yes	No	Not applicable	Annexure number
	disclosed to clients? Indicate the annexure number in column 4. If a standard disclosure document is used, please include a copy thereof as part of the annexure.			
22.3.10	Does the FSP have procedures in place to ensure that the forex investment intermediary, to whom it refers clients is an authorised FSP?			
22.3.11	Does the FSP have appropriate written agreements in place to govern the relationship with forex intermediaries to whom it refers clients?			
22.3.12	Does the FSP ensure that clients comply with exchange control legislation (including tax legislation) when giving advice on forex investment business? If any instances of non-compliance were found, please provide full details thereof as well as steps taken to reasonably ensure that such non-compliance does not occur again in a separate annexure and indicate annexure number in column 4.			
22.3.13	Does the FSP advise clients to invest by means of margin trading?			
22.3.13.1	<i>If the answer to Question 22.3.13 is YES –</i> In a separate annexure, provide details of the procedure that the FSP has put in place to ensure that the minimum leverage required does not exceed widely used industry norms. Indicate the annexure number in column 4.			
22.3.14	In a separate annexure, provide details of the procedure/s that the FSP has put in place to ensure all fees, charges, costs and commission payable to the different stakeholders involved in the forex investment process are fully and adequately disclosed to clients.			
22.3.15	Does the FSP directly obtain reports and statements from the clearing firm or foreign forex services provider and make them available to clients in a hard copy format or by electronic means?			
22.3.16	If the reports and statements referred to in 22.3.15 are generated by the clearing firm or foreign forex services provider, can the contents of the statements be altered by the FSP before being made available to clients or viewed online?			
22.3.17	In a separate annexure, provide a full explanation setting out how clients' funds which are held offshore will be treated if the FSP is wound up, liquidated or ceases to conduct business for any reason. Indicate the annexure number in column 4.			

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
22.3.18	Does the FSP ensure that a foreign forex services provider which holds investments on behalf of clients maintains insurance cover to guard against risk of loss due to fraud, dishonesty and negligence?				
23	Special prohibitions applying to forex investment intermediaries <i>Section 5 of the Forex Investment Business Code of Conduct</i>				
23.1	Is the FSP authorised to render financial services with respect to subcategory 2.12 of Table B in paragraph 4 of the Determination of Fit and Proper requirements?				
23.2	<i>If the answer to question 23.1 is YES – questions 23.3 to 23.25 must be answered</i>				
23.3	Does the FSP render forex investment intermediary services as a regular feature of business?				
23.4	Provide full details of the clearing firms the FSP deals with as well as the names and contact details of the Regulators in whose jurisdictions the clearing firms are domiciled in a separate annexure and indicate annexure number in column 4.				
23.5	In a separate annexure, provide a list of the product suppliers whose products the FSP renders financial services on and the countries they are domiciled in and indicate annexure number in column 4.				
23.6	Does the FSP deal on behalf of clients by means of margin trading?				
23.6.1	<i>If the answer to Question 23.6 is YES –</i> In a separate annexure, provide full details of the procedures that the FSP has put in place to ensure that the minimum leverage required does not exceed widely used industry norms. Indicate the annexure number in column 4.				
23.7	Did the FSP amend the specimen mandate/s substantially during the reporting period without prior written approval of the Registrar?				
23.8	Does the FSP have procedures in place to ensure that it only deals with clients in respect of whom mandates, which comply with section 5 of said Code, have been obtained?				
23.9	In a separate annexure, provide full details of the trading system or platform that the FSP utilises, and indicate the annexure number in column 4.				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
23.10	Does the FSP have procedures in place to ensure that client accounts are not churned?				
23.11	Does the FSP have clients in respect of managed forex accounts? If the answer is YES, the Statistical Information Sheet (Section 11) must be completed.				
23.12	Does the FSP take reasonable steps to ensure that the forex investment product to be intermediated on is suitable for a client?				
23.12.1	<i>If the answer to Question 23.12 is YES-</i> In a separate annexure, provide details of the procedures that the FSP has put in place to ensure that it obtains details of the client's financial situation, financial product experience and objectives. Indicate the annexure number in column 4.				
23.13	In a separate annexure, provide details of the procedures that the FSP has put in place to ensure that clients are provided, in a comprehensible and timely manner, with information regarding investments made in, market practices and the inherent risks, including currency fluctuations, of forex investment products. Indicate the annexure number in column 4.				
23.14	In a separate annexure, provide details of the procedures that the FSP has put in place to ensure all fees, charges, costs and commission payable to the different stakeholders involved in the investment/trading process are fully and adequately disclosed. Indicate the annexure number in column 4.				
23.15	Did the FSP comply with exchange control legislation (including tax legislation) when dealing with forex investment business?				
23.15.1	<i>If the answer to Question 23.15 is NO –</i> Provide full details of any instances of non-compliance found as well as steps taken to reasonably ensure that such non-compliance does not occur again in a separate annexure. Indicate the annexure number in column 4.				
23.16	Is the FSP licensed to render financial services relating to investments in foreign products issued by foreign product suppliers and foreign currency?				
23.17	Did the FSP provide clients with the name and contact details of the clearing firm?				

