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PROCLAMATION

by the State President of the Republic of South Africa

No. 12, 1991

DEPOSIT-TAKING INSTITUTIONS ACT, 1990
(ACT No. 94 OF 1990)

COMMENCEMENT

By virtue of the powers vested in me by section 96 of the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), I hereby determine that the provisions of the said Act, save section 60 (1) and (2) thereof, shall come into operation on 1 February 1991.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-ninth day of January, One thousand Nine hundred and Ninety-one.

F. W. DE KLERK,
State President.

By Order of the State President-in-Cabinet:

B. J. DU PLESSIS,
Minister of the Cabinet.

PROKLAMASIE

van die Staatspresident van die Republiek van Suid-Afrika

No. 12, 1991

WET OP DEPOSITONEMENDE INSTELLINGS, 1990
(WET No. 94 VAN 1990)

INWERKINGTREDING

Kragtens die bevoegdheid my verleen by artikel 96 van die Wet op Depositonemende Instellings, 1990 (Wet No. 94 van 1990), bepaal ek hierby dat die bepalings van genoemde Wet, uitgesonderd artikel 60 (1) en (2) daarvan, op 1 Februarie 1991 in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Negen-en-twintigste dag van Januarie Eenduisend Negehonderd Een-en-negentig.

F. W. DE KLERK,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:

B. J. DU PLESSIS,
Minister van die Kabinet.

GOVERNMENT NOTICES

DEPARTMENT OF FINANCE

No. 195 **31 January 1991**

DEPOSIT-TAKING INSTITUTIONS ACT, 1990

DESIGNATION OF AN ACTIVITY NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A DEPOSIT-TAKING INSTITUTION" (PARTICIPATION BOND SCHEMES)

Under paragraph (dd) (ii) of the definition of "the business of a deposit-taking institution" in section 1 of the Deposit-taking Institutions Act, 1990 (Act No. 94 of

GOEWERMENTSKENNISGEWINGS

DEPARTEMENT VAN FINANSIES

No. 195 **31 Januarie 1991**

WET OP DEPOSITONEMENDE INSTELLINGS, 1990

AANWYSING VAN 'N BEDRYWIGHEID WAT NIE BINNE DIE BETEKENIS VAN "DIE BEDRYF VAN 'N DEPOSITONEMENDE INSTELLING" VAL NIE (DEELNEMINGSVERBANDSKEMAS)

Kragtens paragraaf (dd) (ii) van die omskrywing van "die bedryf van 'n depositonemende instelling" in artikel 1 van die Wet op Depositonemende Instellings,

1990), I, Barend Jacobus du Plessis, Minister of Finance, hereby designate, with effect from the date of commencement of the said Act, the activity set out in the Schedule and which is performed, in terms of a scheme so set out, in accordance with the conditions so set out, as an activity which does not fall within the meaning of "the business of a deposit-taking institution".

B. J. DU PLESSIS,
Minister of Finance.

SCHEDULE

The acceptance of money by a manager as defined in section 1 of the Participation Bonds Act, 1981 (Act No. 55 of 1981), from any person for the purpose of the investment of that money in a participation bond or in participation bonds, as so defined, included in a scheme, as so defined, provided—

(a) the money so accepted is in fact invested for a period of not less than five years in such a participation bond or such participation bonds and remains, after the date of the expiration of the period for which it has been so invested, invested in that participation bond or participation bonds or is re-invested on behalf of the investor concerned in another participation bond or participation bonds included in the scheme, unless it is repaid in accordance with the provisions of the last-mentioned Act to the investor concerned; and

(b) in the event of the debt secured by a participation bond in question being repaid in whole or in part by the mortgagor before the expiry of a period of five years from the date of investment, money so repaid is reinvested for not less than the unexpired portion of the said period of five years by such manager on behalf of the person first-mentioned in this Schedule upon the security of another participation bond or of other participation bonds included in the scheme in question and acceptable to such person, in accordance with the provisions of section 3 (1) (b) (ii) of the last-mentioned Act.

1990 (Wet No. 94 van 1990), wys ek, Barend Jacobus du Plessis, Minister van Finansies, met ingang van die datum van inwerkingtreding van genoemde Wet die bedrywigheid uiteengesit in die Bylae en wat, ingevolge 'n skema aldus uiteengesit, verrig word ooreenkomstig die voorwaardes in die bylae bepaal, hierby aan as 'n bedrywigheid wat nie binne die betekenis van "die bedryf van 'n depositonemende instelling" val nie.

