



FSCA FAIS Notice 52 of 2018

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

EXEMPTION OF CERTAIN REPRESENTATIVES FROM CLASS OF BUSINESS TRAINING REQUIREMENTS, 2018

The Financial Sector Conduct Authority, under section 44(4) of the Financial Advisory and Intermediary Services Act, 2002 (“the Act”), read with section 281(3)(b) of the Financial Sector Regulation Act, 2017, hereby exempts certain representatives from provisions of the Determination of Fit and Proper Requirements for Financial Services Providers, 2017, to the extent set out in the Schedule.



CD da Silva
For the Financial Sector Conduct Authority

SCHEDULE

EXEMPTION OF CERTAIN REPRESENTATIVES FROM CLASS OF BUSINESS TRAINING REQUIREMENTS, 2018

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 FSR Act;

“**class of business training requirements**” means the requirements relating to the class of business training as set out in Part 5 of Chapter 3 of the Fit and Proper Requirements;

“**date of first appointment**” means the date on which a person was first appointed as a representative of a financial services provider;

“**Fit and Proper Requirements**” means the Determination of Fit and Proper Requirements for Financial Services Providers, 2017, published by Board Notice 194 of 2017 in Government Gazette No. 41321 on 15 December 2017;

“**new entrant**” means a person who has a date of first appointment of 1 August 2018 or thereafter;

“**Services under Supervision Notice**” means the Notice on Exemption of Services under Supervision in terms of Requirements and Conditions, 2008, published by Board Notice 104 of 2008 in *Gazette* No. 31514 of 15 October 2008;

“**specific representative**” means a representative of a Category I FSP who –

- (a) only has a date of first appointment to –
 - (i) render financial services in respect of a Tier 2 financial product; or
 - (ii) perform the execution of sales in accordance with section 22(b)(ii) of the Fit and Proper Requirements in respect of a Tier 1 financial product; and
- (b) complies with the qualification requirements applicable to the financial services and financial products referred to in paragraph (a).

Extent of exemption and conditions

- 2. (1) A new entrant is exempted from the class of business training requirements.
- (2) A specific representative is exempted from the class of business training requirements where it is appointed for the first time as a representative in respect of a Tier 1 financial product on or after 1 August 2018.
- (3) The exemptions referred to in paragraphs (1) and (2) are subject to the conditions that the new entrant or specific representative must -
 - (a) comply with the class of business training requirements on or before **31 January 2019**; and
 - (b) work under supervision subject to the conditions and requirements set out in the Services under Supervision Notice.
- (4) The exemptions referred to in paragraphs (1) and (2) are valid until such time as the Services under Supervision Notice is withdrawn.

Amendment and withdrawal of exemption and conditions

- 3. The exemptions and conditions referred to in paragraph 2 are subject to-
 - (a) amendment thereof published by the Authority by notice on the website of the Authority; and
 - (b) withdrawal in a like manner.

Short title and commencement

- 4. This Exemption is called the Exemption of Certain Representatives from Class of Business Training Requirements, 2018, and comes into operation on date of publication.

DATE OF NOTICE: 6 AUGUST 2018