

**NATIONAL TREASURY
NASIONALE TESOURIE****No. 461****5 June 2015****FINANCIAL INTELLIGENCE CENTRE****EXEMPTION IN TERMS OF FINANCIAL INTELLIGENCE CENTRE ACT, 2001 (ACT
NO. 38 OF 2001)**

By virtue of the powers vested in me by section 74 of the Financial Intelligence Centre Act, 2001 (Act No 38 of 2001), I, Nhlanhla M Nene, MP, Minister of Finance, hereby make the exemption set out in the Schedule:



**NHLANHLA M NENE, MP
MINISTER OF FINANCE**

SCHEDULE

Definitions

1. In this Schedule 'the Act' means the Financial Intelligence Centre Act, 2001 (Act 38 of 2001), and any expression to which a meaning has been assigned in the Act shall have that meaning, and-

"the Regulations" means the Money Laundering and Terrorist Financing Control Regulations, 2002, promulgated by Government Notice No. R. 1595 of 20 December 2002 as amended by GN R456 in Government Gazette 27580 of 20 May 2005.

Exemption from Regulations made under Act 38 of 2001

2. (1) This exemption applies to every accountable institution referred to in items 6, 7, 14, 16 and 19 of Schedule 1 to the Act.

(2) Every accountable institution referred to in paragraph (1), above, is exempted, subject to the conditions set out in paragraph (4) below, from compliance with the provisions of—

- (a) regulations 3(1)(d), 3(1)(e), 3(2)(d), 4(2) and 4(3) of the Regulations, concerning the particulars to be obtained and verified for South African citizens and residents;
- (b) regulations 5(1)(e), 5(1)(f), 6(2), and 6(3) of the Regulations, concerning the particulars to be obtained and verified for foreign nationals in establishing and verifying persons' identities, and
- (c) section 22(1)(d) and 22(1)(h) of the Act in so far as the records referred to in these sections would apply to information relating to the particulars referred to in paragraph (a) and (b),

in respect of a single transaction referred to in paragraph (3).

(3) The single transaction referred to in paragraph (2) in respect of which this exemption applies, is single transaction which enables the client to transfer or remit funds to a destination outside the Republic to an amount not exceeding—

- (a) R3000,00 per day, and
- (c) R10 000,00 in a calendar month.

(4) This exemption is subject to the condition that an accountable institution which enters into a single transaction with a client, or on whose behalf a transaction is conducted, applies enhanced measures, over and above its normal procedures, to scrutinise the transaction activity in relation the remittances on an on-going basis with a view to identify and report suspicious and unusual transactions,

(5) This exemption shall come into operation on 1 July 2015.