B. J. DU PLESSIS,
Minister van Finansies.

BYLAE

Die ontvangs van geld deur 'n bestuurder soos omskryf in artikel 1 van die Wet op Deelnemingsverbande, 1981 (Wet No. 55 van 1981), van enige persoon vir die doel van die belegging van daardie geld in 'n deelnemingsverband of in deelnemingsverbande, soos aldus omskryf, wat ingesluit is by 'n skema, soos aldus omskryf, mits—

(a) die geld aldus ontvang inderdaad vir 'n tydperk van minstens vyf jaar belê word in so 'n deelnemingsverband of sodanige deelnemingsverbande en, na die datum van die verstryking van die tydperk waarvoor dit aldus belê is, in daardie deelnemingsverband of deelnemingsverbande belê bly of ten behoewe van die betrokke belegger herbelê word in 'n ander deelnemingsverband of ander deelnemingsverbande wat by die skema ingesluit is, tensy dit ooreenkomstig die bepalings van laasgenoemde Wet aan die betrokke belegger terugbetaal word; en

(b) indien die skuld wat deur 'n betrokke deelnemingsverband gesekureer word, voor die verstryking van 'n tydperk van vyf jaar vanaf die datum van belegging in die geheel of gedeeltelik deur die verbandgewer terugbetaal word, geld wat aldus terugbetaal word vir minstens die onverstreke gedeelte van bedoelde tydperk van vyf jaar deur so 'n bestuurder ten behoewe van die in hierdie Bylae eersgenoemde persoon herbelê word op sekuriteit van 'n ander deelnemingsverband of van ander deelnemingsverbande wat by die betrokke skema ingesluit en vir daardie persoon aanneemlik is, ooreenkomstig die bepalings van artikel 3 (1) (b) (ii) van laasgenoemde Wet.

No. 196 **31 January 1991**

DEPOSIT-TAKING INSTITUTIONS ACT, 1990

DESIGNATION OF AN ACTIVITY NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A DEPOSIT-TAKING INSTITUTION" (UNIT TRUST SCHEMES)

Under paragraph (dd) (ii) of the definition of "the business of a deposit-taking institution" in section 1 of the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), I, Barend Jacobus du Plessis, Minister of Finance, hereby designate, with effect from the date of commencement of the said Act, the activities set out in the Schedule as activities which do not fall within the meaning of "the business of a deposit-taking institution".

B. J. DU PLESSIS,
Minister of Finance.

No. 196 **31 Januarie 1991**

WET OP DEPOSITONEMENDE INSTELLINGS, 1990

AANWYSING VAN 'N BEDRYWIGHEID WAT NIE BINNE DIE BETEKENIS VAN "DIE BEDRYF VAN 'N DEPOSITONEMENDE INSTELLING" VAL NIE (EFFEKTE-TRUSTSKEMAS)

Kragtens paragraaf (dd) (ii) van die omskrywing van "die bedryf van 'n depositonemende instelling" in artikel 1 van die Wet op Depositonemende Instellings, 1990 (Wet No. 94 van 1990), wys ek, Barend Jacobus du Plessis, Minister van Finansies, met ingang van die datum van inwerkingtreding van genoemde Wet hierby die bedrywighede uiteengesit in die Bylae aan as bedrywighede wat nie binne die betekenis van "die bedryf van 'n depositonemende instelling" val nie.

B. J. DU PLESSIS,
Minister van Finansies.

SCHEDULE

The acceptance, payment or utilisation by a—

(a) management company registered as such in terms of section 4 of the Unit Trusts Control Act, 1981 (Act No. 54 of 1981);

(b) management company in property shares, registered as such a management company in terms of section 30 of the last-mentioned Act; or

(c) trustee under a unit trust scheme, registered as such a trustee in terms of section 20 of the last-mentioned Act,

of money in the course of and for the purposes of the management or carrying on of a unit trust scheme as defined in section 1 of the last-mentioned Act.

BYLAE

Die ontvangs, betaling of aanwending deur 'n—

(a) bestuursmaatskappy wat as sodanig geregistreer is ingevolge artikel 4 van die Wet op Beheer van Effekte-Trustskemas, 1981 (Wet No. 54 van 1981);

(b) bestuursmaatskappy in eiendomsaandele, wat as so 'n bestuursmaatskappy geregistreer is ingevolge artikel 30 van laasgenoemde Wet; of

(c) trustee ingevolge 'n effekte-trustskema, wat as so 'n trustee geregistreer is ingevolge artikel 20 van laasgenoemde Wet,

van geld in die loop en vir die doeleindes van die bestuur of voortsetting van 'n effekte-trustskema of trustskema soos in artikel 1 van laasgenoemde Wet omskryf.

SOUTH AFRICAN RESERVE BANK

No. 197 **31 January 1991**

DEPOSIT-TAKING INSTITUTIONS ACT, 1990

DESIGNATION OF AN ACTIVITY NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A DEPOSIT-TAKING INSTITUTION" (MINING HOUSES)

Under paragraph (cc) of the definition of "the business of a deposit-taking institution" in section 1 of the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), I, Jan Hendrik van Greuning, Registrar of Deposit-taking Institutions (hereinafter referred to as the Registrar), hereby designate, with the approval of the Minister of Finance and for a period of three years as from the date of commencement of the said Act, the activity set out in paragraph 2 of the Schedule and which is performed in accordance with the conditions so set out, as an activity which does not fall within the meaning of "the business of a deposit-taking institution".