Question	Column			
	1	2	3	4
	Yes	No	Not applicable	Annexure number
23.18				
23.19				
23.20				
23.21				
23.22				
23.23				
23.23.1				
23.24				
23.24.1				

Question	Column			
	1	2	3	4
	Yes	No	Not applicable	Annexure number
23.25	Does the FSP ensure that a foreign forex services provider which holds investments on behalf of clients maintains insurance cover to guard against risk of loss due to fraud, dishonesty and negligence?			
SECTION 8 – HEALTH SERVICES BENEFITS				
24	Accreditation under section 65(3) of Medical Schemes Act, 1998 Section 8(7)(e) of the Act			
24.1	Is the FSP licensed to render financial services relating to health services benefits?			
24.2	<i>If the answer to Question 24.1 is YES – questions 24.2.1 to 24.2.3 must be answered</i>			
24.2.1	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? Please provide details of any suspension, withdrawal or lapse as a separate annexure to the report and indicate the annexure number in column 4.			
24.2.1.1	<i>If the answer to Question 24.2.1 is YES –</i> Was a profile change request submitted to the Registrar in order for the health services subcategory to be removed from the FSP's license?			
24.2.2	The details of the accreditation of the Council for Medical Schemes (ORG numbers for entities and BR numbers for key individuals) must be completed on the Statistical Information Sheet (Section 11).			
24.2.3	Does the FSP have any corporate clients? If the answer is YES, the Statistical Information Sheet (Section 11) must be completed.			
SECTION 9 – HEDGE FUND FINANCIAL SERVICES PROVIDERS				
25	Is the FSP licensed as a Category IIA FSP?			

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
26	If the answer to Question 25 is YES, Questions 27.1 to 32.2 must be answered and Section 11.10 of the Statistical Information Sheet must be completed in full.				
27	Key individuals and/or representatives				
27.1	Has there been a change in key individuals and/or representatives involved in rendering financial services to hedge funds during the reporting period?				
27.2	If the answer to Question 27.1 is YES – Did the FSP inform the Registrar of such changes?				
27.2.1	If the answer to question 27.2 is NO – In a separate annexure, provide details of changes in key individuals and/or representatives as well as reasons for not informing the Registrar of such changes, Indicate the annexure number in column 4.				
28	Determination of Fit and Proper Requirements				
28.1	If any changes occurred in key individuals and/or representatives without the FSP informing the Registrar, list the names and experience of the key individuals, representatives and juristic representatives in respect of their particular hedge fund strategy in a separate annexure. In the case of juristic representatives, list the key individuals of the juristic representatives and all natural persons rendering financial services on behalf of the juristic representative). Indicate the annexure number in column 4.				
28.2	Does the FSP have procedures in place to ensure that representatives and key individuals of representatives are competent to render financial services to hedge fund portfolios, taking into account the requirements of the Determination of Fit and Proper Requirements?				
29	Financial products and underlying assets				
29.1	Did any change occur during the reporting period in respect of the financial products that comprise the hedge fund portfolios of the FSP?				
29.1.1	If the answer to question 29.1 is YES – In a separate annexure, list all financial products that comprise the hedge fund portfolios of the FSP. Indicate the changes that were made to the hedge portfolios. Indicate the annexure number in column 4.				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
29.2	Are there any over-the-counter products in the hedge fund portfolios of the FSP?				
29.2.1	<i>If the answer to question 29.2 is YES –</i> Provide a list of the over-the-counter products in a separate annexure. Indicate the annexure number in Column 4.				
30	Structure of Hedge Funds				
30.1	Did any change occur on the structures that are used to contain or house the hedge fund portfolios since the last reporting period?				
30.1.1	<i>If the answer to question 30.1 is YES –</i> In a separate annexure, provide details on the change of structure. Indicate the annexure number in column 4.				
30.2	Did any change occur in the process followed by the FSP in respect of the flow of funds from the time when the client deposited the funds with the FSP to when the funds are utilised by the investment manager since the last reporting period?				
30.2.1	<i>If the answer to Question 30.2 is YES –</i> In a separate annexure, outline the process followed in respect of flow of funds from the time when the client deposits the funds to when the funds are utilised by the portfolio manager. Indicate the annexure number in column 4.				
31	General				
31.1	Did the person(s) responsible for the administration of hedge fund portfolios change during the reporting period?				
31.1.1	<i>If the answer to question 31.1 is YES –</i> In a separate annexure, provide full details (names, ID numbers, qualifications and experience) of the person(s) responsible for the administration of the hedge fund portfolio. If the function is outsourced, provide full details of the entity to which it is outsourced as well as details of the responsible person(s) at the outsourced party. Indicate the annexure number in column 4.				

