

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO**

**FINANCIAL INTELLIGENCE  
CENTRE AMENDMENT BILL**

**[B 18—2008]**

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*(As agreed by the Portfolio Committee on Finance)  
(National Assembly)*

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**[B 18A—2008]**

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## AMENDMENTS AGREED TO

### FINANCIAL INTELLIGENCE CENTRE AMENDMENT BILL

[B 18—2008]

#### CLAUSE 1

1. On page 2, from line 14, to omit the definition of “bearer negotiable instrument” and to substitute:

**“‘bearer negotiable instrument’, for the purposes of this Act, means any instrument that may on demand by the bearer thereof be converted to the currency of the Republic or that of another country, and includes, amongst others, cheques, promissory notes or money orders;”.**

2. On page 3, from line 19, to omit the definition of “this Act” and to substitute:

**“‘this Act’ includes [a regulation made in terms of section 77] any regulation made or exemption given under this Act;”.**

#### CLAUSE 2

1. On page 3, in line 24, to omit the second “of” and to substitute “with”

#### CLAUSE 3

1. On page 3, in line 43, after “this Act” to insert “or any directive made in terms of this Act”.

#### CLAUSE 4

1. On page 3, in line 51, after “this Act” to insert “or any directive made in terms of this Act”.
2. On page 4, in line 6, after “this Act” to insert “or any directive made in terms of this Act”.

#### NEW CLAUSES

That the following be new clauses to follow clause 10:

#### **“Amendment of section 37 of Act 38 of 2001**

**11.** Section 37 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Subject to subsection (2), no duty of secrecy or confidentiality or any other restriction on the disclosure of information, whether imposed by legislation or arising from the common law or agreement, affects compliance by an accountable institution, supervisory body, reporting institution, the South African Revenue Service or any other person with a provision of this Part, Part 4 and Chapter 4.”;

### **Amendment of section 38 of Act 38 of 2001**

**12.** Section 38 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) No action, whether criminal or civil, lies against an accountable institution, reporting institution, supervisory body, the South African Revenue Service or any other person complying in good faith with a provision of this Part, Part 4 and Chapter 4 including any director, employee or other person acting on behalf of such accountable institution, reporting institution, supervisory body, the South African Revenue Service or such other person.”.

#### **CLAUSE 13**

1. On page 6, in line 44, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
2. On page 6, in line 54, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
3. On page 7, in line 4, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
4. On page 7, in line 7, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
5. On page 7, in line 14, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
6. On page 7, in line 19, after the first “this Act” to insert “or any order, determination or directive made in terms of this Act”.
7. On page 7, in line 25, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.

#### **CLAUSE 14**

1. On page 8, in line 14, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
2. On page 8, in line 45, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
3. On page 8, in line 56, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
4. On page 9, in line 20, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
5. On page 9, in line 23, to omit “45(1A)(e)” and to substitute “45(1B)(e)”.

6. On page 9, in line 53, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
7. On page 12, in line 39, after “this Act” to insert “or any order, determination or directive made in terms of this Act”.
8. On page 12, in line 42, after “Act” to insert “or any order, determination or directive made in terms of this Act”.