

NATIONAL TREASURY

NOTICE 196 OF 2019

AMENDMENTS TO REGULATIONS IN TERMS OF FINANCIAL SECTOR REGULATION
ACT, 2017

The Minister of Finance has, in terms of sections 288 and 304 of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017), made amendments to the Financial Sector Regulations which were published in Government Notice No. R405 of 29 March 2018, as set out in the Schedule

SCHEDULE

GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing Regulations.
- _____ Words underlined with a solid line indicate insertions in existing Regulations.

Interpretation

1. In this Schedule, "Regulations" means the Financial Sector Regulations made in terms of sections 61(4), 288 and 304 of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017) (FSRA), and published in Government Notice No. R405 of 29 March 2018.

Amendment to regulation 4

2. Regulation 4 of the Regulations is amended by the substitution for subregulation (1) of the following subregulation:

"(1) From the date that Chapter 15 of the Act comes into effect until **[31 March 2019]** the commencement of legislation that empowers the imposition of levies as contemplated in section 237(1)(b) of the Act, the Financial Services Board or the Financial Sector Conduct Authority, as the case may be, must provide financial, secretarial, administrative and other support to the Tribunal, and the Board or the Authority must enter into agreements with the Reserve Bank, the Prudential Authority and the Financial Intelligence Centre to share the costs."

Insertion of regulations 4A and 4B

3. The following regulations are inserted after regulation 4:

“Accounting authority for statutory ombuds

4A. The Commissioner is, for purposes of the Public Finance Management Act, the accounting authority of—

- (a) the Office of the Pension Funds Adjudicator referred to in section 30T(1) of the Pension Funds Act, 1956 (Act No. 24 of 1956); and
- (b) the Office of the Ombud for Financial Services Providers referred to in section 23(1) of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002).

Recovery of costs by Council for Medical Schemes

4B. When the Council for Medical Schemes exercises powers in terms of Chapter 9 of the Act as contemplated in section 129(2) of the Act, the Registrar of Medical Schemes may recover costs associated with the exercise of those powers from—

- (a) the medical scheme that is the subject of the exercise of the powers, if the Registrar so decides, after having considered the results of the exercise of the powers; or
- (b) any person, when it appears, after considering the outcome of the exercise of the powers, that the person was knowingly a party to the carrying on of the affairs of the medical scheme in a manner that constituted an irregularity, non-compliance or contravention.”.

Commencement

4. These amendments of the Regulations come into effect on the date of publication in the *Gazette*.

MATLOTLO A BOSETŠHABA**DITLHABOLOLO TSENO TSA MELAWANATAOLO GO YA KA MOLAO WA TAOLO YA LEPHATA LA DITŠHELETE, 2017**

Tona ya Matlotlo o, go ya ka dikarolo 288 le 304 tsa Molao wa Taolo ya Lephata la Ditšhelete, 2017 (Molao 9 wa 2017), dirile ditlhabololo tseno tsa Melawanataolo ya Lephata la Ditšhelete, e bile di ne di phasaladitswe mo Kitsisong ya Puso ya Nomoro R405 ya di 29 Mopitlwe 2018, di tlhagisitswe mo Šejuleng.

ŠEJULE**NTLHATLHALOSO YA KAKARETSO:**

- [] Mafoko a a kwetsweng ka bontsho jo bo gateletsweng mo masakaneng a sekwere a bontsha tseo di tlogetsweng go tswa mo Melawanataolong e e leng teng.
- _____ Mafoko a a thaletsweng ka mothalo o o kopaneng a bontsha tseo di tsentsweng mo Melawanataolong e e leng teng.

Tlhaloso

1. Mo Šejuleng eno, “Melawanataolo” e kaya Melawanataolo ya Lephata la Ditšhelete e e dirilweng go ya ka dikarolo 61(4), 288 le 304 tsa Molao wa Taolo ya Lephata la Ditšhelete, 2017 (Molao 9 wa 2017) (FSRA), o o phasaladitsweng mo Kitsisong ya Puso ya Nomoro R405 ya di 29 Mopitlwe 2018.

Tlhabololo ya molawanataolo 4

2. Molawanataolo 4 wa Melawanataolo o tlhabololwa ka go emisetswa ga molawanataolotlaleletso (1) ka molawanataolotlaleletso o o latelang:

“(1) Go tloga ka letlha le Kgaolo 15 ya Molao e tsenang mo tirisong ka lona go fitlha ka **[di 31 Mopitlwe 2019]** tshimololo ya molao o o maatlafatsang tuediso ya makgethwana jaaka go tlhalositswe mo karolong 237(1)(b) ya Molao, Boto ya Ditirelo tsa Ditšhelete kgotsa Bothati jwa Boitshwaro jwa Lephata la Ditšhelete, go ya ka moo go leng ka teng, bo tshwanetse go tlamela ka tshegetso ya ditšhelete, bokwaledi, tsamaiso le tshegetso e nngwe go Lekgotla, e bile Boto kgotsa Bothati bo tshwanetse go dira ditumalano le Banka ya Resefe, Bothati jwa Tlhokomelo le Senthara ya Botlhodi jwa Ditšhelete go arogana ditshenyegelo.”.

Go tsenngwa ga melawanataolo 4A le 4B

3. Melawanataolo e e latelang e tsenngwa morago ga molawanataolo 4:

“Bolaodi jo bo rwalang maikarabelo mabapi le ombuds wa semolao

4A. Mokhomišenara ke, mabapi le maitlhommo a *Public Finance Management Act*, molaodi yo o rwalang maikarabelo wa—

- (c) Kantoro ya Moatlhodi wa Matlole a Phenšene e e kailweng mo karolong 30T(1) ya *Pension Funds Act, 1956* (Molao 24 wa 1956); le
- (d) Kantoro ya Ombud wa Batlamedi ba Ditirelo tsa Ditšhelete e e kailweng mo karolong 23(1) ya *Financial Advisory and Intermediary Services Act, 2002* (Molao 37 wa 2002).

Pusetso ya ditshenyegelo ka Khansele ya Dikema tsa Kalafi

4B. Fa Khansele ya Dikema tsa Kalafi e diragatsa dithata go ya ka Kgaolo 9 ya Molao jaaka go tthalositswe mo karolong 129(2) ya Molao, Mokwadisi wa Dikema tsa Kalafi o ka busetsa ditshenyegelo tse di amanngwang le tiragatso ya dithata tseo go tswa mo—

- (a) sekemeng sa kalafi seo e leng sona ntlha e dithata di diragatswang mabapi le yona, fa Mokwadisi a swetsa jalo, morago ga go sekaseka ditlamorago tsa tiragatso ya dithata; kgotsa
- (b) mothong mongwe le mongwe, fa go bonagala, morago ga go sekaseka ditlamorago tsa tiragatso ya dithata, gore motho o ne a na le kitso fa a ne a tsaya karolo mo go diragatsweng ga merero ya sekema sa kalafi ka mokgwa o o nnileng le ditlamorago tse di sa siamang, botlhokakobamelo kgotsa tlolomolao.”

Tsenyotirisong

4. Ditlhabololo tseno tsa Melawanataolo di tla tsena mo tirisong ka letlha la phasalatso le le mo Lokwalodikgannyeng la Puso.