J. H. VAN GREUNING,
Registrar of Deposit-taking Institutions.

SCHEDULE

1. In this Schedule—

"affiliate", in relation to a public company referred to in paragraph (a) or a subsidiary company referred to in paragraph (b) of the definition of "Group", means any company, partnership or trust in which such public company or subsidiary company (hereinafter in this definition referred to as a member) holds a qualifying investment which such member intends to retain as a long-term investment, and which company, partnership or trust has entered into an agreement with any such member in terms of which all funds of such company, partnership or trust which are in excess of its needs from time to time shall be invested with such member or with a deposit-taking institution;

SUID-AFRIKAANSE RESERWEBANK

No. 197 **31 Januarie 1991**

WET OP DEPOSITONEMENDE INSTELLINGS, 1990

AANWYSING VAN 'N BEDRYWIGHEID WAT NIE BINNE DIE BETEKENIS VAN "DIE BEDRYF VAN 'N DEPOSITONEMENDE INSTELLING" VAL NIE (MYNHUISE)

Kragtens paragraaf (cc) van die omskrywing van "die bedryf van 'n depositonemende instelling" in artikel 1 van die Wet op Depositonemende Instellings, 1990 (Wet No. 94 van 1990), wys ek, Jan Hendrik van Greuning, Registrateur van Depositonemende Instellings (hieronder die Registrateur genoem), met die goedkeuring van die Minister van Finansies en vir 'n tydperk van drie jaar met ingang van die datum van inwerkingtreding van genoemde Wet, die bedrywigheid uiteengesit in paragraaf 2 van die Bylae en wat verrig word ooreenkomstig die voorwaardes aldus uiteengesit, hierby aan as 'n bedrywigheid wat nie binne die betekenis van "die bedryf van 'n depositonemende instelling" val nie.

J. H. VAN GREUNING,
Registrateur van Depositonemende Instellings.

BYLAE

1. In hierdie Bylae beteken—

"geaffilieerde", met betrekking tot 'n publieke maatskappy bedoel in paragraaf (a) of 'n filiaalmaatskappy bedoel in paragraaf (b) van die omskrywing van "Groep", enige maatskappy, vennootskap of trust waarin sodanige publieke maatskappy of filiaalmaatskappy (hieronder in hierdie omskrywing 'n lid genoem) 'n kwalifiserende belegging hou wat sodanige lid van voorneme is om as 'n langtermynbelegging te behou, en welke maatskappy, vennootskap of trust met enige sodanige lid 'n ooreenkoms aangegaan het ingevolge waarvan alle fondse van sodanige maatskappy, vennootskap of trust wat van tyd tot tyd oortollig aan sy behoeftes is, by sodanige lid of by 'n depositonemende instelling belê moet word;

"Group" means a group consisting of—

(a) a public company which is a member of the Chamber of Mines of South Africa and of which the securities, as defined in section 1 of the Stock Exchanges Control Act, 1985 (Act No. 1 of 1985), are included in the list of securities kept in terms of section 16 (a) of that Act;

(b) all the subsidiary companies of the public company referred to in paragraph (a); and

(c) all the affiliates of the public company referred to in paragraph (a) and of the subsidiary companies referred to in paragraph (b),

provided the aggregate amount representing the share capital, share premium and reserves (including retained income) of the public company referred to in paragraph (a) and the subsidiary companies referred to in paragraph (b), as reflected in the consolidated balance sheet which forms part of the latest consolidated annual financial statements made out in respect of such public company and subsidiary companies in terms of sections 289 and 290 of the Companies Act, 1973 (Act No. 61 of 1973), exceeds R1 000 000 000;

"qualifying investment", in relation to a company, partnership or trust referred to in the definition of "affiliate" in this paragraph, means an investment in such company, partnership or trust made by a member, referred to in paragraph (a) or (b) of the definition of "Group" in this paragraph, of the Group of which such company, partnership or trust is an affiliate and which investment either—

(a) enables such member to exercise significant influence, as defined in paragraph .07 of Accounting Statement AC 110 issued by the South African Institute of Chartered Accountants, over the financial and operating policies of such company, partnership or trust; or

(b) in the case of such company, represents 20 percent or more of the equity share capital of such company.

2. The acceptance, with a view to the ultimate objective of the financing of the development of the mining industry and of directly related activities, of deposits, as defined in section 1 of the Deposit-taking Institutions Act, 1990, from any member of a Group by any other member of that Group, subject to the following conditions:

(1) Prior to the commencement of the practice of the acceptance of deposits within a Group in terms of this paragraph, that

"Groep" 'n groep bestaande uit—

(a) 'n publieke maatskappy wat 'n lid is van die Kamer van Mynwese van Suid-Afrika en waarvan die effekte, soos omskryf in artikel 1 van die Wet op Beheer van Effektebeurse, 1985 (Wet No. 1 van 1985), ingesluit is in die lys van effekte wat ingevolge artikel 16 (a) van daardie Wet gehou word;

(b) al die filiaalmaatskappye van die publieke maatskappy bedoel in paragraaf (a); en

(c) al die geaffilieerdes van die publieke maatskappy bedoel in paragraaf (a) en van die filiaalmaatskappye bedoel in paragraaf (b),

mits die totaalbedrag wat die aandelekapitaal, aandelepremie en reserwes (met inbegrip van teruggehoue inkomste) van die publieke maatskappy bedoel in paragraaf (a) en die filiaalmaatskappye bedoel in paragraaf (b) verteenwoordig, soos weergegee in die gekonsolideerde balansstaat wat deel uitmaak van die jongste gekonsolideerde finansiële jaarstate ten opsigte van sodanige publieke maatskappy en filiaalmaatskappye opgestel ingevolge artikels 289 en 290 van die Maatskappywet, 1973 (Wet No. 61 van 1973), meer as R1 000 000 000 is;