Question		Column			
		1	2	3	4
		Yes	No	Not applicable	Annexure number
31.2	Did the person(s) responsible for the valuations of the hedge fund portfolios change during the reporting period?				
31.2.1	<i>If the answer to question 31.2 is YES -</i> In a separate annexure, provide details (Names, ID numbers, qualifications and experience) of the person(s) responsible for the valuation of the hedge fund portfolios. If the function is outsourced, provide full details of the entity to which it is outsourced, as well as details of responsible person(s) at the outsourced party. Indicate the annexure number in column 4.				
31.3	Did the FSP provide valuations on any instruments to the fund administrators which valuations, to the best of the FSP's knowledge, were relied upon by the administrator in valuating the fund during the reporting period?				
31.4	In a separate annexure, indicate the name(s) of the auditing firm(s) that signed the most recent audit opinion of the hedge fund. Indicate the annexure number in column 4.				
31.5	Has the FSP changed the prime broker(s) of the hedge fund since the last reporting period?				
31.5.1	<i>If the answer to Question 31.5 is YES -</i> In a separate annexure, indicate the name(s) of prime broker(s) used during the reporting period. Indicate the annexure number in column 4.				
31.6	Has the FSP changed the third party administrator(s) of the hedge fund since the last reporting period?				
31.6.1	<i>If the answer to Question 31.6 is YES -</i> In a separate annexure, indicate the name(s) of third party administrator(s) used during the reporting period. Indicate the annexure number in column 4.				
31.7	Did any change occur in respect of the hedge fund strategies utilised by the FSP during the reporting period?				
31.7.1	<i>If the answer to Question 31.7 is YES -</i> In a separate annexure indicate the hedge fund strategies utilised by the FSP during the reporting period. Indicate the annexure number in column 4.				

Question	Column			
	1	2	3	4
	Yes	No	Not applicable	Annexure number
31.8	Have any changes occurred in the operational ability of the FSP during the reporting period?			
31.8.1	<i>If the answer to Question 31.8 is YES –</i> In a separate annexure, attach an updated Form 15B (available as part of the Application form), clearly indicating the changes in operational ability. Indicate the annexure number in column 4			
31.9	Did the Registrar approve all specimen mandate/s of the hedge fund portfolios used during the reporting period?			
31.9.1	<i>If the answer to Question 31.9 is NO –</i> Attach a copy of the mandate/s not approved as a separate annexure and indicate the annexure number in column 4.			
31.10	Did the FSP breach any of its mandates during the reporting period? If YES – complete the relevant information on the Statistical Information Sheet (Section 11.8)			
31.11	Does the Hedge Fund FSP have a risk management plan in accordance with Part IX of the General Code of Conduct describing the risk management process in respect of the hedge fund management business in place?			
31.12	Did the FSP disclose the risks as contained in the <i>Notice on Hedge Fund FSP Disclosures, 2008</i> to its clients in hedge fund portfolios at all times during the reporting period?			
31.13	Did the person(s) responsible for risk management of hedge fund portfolios change during the reporting period?			
31.14	<i>If the answer to question 31.13 is YES –</i> In a separate annexure, provide details (names, ID numbers, qualifications and experience) of the person(s) responsible for risk management of hedge fund portfolios. If the function is outsourced, provide full details of the entity to which it is outsourced as well as the details of the responsible persons within the outsourced company. Indicate the annexure number in column 4.			

