

NOTICE 206 OF 2014
NATIONAL TREASURY

**Co-operative Banks Act Draft Rules for Representative Bodies and Support
Organisations**
Published for public comments

I Dr SP Makhesha, Chairperson of the Board of the Co-operative Banks Development Agency, hereby publish for public comment, in terms of sections 57(1) of the Co-operative Banks Act, 2007 (Act No 40 of 2007), the Co-operative Banks Act Draft Rules for Representative Bodies and Support Organisations.

These draft rules for Representative Bodies and Support Organisation take into account amendments to the Co-operatives Banks Act of 2007, as affected through the assented to Financial Services Laws General Amendment Act of 2013, Section 10, and effective 28 February 2014.

Written comments must be delivered personally, faxed or sent by e-mail no later than 30 days for the attention of Khomotjo Mabule to the following:

Postal Address: Private Bag X115, Pretoria, 0001

Physical Address: 240 Madiba Street, Pretoria, 0002

Fax No: 012 3155905

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Website: www.treasury.gov.za/coopbank



.....
Dr SP Makhesha

Chairperson of the Board, duly authorised

**Co-operative Banks Act Draft Rules for Representative Bodies and Support
Organisations**

POWER TO MAKE RULES

The Co-operatives Banks Development Agency ("the Agency") may, in terms of section 57(1) of the Co-operative Banks Act, 2007 (Act No 40 of 2007), prescribe rules with regard to-

- "(a) the matters referred to in section 55(1)(d) to (h);**
- (b) any matter that is required or permitted to be prescribed in terms of this Act;**
- and**
- (c) any other matter for the better execution of this Act or a function or power provided for in this Act."**

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PART A : Representative Bodies

- RBF1** Application form for proposed Representative Body/Application for continued registration as Representative Body
- RBF2** Certificate of registration as a Representative Body

PART B: Support Organisations

- SOF1** Application form for proposed Support Organisation/Application for continued registration as Support Organisation
- SOF2** Certificate of registration as a Support Organisation

CHAPTER 1: GENERAL INFORMATION

1. *Definitions and Interpretation*

1.1 In these Rules, “the Act” means the Co-operative Banks Act, 2007 (Act No. 40 of 2007), and any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned to it in the Act, unless the context indicates otherwise.

“End of financial year” refers to the 28 February of each year

“International paper size A4” means paper of size approximately 298 millimetres by 207 millimetres.

“Official Website” means the official website of the Agency, as may be applicable in the context of these Rules at www.treasury.gov.za/coopbank.

“Performance report” is a copy of signed audited annual financial statements of the institution

“Rules” means the Co-operative Banks Act Draft Rules for Representative Bodies and Support Organisations issued by the Agency, which are primarily to Support Organisations and Representative Bodies.

1.2 In the event of an inconsistency between any provision of these Rules and any provision of the Act, the provision of the Act or the Regulations, as the case may be, prevails.

2. *Communication and submission of information*

2.1 All communications to the Agency, and all documents required to be sent to or lodged with the Agency, may be submitted personally, sent by post, or transmitted in an electronic format by electronic means, subject to the provisions of the operational requirements published on the Official Website, setting out the requirements, processes and procedures in respect of such electronic services.

2.2 The contact details and other essential information and forms are available on the Official Website, which information may also be published otherwise by the Agency, as deemed necessary.

2.3 The forms contained in Schedule 2 and Schedule 3 of these Rules must be used in all cases to which they apply, and must be completed and submitted in accordance with the instructions contained in these Rules and indicated on the forms and returns, as well as in accordance with any applicable guideline or directive issued by the Agency.

2.4 The forms may be modified by the Agency to meet additional needs or as circumstances may require, and the amended forms and returns may be published on the Official Website.

2.5 Hard copies of the forms are obtainable from the Agency, and may be downloaded from the Official Website. Unless specifically directed otherwise by the Agency, the use of reproductions is permissible, provided that it corresponds to the prescribed forms in all respects.

2.6 All documents lodged with the Agency must be written in legible characters with deep permanent black ink on one side only of strong white paper of international size A4.

1) 2.7 The Agency may reject any document which–

2.7.1 is not suitable for purposes of record;

2.7.2 in the opinion of the Agency, does not satisfy the operational requirements of the Agency; or

2.7.3 does not comply with any of the administrative requirements contained in these Rules.

3. Fees payable and cost relating to submission of additional information

3.1 The fees payable to the Agency are prescribed in Schedule 1.

3.2 The Agency may call for any additional information that is relevant to a specific request, application form as may be necessary, and the cost thereof shall be for the account of the applicant or entity involved.