"kwalifiserende belegging", met betrekking tot 'n maatskappy, vennootskap of trust bedoel in die omskrywing van "geaffilieerde" in hierdie paragraaf, 'n belegging in sodanige maatskappy, vennootskap of trust gedoen deur 'n lid, bedoel in paragraaf (a) of (b) van die omskrywing van "Groep" in hierdie paragraaf, van die Groep waarvan sodanige maatskappy, vennootskap of trust 'n geaffilieerde is en welke belegging òf—

(a) so 'n lid in staat stel om wesenlike invloed, soos omskryf in paragraaf .07 van Rekeningkundige Standaard RE 110 uitgereik deur die Suid-Afrikaanse Instituut van Geoktrooieerde Rekenmeesters, oor die finansiële en bedryfsbeleid van sodanige maatskappy, vennootskap of trust uit te oefen; òf

(b) in die geval van sodanige maatskappy, meer as 20 persent van die ekwiteitskapitaal van sodanige maatskappy verteenwoordig.

2. Die neem, met die oog op die einddoel van die finansiering van die ontwikkeling van die mynbedryf en van direkverbandhoudende bedrywighede, van deposito's, soos omskryf in artikel 1 van die Wet op Depositonemende Instellings, 1990, van enige lid van 'n Groep deur enige ander lid van daardie Groep, onderworpe aan die volgende voorwaardes:

(1) Voor die aanvang van die praktyk van die neem van deposito's binne 'n Groep ingevolge hierdie paragraaf, moet daardie lid

member of the Group which is the public company referred to in paragraph (a) of the definition of "Group" in paragraph 1 shall in writing inform the Registrar of the intention of that Group to employ such practice.

(2) The public company referred to in subparagraph (1) shall, within thirty days after the thirty-first day of December of each year, in respect of that year furnish the Registrar with—

(a) a return containing the following particulars, namely—

(i) the name of the public company;

(ii) the names of the subsidiary companies and affiliates which constitute the other members of the Group;

(iii) the nature of the relationship which exists between each such affiliate and the public company or a subsidiary company, as the case may be, in the Group;

(iv) the nature of the investment in each such affiliate by the public company or a subsidiary company, as the case may be, in the Group;

(v) details of the control exercised through significant influence or shareholding contemplated in paragraphs (a) and (b), respectively, of the definition of "qualifying investment" in paragraph 1, by such public company or subsidiary company, as the case may be, over the financial and operating policies of the affiliate concerned;

(vi) the aggregate amount referred to in the definition of "Group" in paragraph 1, broken down under the headings "share capital", "share premium", "non-distributable reserves" (to be described) and "distributable reserves", as extracted from the public company's latest consolidated annual financial statements; and

(vii) whether the agreement referred to in the definition of "affiliate" in paragraph 1 is disclosed as a related party transaction in the annual financial statements of the affiliate concerned, and if not, why not;

(b) a copy of the public company's latest consolidated annual financial statements; and

(c) a statement setting out—

(i) the sources, average balances and aggregate amount of deposits accepted within the Group during the past financial year;

van die Groep wat die publieke maatskappy is bedoel in paragraaf (a) van die omskrywing van "Groep" in paragraaf 1, die Registrateur skriftelik in kennis stel van die voorneme van daardie Groep om sodanige praktyk toe te pas.

(2) Die publieke maatskappy bedoel in subparagraaf (1) moet, binne dertig dae na die een-en-dertigste dag van Desember van elke jaar, ten opsigte van daardie jaar die Registrateur voorsien van—

(a) 'n opgawe wat die volgende besonderhede bevat, naamlik—

(i) die naam van die publieke maatskappy;

(ii) die name van die filiaalmaatskappye en geaffilieerdes wat die ander lede van die Groep uitmaak;

(iii) die aard van die verhouding wat bestaan tussen elke sodanige geaffilieerde en die publieke maatskappy of 'n filiaalmaatskappy, na gelang van die geval, in die Groep;

(iv) die aard van die belegging in elke sodanige geaffilieerde deur die publieke maatskappy of 'n filiaalmaatskappy, na gelang van die geval, in die Groep;

(v) besonderhede van die beheer wat deur middel van wesenlike invloed of aandeelhouding beoog in paragrawe (a) en (b), onderskeidelik, van die omskrywing van "kwalifiserende belegging" in paragraaf 1, deur sodanige publieke maatskappy of filiaalmaatskappy, na gelang van die geval, oor die finansiële en bedryfsbeleid van die betrokke geaffilieerde uitgeoefen word;

(vi) die totaalbedrag bedoel in die omskrywing van "Groep" in paragraaf 1, ontleed onder die hoofde "aandelekapitaal", "aandelepremie", "nieverdeelbare reserwes" (moet beskryf word) en "verdeelbare reserwes", soos ontleen aan die publieke maatskappy se jongste gekonsolideerde finansiële jaarstate; en

(vii) of die ooreenkoms bedoel in die omskrywing van "geaffilieerde" in paragraaf 1 openbaar word as 'n verwanteparty-transaksie in die finansiële jaarstate van die betrokke geaffilieerde, en indien nie, waarom nie;

(b) 'n afskrif van die publieke maatskappy se jongste gekonsolideerde finansiële jaarstate; en

(c) 'n staat waarin uiteengesit word—

(i) die bronne, gemiddelde saldo's en totaalbedrag van deposito's binne die Groep gedurende die afgelope finansiële jaar geneem;

(ii) the aggregate amount of deposits accepted within the Group during the past financial year from those members of the Group which are affiliates contemplated in paragraph (c) of the definition of "Group" in paragraph 1; and

(iii) details of the utilization of the aggregate amount referred to in subparagraph (i).