Question	Column				Annexure number
	1	2	3	4	
	Yes	No	Not applicable		
32					
	Monitoring				
32.1	Did you perform monitoring procedures for the reporting period to ensure that the hedge fund FSP complied with paragraph 8A.1 to 8A.4 of the Code of Conduct for Discretionary FSPs?				
32.1.1	<i>If the answer to question 32.1 is YES –</i> If you identified non-compliance with paragraph 8A.1 to 8A.4 please provide the details of such non-compliance as well as the steps taken to reasonably ensure that such non-compliance does not occur again in a separate annexure. Indicate the annexure number in column 4.				
32.2	Did you perform monitoring procedures to ensure that the risk disclosure document as stipulated in paragraph 8A.2(b) of the Code of Conduct for Discretionary FSPs, and the <i>Notice on Hedge Fund FSP Disclosures</i> , 2008 has been included in the mandate?				

[illegible]

SECTION 11 – STATISTICAL INFORMATION SHEET

11.1 REPRESENTATIVES AT REPORTING DATE		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NO.	NUMBER OF REPRESENTATIVES/KEY INDIVIDUALS
Number of representatives	17.1	
Number of juristic representatives	17.3	
Number of representatives rendering services under supervision as contemplated in paragraph 3 of the Exemption of Services under Supervision	17.8.2.1	
Number of key individuals and representatives that acted as supervisors in respect of services rendered under supervision	17.8.2.1	

11.2 INSURANCE COVER	RELEVANT QUESTION NO.	CURRENCY	EXTENT OF COVER (NUMERIC AMOUNT)
Professional Indemnity Cover as contemplated in sections 5(e) and 13 of the General Code of Conduct	6.1		
Fidelity Insurance Cover as contemplated in sections 5(e) and 13 of the General Code of Conduct	6.2		
Guarantees as contemplated in section 13 of the General Code of Conduct	6.3		

11.3 DETAIL OF CLAIMS	RELEVANT QUESTION NUMBER
	6.5
Number of claims	
Rand value of claims	
Reason	
Outcome	

11.4 MONEY LAUNDERING CONTROL PROCEDURES	RELEVANT QUESTION NUMBER	FSP NUMBER (IF APPLICABLE)	FSP NAME / ACCOUNTABLE INSTITUTION
Details of accountable institution/s on whose behalf identification and verification of clients is performed.	18.13		
Details of other accountable institution that FSP relies on for the identification and verification of clients	18.14		

11.5 COMPLIANCE FUNCTION		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NO.	DETAILS
Number of reports issued to the FSP on the rendering of financial services	19.6	
Total number of business premises, business units and/or branches of the FSP.	19.8.1	
Total number of visits to the business premises, business units and/or branches of the FSP during the reporting period in order to perform monitoring procedures	19.8.1	
Total number of business premises, business units and / or branches of the representatives of the FSP.	19.8.2	
Total number of visits to the business premises, business units and / or branches of the FSP's representatives during the reporting period in order to perform monitoring procedures	19.8.2	
Identity Number of compliance officer appointed in terms of section 43(b) of FICA.	19.9	
Confirm what percentage of the transactions that were sampled was non-compliant with sections 4, 5 and 7 of the General Code of Conduct.	20.4.1	
Percentage of reviews conducted where sampling was applied	20.8.1	

11.5 COMPLIANCE FUNCTION			
NAME AND SURNAME OF PERSON TO WHOM COMPLIANCE SERVICES ARE DELEGATED TO	RELEVANT QUESTION NUMBER 19.5.2	IDENTITY NUMBER	CATEGORY (i.e. CAT I AND/OR CAT II)

11.6 GENERAL CODE OF CONDUCT		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NUMBER	PERCENTAGE
Provide the percentage of new financial transactions concluded as contemplated in section 8(4)(a) of the General Code of Conduct.	9.3.5	

11.8 FOREX AUTHORISED FSPs		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NO.	DETAILS
Number of clients at reporting date in respect of managed accounts	23.11	

