

CHAPTER 7

MISCELLANEOUS: Repeal of previous Board Notices on fit and proper requirements, savings, and transitional provisions

Repeals

51. (1) The following are hereby repealed:
- (a) the Notice on Determination of Qualifying Criteria and Qualifications for Financial Services Providers, Number 1 of 2008, published by Board Notice 105 of 2008 in *Government Gazette* 31514 of 15 October 2008;
 - (b) the Notice on Determination of Fit and Proper Requirements for Financial Services Providers, 2008, published by Board Notice 106 of 2008 in *Government Gazette* 31514 of 15 October 2008; and
 - (c) the Notice on Exemption of Certain Persons from the Level 1 Regulatory Examination Requirements, 2012, published by Board Notice 102 of 2012 in *Government Gazette* 35422 of 6 June 2012.

Transitional provisions

Qualifications

52. (1) The qualifications obtained by an FSP, key individual or a representative –
- (a) relating to a particular financial product and particular financial service in relation to a specific category of FSP in respect of which the FSP, key individual or representative was authorised, approved or appointed prior to 1 January 2010; and
 - (b) that complied with the relevant requirements set out in section 10 of the Notice referred to in section 51(1)(b),
- is deemed to meet the minimum qualification requirements set out in Part 3 of Chapter 3 but only insofar it relates to that particular financial product and particular financial service in respect of which it was so authorised, approved or appointed.
- (2) The qualifications recognised by the Registrar and published on the List of Recognised Qualifications in terms of the Notices referred to in section 51(1)(a) and (b) is deemed to be recognised in terms of Part 3 of Chapter 3 for the particular financial product and particular financial service for which the qualification was recognised.

Experience

- (3) The experience gained by an FSP or a representative, excluding a representative working under supervision, who was authorised or appointed for a particular financial product and particular financial service in relation to a specific category of FSP prior to the commencement of this Notice is deemed to meet the minimum experience requirements set out in Part 2 of Chapter 3 for that particular financial product and particular financial service.
- (4) The experience gained by a key individual approved prior to the commencement of this Notice to manage or oversee the rendering of a particular financial service in respect of a particular financial product in relation to a specific category of FSP is deemed to meet the minimum experience requirements set out in Part 2 of Chapter 3.

Product specific training

- (5) Subject to subsection (6), an FSP or representative, excluding representatives working under supervision, authorised or appointed prior to the commencement of this Notice is deemed to have completed the product specific training contemplated in Part 5 of Chapter 3 for the financial products for which they were authorised or appointed.

- (6) The deeming provision in subsection (5) –
 - (a) is limited to the particular financial products for which the FSP or representatives was authorised or appointed and in respect of which financial services were rendered prior to the commencement of this Notice; and
 - (b) does not apply to the requirement to complete product specific training on amendments to particular financial products where those amendments occurred after the commencement of this Notice.
- (7) A representative working under supervision at commencement of this Notice has three months from the date on which section 29(1)(b) comes into effect to comply with the product specific training requirements set out in Part 5 of Chapter 3.
- (8) A person authorised or appointed after commencement of this Notice but prior to the date on which section 29(1)(b) comes into effect has three months from the effective date of section 29(1)(b) to comply with the product specific training requirements set out in Part 5 of Chapter 3.

Class of business training

- (9) An FSP, key individual, other than a key individual of a Category I FSP, or representative, excluding a representative working under supervision, authorised, approved or appointed prior to commencement of this Notice is deemed to have completed the class of business training contemplated in Part 5 of Chapter 3 in respect of the financial products for which they were so authorised, approved or appointed.
- (10) A key individual of a Category I FSP approved prior to commencement of this Notice is deemed to have completed the class of business training contemplated in Part 5 of Chapter 3 in respect of the financial products for which the –
 - (a) key individual was approved to manage or oversee; or
 - (b) Category I FSP, in respect of which the key individual was approved, was authorised, during any period prior to the commencement of this Notice.
- (11) A key individual referred to in subsection (10) must –
 - (a) within six months after commencement of this Notice inform the Registrar of the classes of business it currently manages and oversees in respect of all FSPs for which it is approved; and
 - (b) submit the information referred to in paragraph (a) in the manner and format prescribed by the Registrar.
- (12) A representative working under supervision at commencement of this Notice has 12 months from the date on which section 29(1)(a) comes into effect to comply with the class of business training requirements set out in in Part 5 of Chapter 3 for the financial products in respect of which they are working under supervision.
- (13) A person authorised, approved or appointed after commencement of this Notice but prior to the date on which section 29(1)(a) comes into effect has 12 months from the effective date of section 29(1)(a) to comply with the class of business training requirements set out in in Part 5 of Chapter 3.

Restrictions on licence

- (14) The restrictions on the licence of an FSP authorised at the date of commencement of this Notice for the financial products listed in Column A of Table C will be –
 - (a) amended by the Registrar to include the corresponding financial products listed in Column B of the Table; and

- (b) deemed to be authorised for the corresponding financial products listed in column B until such time the Registrar has amended the restrictions of its licence.

TABLE C	
Column A	Column B
Short-term Insurance Personal Lines	Short-term Insurance Personal Lines A-1
Long-term Insurance subcategory B1	Long-term Insurance subcategory B1-A
Long-term Insurance subcategory B2	Long-term Insurance subcategory B2-A

- (15) The FSP referred to in subsection (14) must within three months after the amendment by the Registrar of the restrictions on its licence update the central representative register to correctly reflect the financial products in respect of which a representative is appointed to render financial services.
- (16) The first date on which an FSP, key individual or representative was authorised, approved or appointed for the financial products referred to in Column A of Table C, where that date occurred prior to the commencement of this Notice, will be deemed to be the date on which the FSP, key individual or representative was first authorised, approved or appointed for the financial products referred to in Column B.
- (17) An FSP that-
- renders financial services in respect of a financial product listed in Column A of Table D; and
 - at commencement of this Notice is authorised to render the services in respect of the financial product referred to in paragraph (a);
- is deemed to be authorised for the corresponding financial product listed in Column B of Table D -
- provided the FSP submits an application for authorisation to render the services in respect of the financial product listed in Column B of Table D to the Registrar within three months after commencement of this Notice; and
 - until such time the Registrar has finally approved or rejected the application referred to in subparagraph (i).

TABLE D	
Column A	Column B
Participatory interest in a collective investment scheme	Participatory interest in a CIS hedge fund
Short-term deposit	Structured deposit
Long-term deposit	Structured deposit

Short title and commencement

53. (1) This Notice is called the Determination of Fit and Proper Requirements, 2017, and comes into operation on 1 April 2018, except those sections of the Notice specified in the first column of the Table hereunder, which will take effect on the dates as indicated in the second column of the Table.

Section in Notice	Effective Date
Sections 13(3) and (5)	1 May 2018
Section 29(1)(a)	1 August 2018

Section 29(1)(b)	1 May 2018
Section 29(2)	1 August 2018
Sections 31 – 34	1 June 2018
Section 38	1 May 2018
Sections 44(1) and (2); 45; 48 and 49 but only insofar it relates to a juristic representative	1 March 2019