No. 198 **31 January 1991**

DEPOSIT-TAKING INSTITUTIONS ACT, 1990

DESIGNATION OF ACTIVITIES NOT FALLING WITHIN THE MEANING OF "THE BUSINESS OF A DEPOSIT-TAKING INSTITUTION" (TEBA SAVINGS FUND)

Under paragraph (cc) of the definition of "the business of a deposit-taking institution" in section 1 of the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), I, Jan Hendrik van Greuning, Registrar of Deposit-taking Institutions, hereby designate, with the approval of the Minister of Finance and for a period of three years as from the date of commencement of the said Act, the activities set out in the Schedule and which are performed in accordance with the conditions so set out, as activities which do not fall within the meaning of "the business of a deposit-taking institution".

J. H. VAN GREUNING,
Registrar of Deposit-taking Institutions.

SCHEDULE

All activities performed by or on behalf of and in the course of the performance of the functions of the fund known as the Teba Savings Fund, which fund is administered by the company incorporated and registered under the name of The Employment Bureau of Africa Limited, provided such activities—

(a) are so performed solely for the purposes of the achievement of the objective of the said fund, namely the provision of a personal savings service and related services to employees in the mining industry and their beneficiaries; and

(b) are authorized by and performed in accordance with the provisions of the Trust Deed of the Teba Savings Fund as approved by the Registrar of Banks and of Building Societies on 30 July 1990.

No. 199 **31 January 1991**

RULES UNDER PROCLAMATION
No. R. 184 OF 1967

The rules contained in the Schedule are hereby made by the South African Reserve Bank under Proclamation No. R. 184 of 2 August 1967.

(ii) die totaalbedrag van deposito's binne die Groep gedurende die afgelope finansiële jaar geneem van daardie lede van die Groep wat geaffilieerdes is soos bedoel in paragraaf (c) van die omskrywing van "Groep" in paragraaf 1; en

(iii) besonderhede van die aanwending van die totaalbedrag bedoel in subparagraaf (i).

No. 198 **31 Januarie 1991**

WET OP DEPOSITONEMENDE INSTELLINGS, 1990

AANWYSING VAN BEDRYWIGHEDE WAT NIE BINNE DIE BETEKENIS VAN "DIE BEDRYF VAN 'N DEPOSITONEMENDE INSTELLING" VAL NIE ("TEBA SAVINGS FUND")

Kragtens paragraaf (cc) van die omskrywing van "die bedryf van 'n depositonemende instelling" in artikel 1 van die Wet op Depositonemende Instellings, 1990 (Wet No. 94 van 1990), wys ek, Jan Hendrik van Greuning, Registrateur van Depositonemende Instellings, met die goedkeuring van die Minister van Finansies en vir 'n tydperk van drie jaar met ingang van die datum van inwerkingtreding van genoemde Wet, die bedrywighede uiteengesit in die Bylae en wat verrig word ooreenkomstig die voorwaardes aldus uiteengesit, hierby aan as bedrywighede wat nie binne die betekenis van "die bedryf van 'n depositonemende instelling" val nie.

J. H. VAN GREUNING,
Registrateur van Depositonemende Instellings.

BYLAE

Alle bedrywighede verrig deur of namens en in die loop van die verrigting van die werksaamhede van die fonds bekend as die "Teba Savings Fund", welke fonds bestuur word deur die maatskappy ingelyf en geregistreer onder die naam van "The Employment Bureau of Africa Limited", mits sodanige bedrywighede—

(a) aldus verrig word uitsluitlik vir die doeleindes van die bereiking van die oogmerk van genoemde fonds, naamlik die verskaffing van 'n persoonlike spaardiens en verwante dienste aan werknemers in die mynbedryf en hul begunstigdes; en

(b) gemagtig word deur en verrig word ooreenkomstig die bepalings van die Trustakte van die "Teba Savings Fund" soos goedgekeur deur die Registrateur van Banke en van Bouverenigings op 30 Julie 1990.

No. 199 **31 Januarie 1991**

REËLS KRAGTENS PROKLAMASIE
No. R. 184 VAN 1967

Die reëls vervat in die Bylae word hierby kragtens Proklamasie No. R. 184 van 2 Augustus 1967 deur die Suid-Afrikaanse Reserwebank uitgevaardig.