4. Manner of payment

Any amount payable to the Agency must be made in accordance with the requirements published on the Official Website, which may also be published otherwise by the Agency, as deemed necessary.

5. Guidance notes

Guidance notes may be published on the Agency website to provide more detailed explanations on the content of information to be submitted relating to the application or re-application documentation

CHAPTER 2: REPRESENTATIVE BODIES

5. *Registration of Representative Body*

For registration as a Representative Body, the application form (FORM-RB1), containing all the documents required in terms thereof, must be lodged with the Agency.

6. *Certificate of registration as Representative Body*

(Act: Section 33 (2))

If the Agency is satisfied with the application to register as a Representative Body, a certificate of registration will be issued with a registration number in the format outlined in FORM-RBF2

7. *Requirements for continued registration*

(Act: Section 34)

In order to retain its registration, a Representative Body must annually, within three months of the end of the financial year, re-apply on FORM-RBF1 and satisfy the Agency that it continues to meet the registration requirements.

CHAPTER 3: SUPPORT ORGANISATIONS

(Act: Chapter VII)

8. *Registration of Support Organisation*

(Act: Section 36(1))

For registration as a Support Organisation, the application form (FORM-SOF1), containing all the documents required in terms thereof, must be lodged with the Agency.

9. Certificate of registration as Support Organisation

(Act: Section 38 (2))

If the Agency is satisfied with the application to register as a Support Organisation, a certificate of accreditation will be issued with a registration number, in the format outlined in FORM-SOF2.

10. Requirements for continued accreditation

(Act: Section 39)

- 1) In order to retain its accreditation, an accredited Support Organisation, must–
 - (a) Annually, within three months of the end of its financial year, re-apply on FORM-SOF1 for accreditation, and satisfy the Agency that it continues to meet the requirements for accreditation;
 - (b) Include in its submission under (a) above, the following:
 - (i) a performance report; and
 - (ii) a report on the support provided to each co-operative bank and/or co-operative financial institutions that it represents.

SCHEDULE 1 – FEES PAYABLE

DESCRIPTION	TARIFF/FEE
Application to register a Support Organisation or Representative Body	R2000
Annual re-registration fee payable 30 days prior to end of financial year of current registration certificate	R1000

SCHEDULE 2 – FORMS**PART A: REPRESENTATIVE BODIES**

<u>FORM-RBF1</u> APPLICATION FORM FOR PROPOSED REPRESENTATIVE BODY <input type="checkbox"/> OR APPLICATION FOR CONTINUED REGISTRATION AS REPRESENTATIVE BODY <input type="checkbox"/>	
<small>Tick appropriate application</small>	
INSTRUCTIONS FOR COMPLETION OF FORM a) Write, typewrite or print in legible characters with deep permanent black ink, and lodge one set of the documents (of international size A4) with the Agency. b) The application form and every page of every document submitted must be signed by the executive officer of the proposed Support Organization. c) An application, which does not comply with the requirements of the Act, the Regulations or these Rules, or the notes on this Form, may be rejected. d) Provide explanation and motivation in respect of any of the required documentation listed below which is not submitted.	
CIPC registered name:	
CIPC registration number:	
Relevant Act under which the registration was done:	
Number of co-operative banks and/or co-operative financial institutions currently represented:	
Representative Body Postal address	Representative Body Physical address
Village/Suburb:	Village/Suburb
Town/City:	Town/City:
Province:	Province:

I confirm to the best of my knowledge and belief that the information submitted in terms of this application is true and correct

Signed on this day of at

Print Name:

Executive officer of the proposed Representative Body

Complete where available:

	Contact Name	Contact number	Position
Contact telephone Nos of executive officer and directors			
Fax No.			
E-mail Address			
Website address			

The following documents are attached to this application:	Attached (Mark with an X)	Reference to the Act
(1) List of representative co-operative banks and/or co-operative financial institutions;		S.31(2)(a)
(2) Documentary evidence of representation of co-operatives banks and co-operative financial institutions in (1). (Names and registration numbers);		S.31(2)(b)
(3) Proof of payment of application fee;		S.31(2)(c)
(4) Interactions with organs of state, the private sector and stakeholders to date;		S.32(a)
(5) Demonstration to the effect that the proposed Representative Body has the requisite experience, knowledge, qualifications and competence to represent co-operative banks and/or co-operative financial institutions (attach directors' CVs);		S.32(b)
(6) Demonstration that the proposed Representative Body has sufficient human, financial, and operational capacity to function efficiently and competently (attach a business plan).		S.32(c)

I confirm to the best of my knowledge and belief, that the information submitted in terms of this application is correct

Signed on this day of at

Print name:

Executive officer the proposed Representative Body

FORM-RBF2

(Act: Section 33 (2))

CERTIFICATE OF REGISTRATION AS A REPRESENTATIVE BODY

Co-operative Banks Act, 2007 (Act No. 40 of 2007)

Certificate No:

I hereby certify that

has in terms of section 31 of the Co-operative Banks Act, 2007 (Act No. 40 2007), been registered as a Representative Body and may operate as such, subject to the conditions of sections 32 and 34 of the Act.