11.9 HEALTH SERVICES BENEFITS		
TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NO.	DETAILS
Key individual(s) accreditation number(s) with the Council for Medical Schemes [BR number(s)]	24.2.2	
FSP accreditation number with the Council for Medical Schemes (ORG number)	24.2.2	
Percentage of client base that are corporate clients	24.2.3	

11.7 ASSETS UNDER MANAGEMENT (DISCRETIONARY FSPs): TYPE OF CLIENT			
Total market value of assets under management for the following type of clients:	Local (Rand amount)	Foreign (Rand amount)	Total (Rand amount)
Private clients (individuals or entities not listed below)			
Retirement funds			
Collective Investment Schemes			
Long-term Insurers			
Short Term Insurers			
Hedge fund clients			
Other (Please specify)			
ASSETS UNDER MANAGEMENT (DISCRETIONARY FSPs): TYPE OF ASSETS			
Total market value of assets under management for the following type of assets:	Local (Rand amount)	Foreign (Rand amount)	Total (Rand amount)
Collective Investment Schemes			
Listed securities – Shares			
Listed securities – Derivatives			
Listed securities – Bonds			
Listed securities – Warrants			
Unlisted securities - Shares			
Unlisted securities - Derivatives			
Unlisted securities - Bonds			
Unlisted securities - Warrants			
Bank deposits			
Other			

11.10 HEDGE FUND FSPs

TYPE OF INFORMATION REQUIRED	RELEVANT QUESTION NUMBER	NUMERIC AMOUNT
Number of times that the FSP breached a mandate during the reporting period.	11.8	

COMPULSORY TABLE FOR COMPLETION:

Total market value of assets under management at reporting date for each of the following type of hedge fund clients:	Local (Rand amount)	Foreign (Rand Amount)	Total (Rand Amount)
Trusts			
Partnerships			
Companies			
Other			
TOTAL			

COMPULSORY TABLE FOR COMPLETION:

Total market value of assets under management at reporting date for the following type of investors invested in Hedge Fund Structures	Local (Rand amount)	Foreign (Rand amount)	Total (Rand amount)
Private clients (individuals or entities not listed below)			
Retirement funds			
Collective investment schemes			
Long-term insurers			
Short-term insurers			
Fund of hedge funds			
Seed capital			
Other (Please specify)			
TOTAL			

COMPULSORY TABLE FOR COMPLETION:			
Total market value of hedge fund assets for the following type of hedge fund structures:	Local (Rand amount)	Foreign (Rand amount)	Total (Rand amount)
Trusts			
Partnerships			
Companies: Debentures			
Companies: Shares			
Segregated client accounts: Financial institutions			
Segregated client accounts: Natural persons			
Segregated client accounts: Juristic entities other than financial institutions			
Other (Please specify)			
TOTAL			

COMPLIANCE REPORT COMPLETED AND SIGNED BY FSP

Name of FSP

FSP number

Name of key individual

ID number of key individual

Date appointed as key individual

Signature

Date

COMPLIANCE REPORT COMPLETED AND SIGNED BY COMPLIANCE OFFICER(S)

Name(s) of compliance officer(s) of FSP

ID number(s) of the compliance officer(s)

Name(s) of the compliance practice(s) (if applicable)

Reference number(s) of compliance officer(s)/practice(s)

Signature(s) of compliance officer(s)

Date

Telephone number

Fax number

E-mail address

Please note that all unsigned reports will be regarded as "Not Submitted".

DECLARATION SIGNED BY COMPLIANCE OFFICER(S) SUBMITTING COMPLIANCE REPORT

Compliance report in terms of section 17(4) of the Act by compliance officer(s) for the reporting period _____
(insert date) until _____ (insert reporting date).

I/we _____ compliance officer(s)) hereby report as follows as regards compliance by
_____ (insert full name of FSP and FSP number) and any
representative of the FSP with the Act, for the reporting period.

Having completed the attached annual compliance report for the FSP, I/we hereby confirm that, to the best of my/our knowledge and ability all the information contained in the attached annual compliance report is true and correct.

I/we are aware that the information contained in the attached annual compliance report may be subject to verification by the Registrar of Financial Services Providers, and should I/we knowingly submit false, incorrect or misleading information to the Registrar, this may impact on my/our compliance with the fit and proper requirements with regard to personal character qualities of honesty and integrity as determined by section 8(1) of the Act.

Signed on _____ (day) of _____ (month) _____ (year).

Name(s) of compliance officer(s): _____

Signature(s): _____