SCHEDULE

1. In these Rules "the Act" means the Deposit-taking Institutions Act, 1990 (Act No. 94 of 1990), and any word or expression to which a meaning has been assigned in the Act shall bear such meaning and, unless the context otherwise indicates—

"bank" means a deposit-taking institution which was, immediately prior to the date of commencement of the Act, provisionally registered or registered as a banking institution (other than a discount house) in terms of the provisions of the Banks Act;

"Banks Act" means the Banks Act, 1965 (Act No. 23 of 1965);

"building society" means a deposit-taking institution which was, immediately prior to the date of commencement of the Act, provisionally or finally registered as a building society in terms of the provisions of the Building Societies Act;

"Building Societies Act" means the Building Societies Act, 1986 (Act No. 82 of 1986);

"form DI 310" means form DI 310 prescribed in Annexure II to the Regulations;

"the Regulations" means the Regulations relating to Deposit-taking Institutions published by Government Notice No. R. 2799 dated 30 November 1990.

2. Notwithstanding the repeal of the Banks Act and the Building Societies Act by the Act—

(a) a bank shall, after the commencement of the Act, continue to maintain the minimum reserve balance with the Reserve Bank, and the minimum amount of liquid assets, which it was required to maintain in terms of the Banks Act; and

(b) a building society shall, after the commencement of the Act, continue to maintain the minimum reserve balance with the Reserve Bank, and the minimum amount of liquid assets, which it was required to maintain in terms of the Building Societies Act,

calculated in accordance with the provisions of the Banks Act or the Building Societies Act, according as to which of those Acts were applicable to it, and of the regulations made thereunder, up to the date of the certification of the return on form DI 310 which relates to the month ending on 28 February 1991.

3. Notwithstanding the provisions of the Act, the minimum reserve balance required to be maintained by a deposit-taking institution with the Reserve Bank in terms of the provisions of section 71 of the Act and the minimum amount of liquid assets required to be maintained by a deposit-taking institution in terms of the provi-

BYLAE

1. In hierdie Reëls beteken "die Wet" die Wet op Depositonemende Instellings, 1990 (Wet No. 94 van 1990), en het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg is, daardie betekenis en, tensy uit die samehang anders blyk, beteken—

"bank" 'n depositonemende instelling wat, onmiddellik voor die datum van inwerkingtreding van die Wet, ingevolge die bepalings van die Bankwet as 'n bankinstelling (uitgesonderd 'n diskontohuis) voorlopig geregistreer of geregistreer was;

"Bankwet" die Bankwet, 1965 (Wet No. 23 van 1965);

"bouvereniging" 'n depositonemende instelling wat, onmiddellik voor die datum van inwerkingtreding van die Wet, ingevolge die bepalings van die Wet op Bouverenigings voorlopig of finaal as 'n bouvereniging geregistreer was;

"die Regulasies" die Regulasies aangaande Depositonemende Instellings afgekondig by Goewermentskennisgewing No. R. 2799 gedateer 30 November 1990;

"vorm DI 310" vorm DI 310 voorgeskryf in Aanhangsel II by die Regulasies;

"Wet op Bouverenigings" die Wet op Bouverenigings, 1986 (Wet No. 82 van 1986).

2. Ondanks die herroeping van die Bankwet en die Wet op Bouverenigings deur die Wet—

(a) moet 'n bank na die inwerkingtreding van die Wet voortgaan om die minimum reserwesaldo wat hy ingevolge die Bankwet verplig was om by die Reserwebank in stand te hou en die minimum bedrag aan likwiede bates wat hy aldus verplig was om in stand te hou; en

(b) moet 'n bouvereniging na die inwerkingtreding van die Wet voortgaan om die minimum reserwesaldo wat hy ingevolge die Wet op Bouverenigings verplig was om by die Reserwebank in stand te hou en die minimum bedrag aan likwiede bates wat hy aldus verplig was om in stand te hou,

bereken ooreenkomstig die bepalings van die Bankwet of die Wet op Bouverenigings, na gelang van welke van daardie Wette op hom van toepassing was, en van die regulasies daarkragtens uitgevaardig, in stand te hou tot op die datum van die sertifisering van die opgawe op vorm DI 310 wat betrekking het op die maand geëindig 28 Februarie 1991.

3. Ondanks die bepalings van die Wet moet die minimum reserwesaldo wat deur 'n depositonemende instelling ingevolge die bepalings van artikel 71 van die Wet by die Reserwebank in stand gehou moet word en die minimum bedrag aan likwiede bates wat deur 'n depositonemende instelling ingevolge die bepalings van artikel 72 van die Wet in stand gehou moet word, vir die

sions of section 72 of the Act shall, for the purposes of compliance with the provisions of the said sections during the first period of maintenance, prescribed by regulation 16 of the Regulations, after the commencement of the Act, and during each of the subsequent three such periods of maintenance, be calculated as provided hereinafter in rule 4.