Signed aton this day..... of.....2.....

Signature of the Managing Director of the Co-operative Banks Development Agency

.....
Name of the Managing Director of the Co-operative Banks Development Agency

Signed aton this day..... of.....2.....

Signature of the Supervisor of CFIs

.....
Name of the Supervisor of CFIs

Seal/ stamp of Office of the Co-operative Banks Development Agency

This certificate is not valid unless it bears the seal/stamp of the Agency

SCHEDULE 2 – FORMS**PART C: SUPPORT ORGANISATIONS**

FORM-SOF1 APPLICATION FORM FOR PROPOSED SUPPORT ORGANISATION <input type="checkbox"/> OR APPLICATION FOR CONTINUED REGISTRATION AS SUPPORT ORGANISATION <input type="checkbox"/>	
Tick appropriate application	
INSTRUCTIONS FOR COMPLETION OF FORM	
<p>a) Write, typewrite or print in legible characters with deep permanent black ink, and lodge one set of the documents (of international size A4) with the Agency.</p> <p>b) The application form and every page of every document submitted must be signed by the executive officer of the proposed Support Organization.</p> <p>c) An application, which does not comply with the requirements of the Act, the Regulations or these Rules or the notes on this Form, may be rejected.</p> <p>d) Provide explanation and motivation in respect of any of the required documentation listed below which is not submitted.</p>	
CIPC registered name:	
CIPC registration number:	
Relevant Act under which the registration was done:	
Number of co-operative banks and or financial co-operative institutions currently supported:	
Postal address of Support Organization	Physical address of Support Organization
Village/Suburb:	Village/Suburb
Town/City:	Town/City:
Province:	Province:
I confirm to the best of my knowledge and belief that the information submitted in terms of this application is correct	

Signed at on this day of 2.....

.....

Print Name:
Executive officer of the proposed Support Organisation

Complete where available:

	Contact name	Contact Number	Position
Contact telephone Nos of executive officer and directors			

Fax No.

E-mail Address

Website address

The following documents are attached to this application:	Attached (Mark with an X)	Reference to the Act
Copies of support agreements entered between more than one co-operative banks and/or co-operative financial institutions;		S.36(2)(a)
Documentary proof that the Support Organisation has the prerequisite experience, knowledge, qualifications and competence to give effect to its obligations in terms of the support agreements; (attach directors' CVs)		S.36(2)(b)
A business plan (include human, financial and operational capacity to function efficiently and competently);		S.36(2)(c)&(d)
Certified copy of its certificate of registration as a co-operative under the Co-operatives Act;		S.36(2)(d)
A certified copy of its constitution;		S.36(2)(e)
A list of its members and its directors; and		S.36(2)(f)
Proof of payment of the application fee ;		S.36(2)(g)
List of co-operative banks and/or co-operative financial institutions which support agreement is provided for (Names and CIPC registration numbers).		S.37(a)

I confirm to the best of my knowledge and belief that the information submitted in terms of this application is true and correct

Signed at on this day of 2.....

.....

Print Name:
Executive officer of the proposed Support Organisation

FORM SOF 2

(Act: Section 36 (2))

CERTIFICATE OF ACCREDITATION AS A SUPPORT ORGANISATION

Co-operative Banks Act, 2007 (Act No. 40 of 2007)

Certificate No:

I hereby certify that

has in terms of section 36 of the Co-operative Banks Act, 2007 been accredited Support Organisation and may operate as such, subject to the conditions of sections 37 and 39 of the Act.

Signed at on this day of2.....

Signature of the Managing Director of the Co-operative Banks Development Agency.....
Name of the Managing Director of the Co-operative Banks Development Agency

Signed at on this day of2.....

Signature of the Supervisor of CFIs

.....
Name of the Supervisor of CFIs

Seal/ stamp of Office of the Co-operative Banks Development Agency

This certificate is not valid unless it bears the seal/stamp of the Agency