



Financial Sector
Conduct Authority

FSCA FAIS Notice 17 of 2018

FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, 2002 (ACT NO. 37 OF 2002)

FORM AND MANNER OF SECTION 14 NOTIFICATIONS

I, Caroline Dey da Silva, hereby under section 14(4) of the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), determine the form and manner of the notification and the provision of the grounds and reasons contemplated in paragraphs (d) and (e) of that section, as set out in the Schedule.



CD da Silva
For Financial Sector Conduct Authority

SCHEDULE

FORM AND MANNER OF SECTION 14 NOTIFICATIONS

Definitions

1. In this Schedule, “**the Act**” means the Financial Advisory and Intermediary Services Act, 2002 (Act No. 37 of 2002), any word or expression to which a meaning is assigned in the Act shall have that meaning, and unless the context otherwise indicates –

“**Authority**” means the Financial Sector Conduct Authority as defined in section 1(1) of the Financial Sector Regulations Act, 2017 (Act No. 9 of 2017);

“**Debarment Notification Form**” means the Debarment Notification Form in the Annexure to this Notice.

Form and Manner

2. (1) A financial services provider must, within five days of the debarment of a representative, notify the Authority as contemplated in section 14(4)(d) of the Act of that debarment by –
 - (a) completing Part I of the Debarment Notification Form; and
 - (b) submitting that Part of the Debarment Notification Form to the Authority by either hand delivery or electronic mail to the addresses listed in Table A.

- (2) A financial services provider must, within 15 days of the debarment of a representative, provide the Authority with the information contemplated in section 14(4)(e) of the Act by–
- (a) completing Part II of the Debarment Notification Form; and
 - (b) submitting that Part of the Debarment Notification Form and the information and/or documents required thereunder to the Authority by any of the delivery methods listed in Table A.

Table A	
Hand delivery	For attention: FAIS Compliance The FSCA Riverwalk Office Park, Block B 41 Matroosberg Road (Corner of Garsfontein and Matroosberg Roads) Ashlea Gardens, Extension 6 Pretoria South Africa
Electronic mail	For attention: FAIS Compliance debarment@fsc.co.za
Post	For Attention: FAIS Compliance The FSCA P. O. Box 35655 Menlo Park 0102

Short title and Commencement

3. This Notice is called the Form and Manner of Section 14 Notifications, 2018, and comes into effect on 6 June 2018.

ANNEXURE

DEBARMENT NOTIFICATION FORM

PART I

Note:

An FSP must, within five days of the debarment of a representative, notify the Authority of that debarment by completing Part I of this Form and submitting it to the Authority by either hand delivery or electronic mail to the addresses listed in Table A of FSCA Notice 17 of 2018.

1. Particulars of the debarring FSP

FSP Name	
FSP Number	

2. Particulars of the person at the FSP who effected the debarment

Full Names	
Surname	
Position at the FSP [Designation]	
Mobile phone number	
Telephone number	
E-mail address	

3. Recent particulars of the debarred representative

Title	
Full Names	
Surname	
Identity No. / Passport No. / Registration No.	
Physical address	
Postal Address	
Telephone number	
Mobile phone number	
E-mail address	

4. Date on which the representative was debarred

Debarment date

5. Grounds of debarment**Indicate the grounds of the debarment.**

(a)	Non-compliance with Fit and Proper Requirements	Honesty and Integrity	<input type="checkbox"/>
		Competency	<input type="checkbox"/>
		Operational ability	<input type="checkbox"/>
		Financial soundness	<input type="checkbox"/>
(b)	Any other material contravention or non-compliance with provisions of the Act	<input type="checkbox"/>	
	Indicate the non-complied or contravened provision of the Act.		

6. Details of person completing Part I of the Form

Name

Designation

Place

Date

Signature

PART II

Note:

An FSP must, within 15 days of the debarment of a representative, submit Part II of the Form to the Authority with the information / documentation referred to in paragraph 8 by any of the delivery methods listed in Table A of FSCA Notice 17 of 2018.

7. Particulars of the debarring FSP and Debarred Representative

FSP Name	
FSP Number	
Initials and Surname of Debarred Representative	
Identity No. / Passport No. / Registration No. of Debarred Representative	

8. Grounds and Reasons

Submit with within 15 days from date of debarment, all relevant documentation which formed the grounds and reasons for the debarment, including but not limited to the following:

- (a) All documentary evidence and information supporting the grounds/reasons for the debarment.
- (b) A copy of the employment contract or mandate between the FSP and the debarred representative.
- (c) A copy of transcript / minutes and outcome of debarment hearing.
- (d) Forensic/investigation report and any other relevant documents.

9. Details of person completing Part II of the Form

Name	
Designation	
Place	
Date	
Signature	