4. The calculation referred to in rule 3 shall be made in the following manner, namely—

(a) the deposit-taking institution shall, in respect of the month ending on 28 February 1991—

(i) in the case of a bank, complete items 1 to 12, inclusive, and 18 and 19 of BA Form 7 and Annexures A and B to the said form, contained in the regulations made under the Banks Act, in the manner prescribed in the last-mentioned regulations and in the Rules Relating To Repurchase Agreements promulgated by Government Notice No. R. 1241 dated 30 May 1990;

(ii) in the case of a building society, complete BSA Form 9 and Annexure A thereto, contained in the regulations made under the Building Societies Act, in the manner prescribed in the last-mentioned regulations; and

(iii) in the case of both a bank and a building society, also complete a form DI 310 in the manner prescribed in the Regulations,

and calculate on the basis of the return referred to in subparagraph (i) (in the case of a bank) or subparagraph (ii) (in the case of a building society), as well as on the basis of the return referred to in subparagraph (iii) (in the case of both a bank and a building society), the minimum reserve balance with the Reserve Bank and the minimum amount of liquid assets required to be maintained by the deposit-taking institution as from the date of certification of the said forms, which shall be a date not later than the fifteenth business day of March 1991;

(b) the deposit-taking institution shall (in the case of both a bank and a building society), in respect of each of the subsequent three periods of maintenance referred to in rule 3, also complete a form DI 310 in the manner prescribed in the Regulations, and calculate on the basis of such returns the minimum reserve balance with the Reserve Bank and the minimum amount of liquid assets required to be maintained by the deposit-taking institution as from the date of certification of the forms in respect of the months ending on 31 March 1991, 30 April 1991 and 31 May 1991, respectively;

doeleindes van die nakoming van die bepalings van genoemde artikels gedurende die eerste tydperk van instandhouding, voorgeskryf by regulasie 16 van die Regulasies, na die inwerkingtreding van die Wet, en gedurende elkeen van die daaropvolgende drie sodanige tydperke van instandhouding, bereken word soos hieronder in reël 4 bepaal.

4. Die berekening bedoel in reël 3 moet op die volgende wyse gedoen word, naamlik—

(a) die depositonemende instelling moet, ten opsigte van die maand wat eindig op 28 Februarie 1991—

(i) in die geval van 'n bank, items 1 tot en met 12 en 18 en 19 van BW-Vorm 7 en Aanhangsels A en B by genoemde vorm, vervat in die regulasies kragtens die Bankwet uitgevaardig, voltooi op die wyse voorgeskryf in laasgenoemde regulasies en in die Reëls Betreffende Terugkooopooreenkomste afgekondig by Goewermentskennisgewing No. R. 1241 gedateer 30 Mei 1990;

(ii) in die geval van 'n bouvereniging, BVW-vorm 9 en Aanhangsel A daarby, vervat in die regulasies kragtens die Wet op Bouverenigings uitgevaardig, voltooi op die wyse voorgeskryf in laasgenoemde regulasies; en

(iii) in die geval van sowel 'n bank as 'n bouvereniging, ook 'n vorm DI 310 voltooi op die wyse voorgeskryf in die Regulasies,

en die minimum reserwesaldo by die Reserwebank en die minimum bedrag aan likwiede bates wat deur die depositonemende instelling vanaf die datum van sertifisering van genoemde vorms, wat 'n datum nie later as die vyftiende sakedag van Maart 1991 mag wees nie, in stand gehou moet word, bereken op grondslag van die opgawe vermeld in subparagraaf (i) (in die geval van 'n bank) of subparagraaf (ii) (in die geval van 'n bouvereniging), sowel as op grondslag van die opgawe vermeld in subparagraaf (iii) (in die geval van sowel 'n bank as 'n bouvereniging);

(b) die depositonemende instelling moet (in die geval van sowel 'n bank as 'n bouvereniging) ten opsigte van elk van die daaropvolgende drie tydperke van instandhouding vermeld in reël 3 ook vorm DI 310 voltooi op die wyse voorgeskryf in die Regulasies, en op grondslag van sodanige opgawes die minimum reserwesaldo by die Reserwebank en die minimum bedrag aan likwiede bates wat deur die depositonemende instelling in stand gehou moet word vanaf die datum van sertifisering van die opgawes ten opsigte van die maande wat onderskeidelik eindig op 31 Maart 1991, 30 April 1991 en 31 Mei 1991, bereken;

(c) after completion of the steps set out in paragraph (a) the deposit-taking institution shall, in respect of the month ending on 28 February 1991, determine the difference between—

(i) the result of the calculation on the basis of the return referred to in paragraph (a) (i) or (a) (ii), according as to which paragraph is applicable to it; and

(ii) the result of the calculation on the basis of the return referred to in paragraph (a) (iii);

(d) if the result, either in respect of the requirement relating to the minimum reserve balance with the Reserve Bank or in respect of the requirement relating to the minimum amount of liquid assets, contemplated in paragraph (c) (i)—

(i) is more than the result, contemplated in paragraph (c) (ii), in respect of the corresponding requirement, the full amount of the difference shall, during the four periods of maintenance referred to in rule 3, be added to the corresponding result contemplated in paragraph (a) (iii) or (b), according as to which period of maintenance is concerned: Provided that the amount of the said difference can, for the purposes of compliance with the relevant requirement during the first period of maintenance, referred to in rule 3, be reduced by 25 per cent, and can, for the purposes of such compliance during each of the subsequent three periods of maintenance, be reduced with a further 25 per cent, cumulatively;

(ii) is less than the result, contemplated in paragraph (c) (ii), in respect of the corresponding requirement, the full amount of the difference can, during the four periods of maintenance referred to in rule 3, be deducted from the result contemplated in paragraph (a) (iii) or (b), according as to which period of maintenance is concerned: Provided that the amount of the said difference shall, if it is so deducted, for the purposes of compliance with the relevant requirement during the first period of maintenance, referred to in rule 3, be increased by 25 per cent and shall, for the purposes of such compliance during each of the subsequent three periods of maintenance, be increased by a further 25 per cent, cumulatively.

