

---

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

---

## NATIONAL TREASURY

NO. 787

31 August 2021

**PUBLICATION OF DRAFT REGULATIONS IN TERMS OF SECTIONS 3(3) AND (5)  
AND 288 OF FINANCIAL SECTOR REGULATION ACT, 2017 FOR PUBLIC  
COMMENT**

The Minister of Finance gives notice as required in terms of section 288(4) of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017) ( "the FSRA " ), of the publication for public comment of draft

Draft Regulations ("the draft Regulations") that are proposed to be made in terms of sections 3(3) and (5) and 288 of the Financial Sector Regulation Act, 2017 (Act No. 9 of 2017) ("FSRA").

A copy of the draft Regulations and a comprehensive impact report on the FSRA are available on the National Treasury website: [www.treasury.gov.za](http://www.treasury.gov.za) and [www.treasury.gov.za/twinpeaks](http://www.treasury.gov.za/twinpeaks).

The draft Regulations propose to designate the "provision of a benchmark" as a financial service in accordance with section 3(3) of the FSRA, and to specify that the Financial Sector Conduct Authority (FSCA) is the responsible authority for the regulation, supervision and oversight of the financial service of the "provision of a benchmark" in accordance with section 3(5) of the FSRA. In terms of section 288(1)(b) of the FSRA, which empowers regulations to provide for procedural and administrative matters that are necessary to implement the provisions of this Act, some specific powers and duties are provided to the Financial Sector Conduct Authority in relation to the provision of benchmarks to enable the effective regulation and supervision by the FSCA of the financial service of the "provision of a benchmark".

Written comments on the draft amendment to the Financial Sector Regulations should be submitted to [commentdraftlegislation@treasury.gov.za](mailto:commentdraftlegislation@treasury.gov.za) by close of business on **13 October 2021**. Any clarification questions can be emailed to Jeannine Bednar-Giyose at: [Jeannine.Bednar-Giyose@treasury.gov.za](mailto:Jeannine.Bednar-Giyose@treasury.gov.za).

**KITSISO YA PUŠO  
MATLOTLO A SETŠHABA**

Nom.

2021

**PHASALATSO YA MELWANATAOLO E E THADILWENG GO YA KA DIKAROLO  
3(3) LE (5) LE 288 TSA MOLAO WA TAOLO YA LEPHATA LA DITŠHELETE,  
2017 MABAPI LE DITSHWAELO TSA SETŠHABA**

Tona ya Matlotlo o dira kitsiso jaaka go tlhokega go ya ka karolo 288(4) ya Molao wa Taolo ya Lephata la Ditšhelete, 2017 (Molao 9 wa 2017) ("FSRA"), ya phasalatso mabapi le ditshwaelo tsa setšhaba tsa thalo ya Melawanataolo e e Thadilweng ("Melawanataolo e e thadilweng") tse di tshitsintsweng go dirwa go ya ka dikarolo 3(3) le (5) le 288 tsa Molao wa Taolo ya Lephata la Ditšhelete, 2017 (Molao 9 wa 2017) ("FSRA").

Khophi ya Melawanataolo e e thadilweng le pegelo e e akaretsang ya ka moo FSRA e amegang ka teng di fitlhelwa mo webesaeteng ya Matlotlo a Setšhaba: [www.treasury.gov.za](http://www.treasury.gov.za) le [www.treasury.gov.za/twinpeaks](http://www.treasury.gov.za/twinpeaks).

Melawanataolo e e thadilweng e tshitsinya go tlhongwa ga "tlamelo ya kaedi" jaaka tirelo ya ditšhelete go tsamaelana le karolo 3(3) ya FSRA, le go tsepamisa gore Bothati jwa Boitshwaro jwa Lephata la Ditšhelete (FSCA) ke bothati jo bo rwalang maikarabelo mabapi le taolo, tlhokomelo le peoleitlho ya tirelo ya ditšhelete ya "tlamelo ya kaedi" go tsamaelana le karolo 3(5) ya FSRA. Go ya ka karolo 288(1)(b) ya FSRA, eo e maatlafatsang melawanataolo go laela mabapi le merero ya thulaganyo le tsamaiso e e tlhokegang gore go tsenngwe mo tirisong ditaolo tsa Molao ono, dithata le ditiro dingwe tse di rileng di tlamelwa kwa Bothating jwa Boitshwaro jwa Ditšhelete mabapi le tlamelo ya dikaedi go kgontsha taolo le tlhokomelo e e nonofileng ka FSCA ya tirelo ya ditšhelete ya "tlamelo ya kaedi".

Ditshwaelo tse di kwetsweng tse di mabapi le ditlhabololo tse di thadilweng tsa Melawanataolo ya Lephata la Ditšhelete di tshwanetse go romelwa go [commentdraftlegislation@treasury.gov.za](mailto:commentdraftlegislation@treasury.gov.za) ka nako ya go khutla ga tiro ka di **13 Diphlane 2021**. Dipotso dife di ka romelwa Jeannine Bednar-Giyose ka imeili go: [Jeannine.Bednar-Giyose@treasury.gov.za](mailto:Jeannine.Bednar-Giyose@treasury.gov.za).