5. These Rules shall come into operation on the date of commencement of the Act.

(c) na voltooiing van die stappe uiteengesit in paragraaf (a) moet die depositonemende instelling, ten opsigte van die maand wat eindig op 28 Februarie 1991, die verskil bepaal tussen—

(i) die resultaat van die berekening op grondslag van die opgawe vermeld in paragraaf (a) (i) of (a) (ii), na gelang van watter paragraaf op hom van toepassing is; en

(ii) die resultaat van die berekening op grondslag van die opgawe vermeld in paragraaf (a) (iii);

(d) indien die resultaat, hetsy ten opsigte van die vereiste betreffende die minimum reserwesaldo by die Reserwebank of die vereiste betreffende die minimum bedrag aan likwiede bates, vermeld in paragraaf (c) (i)—

(i) groter is as die resultaat, vermeld in paragraaf (c) (ii), ten opsigte van die ooreenstemmende vereiste, moet die volle bedrag van die verskil, gedurende die vier tydperke van instandhouding bedoel in reël 3, by die ooreenstemmende resultaat vermeld in paragraaf (a) (iii) of (b), na gelang van welke tydperk van instandhouding betrokke is, getel word: Met dien verstande dat die bedrag van bedoelde verskil vir die doeleindes van voldoening aan die betrokke vereiste gedurende die eerste tydperk van instandhouding, bedoel in reël 3, met 25 persent verminder kan word en vir doeleindes van sodanige voldoening gedurende elkeen van die daaropvolgende drie tydperke van instandhouding kumulatief met 'n verdere 25 persent verminder kan word;

(ii) kleiner is as die resultaat, vermeld in paragraaf (c) (ii), ten opsigte van die ooreenstemmende vereiste, kan die volle bedrag van die verskil, gedurende die vier tydperke van instandhouding bedoel in reël 3, van die resultaat vermeld in paragraaf (a) (iii) of (b), na gelang van welke tydperk van instandhouding betrokke is, afgetrek word: Met dien verstande dat die bedrag van bedoelde verskil, indien dit afgetrek word, vir die doeleindes van voldoening aan die betrokke vereiste gedurende die eerste tydperk van instandhouding, bedoel in reël 3, met 25 persent vermeerder moet word en vir doeleindes van sodanige voldoening gedurende elkeen van die daaropvolgende drie tydperke van instandhouding kumulatief met 'n verdere 25 persent vermeerder moet word.

5. Hierdie Reëls tree in werking op die datum van inwerkingtreding van die Wet.

Use it

Don't abuse it

water is for everybody

Werk mooi daarmee

Ons leef daarvan

water is kosbaar

IMPORTANT ANNOUNCEMENT

Closing times PRIOR TO PUBLIC HOLIDAYS *for*

LEGAL NOTICES
GOVERNMENT NOTICES 1991

The closing time is ***15:00*** *sharp on the following days:*

- **21 March**, Thursday, for the issue of Thursday **28 March**
- **27 March**, Wednesday, for the issue of Friday **5 April**
- **25 April**, Thursday, for the issue of Friday **3 May**
- **2 May**, Thursday, for the issue of Friday **10 May**
- **23 May**, Thursday, for the issue of Thursday **30 May**
- **3 October**, Thursday, for the issue of Friday **11 October**
- **12 December**, Thursday, for the issue of Friday **20 December**
- **17 December**, Tuesday, for the issue of Friday **27 December**
- **19 December**, Thursday, for the issue of Friday **3 January**

Late notices will be published in the subsequent issue. If, under special circumstances, a late notice is being accepted, a double tariff will be charged

The copy for a SEPARATE *Government Gazette* must be handed in not later than three calendar weeks before date of publication

BELANGRIKE AANKONDIGING

Sluitingstye VOOR VAKANSIEDAE *vir*

WETLIKE KENNISGEWINGS
GOEWERMENTSKENNISGEWINGS 1991

Die sluitingstyd is stiptelik ***15:00*** *op die volgende dae:*

- **21 Maart**, Donderdag, vir die uitgawe van Donderdag **28 Maart**
- **27 Maart**, Woensdag, vir die uitgawe van Vrydag **5 April**
- **25 April**, Donderdag, vir die uitgawe van Vrydag **3 Mei**
- **2 Mei**, Donderdag, vir die uitgawe van Vrydag **10 Mei**
- **23 Mei**, Donderdag, vir die uitgawe van Donderdag **30 Mei**
- **3 Oktober**, Donderdag, vir die uitgawe van Vrydag **11 Oktober**
- **12 Desember**, Donderdag, vir die uitgawe van Vrydag **20 Desember**
- **17 Desember**, Dinsdag, vir die uitgawe van Vrydag **27 Desember**
- **19 Desember**, Donderdag, vir die uitgawe van Vrydag **3 Januarie**

Laat kennisgewings sal in die daaropvolgende uitgawe geplaas word. Indien 'n laat kennisgewing wel, onder spesiale omstandighede, aanvaar word, sal 'n dubbeltarief gehef word

Wanneer 'n APARTE *Staatskoerant* verlang word moet die kopie drie kalenderweke voor publikasie ingedien word

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